
STATUTORY INSTRUMENTS

2017 No. 1013

**The Conservation of Offshore Marine
Habitats and Species Regulations 2017**

PART 2

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

Plans and projects

Co-ordination where more than one competent authority is involved

35.—(1) The following provisions apply where a plan or project—

- (a) is undertaken by more than one competent authority;
- (b) requires the consent, permission or other authorisation of more than one competent authority; or
- (c) is undertaken by one or more competent authorities and requires the consent, permission or other authorisation of one or more other competent authorities.

(2) Nothing in regulation 28(1) or 33(3) requires a competent authority to assess any implication of a plan or project which would be more appropriately assessed under that provision by another competent authority.

(3) The Secretary of State may issue guidance to competent authorities for the purposes of regulations 28 to 34 as to the circumstances in which an authority may or should adopt the reasoning or conclusions of another competent authority as to whether a plan or project—

- (a) is likely to have a significant effect on a European offshore marine site or European site; or
- (b) may adversely affect the integrity of a European offshore marine site or European site.

(4) The Scottish Ministers may issue guidance to competent authorities in Scotland for the purposes of regulations 28, 29, 31, 33 and 34 as to the circumstances in which a competent authority in Scotland may or must adopt the reasoning or conclusions of another competent authority as to whether a plan or project—

- (a) is likely to have a significant effect on a European offshore marine site or European site; or
- (b) may adversely affect the integrity of a European offshore marine site or European site.

(5) The Welsh Ministers may issue guidance to competent authorities in Wales for the purposes of regulations 28, 29, and 32 to 34 as to the circumstances in which a competent authority in Wales may or must adopt the reasoning or conclusions of another competent authority as to whether a plan or project—

- (a) is likely to have a significant effect on a European offshore marine site or European site; or
- (b) may adversely affect the integrity of a European offshore marine site or European site.

(6) A competent authority must have regard to any guidance issued by the Secretary of State under paragraph (3) in discharging any of its functions under regulations 28 to 34.

(7) A competent authority in Scotland must have regard to any guidance issued by the Scottish Ministers under paragraph (4) in discharging any of its functions under regulations 28, 29, 31, 33 and 34.

(8) A competent authority in Wales must have regard to any guidance issued by the Welsh Ministers under paragraph (5) in discharging any of its functions under regulations 28, 29, and 32 to 34.

(9) In determining whether a plan or project should be agreed to under regulation 29(1), a competent authority other than the Secretary of State must seek and have regard to the views of any other competent authority or authorities involved.

(10) The Secretary of State may not issue any guidance under paragraph (3) which relates to a function within devolved competence without the consent of the Scottish Ministers or the Welsh Ministers (as the case may be).

Modifications etc. (not altering text)

C1 [Regs. 30-37](#) power to disapply or modify conferred (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), **ss. 293(4)(5), 334(3)(j)** (with [s. 293\(6\)](#))

Changes to legislation:

There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017, Section 35.