
STATUTORY INSTRUMENTS

2018 No. 1307

**The Conservation of Habitats and Species and Planning
(Various Amendments) (England and Wales) Regulations 2018**

Amendment to the Conservation of Habitats and Species Regulations 2017

2.—(1) The Conservation of Habitats and Species Regulations 2017⁽¹⁾ are amended as follows.

(2) In regulation 70 (Grant of planning permission), after paragraph (1), insert—

“(1A) Subject to paragraph (1B), the assessment provisions apply to granting permission in principle under section 59A of the TCPA 1990 (Development orders: permission in principle).

(1B) Regulation 64 (Considerations of overriding public interest) does not apply to granting permission in principle under section 59A of the TCPA 1990.”.

(3) For regulation 79 (Special development orders), substitute—

“Special development orders

79.—(1) Subject to paragraphs (2) and (3), the assessment provisions apply to the making of a special development order.

(2) Regulation 64 (Considerations of overriding public interest) does not apply to the making of a special development order.

(3) Paragraph (1) does not apply to a special development order made before 28th December 2018.

(4) Subject to paragraph (5) the review provisions apply to a special development order unless—

(a) the development permitted by that order was completed before 28th December 2018;
or

(b) the development permitted by that order has been completed before the site became a European site or a European offshore marine site.

(5) The reference to regulation 64 in the review provisions does not apply to a special development order.”.

(4) For regulation 80 (Local development orders), substitute—

“Local development orders

80.—(1) Subject to paragraphs (2) and (3), the assessment provisions apply to the making of a local development order.

(2) Regulation 64 (Considerations of overriding public interest) does not apply to the making of a local development order.

(3) Paragraph (1) does not apply to a local development order made before 28th December 2018.

(4) Subject to paragraph (5) the review provisions apply to a local development order unless—

(a) the development permitted by that order was completed before 28th December 2018; or

(b) the development permitted by that order has been completed before the site became a European site or a European offshore marine site.

(5) The reference to regulation 64 in the review provisions does not apply to a local development order.”.

(5) For regulation 81 (Neighbourhood development orders), substitute—

“Neighbourhood development orders

81.—(1) Subject to paragraphs (2) and (3), the assessment provisions apply to the making of a neighbourhood development order.

(2) Regulation 64 (Considerations of overriding public interest) does not apply to the making of a neighbourhood development order.

(3) Paragraph (1) does not apply to a neighbourhood development order made before 28th December 2018.

(4) Subject to paragraph (5) the review provisions apply to a neighbourhood development order unless—

(a) the development permitted by that order was completed before 28th December 2018; or

(b) the development permitted by that order has been completed before the site became a European site or a European offshore marine site.

(5) The reference to regulation 64 in the review provisions does not apply to a neighbourhood development order.

(6) This regulation applies in relation to England only.”.

(6) For regulation 82 (Simplified planning zones), substitute—

“Simplified planning zones

82.—(1) Subject to paragraphs (3) and (4), the assessment provisions apply where a simplified planning zone scheme is adopted or approved.

(2) Subject to paragraph (4), where a simplified planning zone scheme is adopted or approved, that scheme is not to be taken to grant planning permission for development which (either alone or in combination with other plans or projects) is likely to have a significant effect on a European offshore marine site or (where the development is not directly connected with or necessary to the management of the site) on a European site, unless adopted or approved in accordance with the assessment provisions.

(3) Regulation 64 (Considerations of overriding public interest) does not apply to the adoption or approval of a simplified planning zone scheme.

(4) Paragraphs (1) and (2) do not apply to a simplified planning zone scheme adopted or approved before 28th December 2018.

(5) Subject to paragraph (6) the review provisions apply to a simplified planning zone scheme unless—

- (a) the development permitted by that scheme was completed before 28th December 2018; or
 - (b) the development permitted by that scheme has been completed before the site became a European site or a European offshore marine site.
- (6) The reference to regulation 64 in the review provisions does not apply to a simplified planning zone scheme.”.
- (7) For regulation 83 (Enterprise zones), substitute—

“Enterprise zones

83.—(1) Subject to paragraphs (3) and (4), the assessment provisions apply where an order designating an enterprise zone is made, or where a modified enterprise zone scheme is approved.

(2) Where an order designating an enterprise zone is made, or where a modified enterprise zone scheme is approved, that order or scheme is not to be taken to grant planning permission for development which (either alone or in combination with other plans or projects) is likely to have a significant effect on a European offshore marine site or (where the development is not directly connected with or necessary to the management of the site) on a European site, unless made or approved in accordance with the assessment provisions.

(3) Regulation 64 (Considerations of overriding public interest) does not apply to the making of an order designating an enterprise zone or the approval of a modified enterprise zone scheme.

(4) Paragraphs (1) and (2) do not apply to an order designating an enterprise zone made, or a modified enterprise zone scheme approved before 28th December 2018.

(5) Subject to paragraph (6) the review provisions apply to an enterprise zone or modified enterprise zone scheme unless—

- (a) the development permitted by that zone or zone scheme was completed before 28th December 2018; or
- (b) the development permitted by that zone or zone scheme has been completed before the site became a European site or a European offshore marine site.

(6) The reference to regulation 64 in the review provisions does not apply to an enterprise zone or modified enterprise zone scheme.”.

- (8) For regulation 88 (Cycle tracks and other ancillary works), substitute—

“Cycle tracks and other ancillary works

88.—(1) Subject to paragraph (2), the assessment provisions apply to section 3(10) of the Cycle Tracks Act 1984(2).

(2) Regulation 64 (Considerations of overriding public interest) does not apply to section 3(10) of that Act.

(3) Section 3(10) of that Act is not to be taken to deem planning permission to be granted for development which—

- (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site,

(2) 1984 c. 38. Section 3(10) was amended by the Planning (Consequential Provisions) Act 1990 (c. 11), Schedule 2, paragraph 66.

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whether or not the development authorised by the permission has been begun, unless the competent authority has agreed to the plan or project in accordance with the assessment provisions.”.