#### STATUTORY INSTRUMENTS

# 2010 No. 490

# WILDLIFE COUNTRYSIDE

# The Conservation of Habitats and Species Regulations 2010

Made - - - - Ist March 2010

Laid before Parliament 8th March 2010

Laid before the National

Assembly for Wales 8th March 2010

Coming into force in accordance with regulation 1(2), (3) and (4)

# THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010

#### PART 1

#### INTRODUCTORY AND GENERAL PROVISIONS

- 1. Citation and commencement
- 2. Extent
- 3. Interpretation
- Plans or projects relating to offshore marine area or offshore marine installations
- 5. Nature conservation bodies
- 6. Relevant authorities in relation to marine areas and European marine sites
- 7. Competent authorities
- 8. European sites and European marine sites
- 9. Exercise of functions in accordance with the Habitats Directive

#### PART 2

# CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

# European sites

- 10. Selection of sites eligible for identification as of Community importance
- 11. Designation of special areas of conservation
- 12. Consultation as to inclusion of site omitted from the list

#### Register of European sites

- 13. Register of European sites
- 14. Notification of changes to the register
- 15. Notice to landowners and other bodies

#### Management agreements

- 16. Management agreements
- 17. Existing agreements
- 18. Certain payments under management agreements

# Control of potentially damaging operations

- 19. Notification of potentially damaging operations
- 20. Restriction on carrying out operations specified in notification
- 21. Assessment of implications for European sites
- 22. Notification of appropriate authority in case of risk
- 23. Existing notices and consents
- 24. Farm capital grants

#### Special nature conservation orders

- 25. Power to make special nature conservation order
- 26. Restriction on carrying out operations specified in order
- 27. Assessment of implications for European sites after service of stop notice
- 28. Compensation for effect of stop notice
- 29. Restoration orders

# Byelaws

- 30. Power to make byelaws
- 31. Byelaws: supplementary provisions
- 32. Compensation for effect of byelaws
- 33. Continuation in force of existing byelaws

# Powers of compulsory acquisition

34. Powers of compulsory acquisition

#### European marine sites

- 35. Marking of site and advice by nature conservation bodies
- 36. Management scheme for European marine site
- 37. Direction to establish or amend management scheme
- 38. European marine sites: byelaws and orders

# Nature conservation policy in planning contexts

39. Nature conservation policy in planning contexts

# PART 3

#### PROTECTION OF SPECIES

# Protection of animals

40. European protected species of animals

Status: This is the original version (as it was originally made).

- 41. Protection of certain wild animals: offences
- 42. Protection of certain wild animals: defences
- 43. Prohibition of certain methods of capturing or killing wild animals

# Protection of plants

- 44. European protected species of plants
- 45. Protection of certain wild plants: offences
- 46. Protection of certain wild plants: defences

# Interpretation of Part 3

47. Interpretation of Part 3

#### PART 4

#### ADDITIONAL PROTECTION OF HABITATS AND WILD ANIMALS AND PLANTS

# Surveillance and monitoring

- 48. Surveillance of conservation status of habitats and species
- 49. Protection of certain animals and plants from exploitation
- 50. Monitoring of incidental capture and killing
- 51. Protection from incidental capture and killing

#### Introduction of new species

52. Introduction of new species from ships

#### PART 5

# LICENCES

# Grant of licences

- 53. Licences for certain activities relating to animals or plants
- 54. Licences for the introduction of new species
- 55. Licences: general provisions

#### Relevant licensing body

56. Relevant licensing body

#### Offences

- 57. False statements made for obtaining licence
- 58. Offence of breaching licence condition

#### PART 6

# ASSESSMENT OF PLANS AND PROJECTS

#### CHAPTER 1

# **GENERAL PROVISIONS**

# Introductory provisions

- 59. Interpretation of Part 6
- 60. Application of provisions of Chapter 1

Status: This is the original version (as it was originally made).

General provisions for protection of European sites and European offshore marine sites

- 61. Assessment of implications for European sites and European offshore marine sites
- 62. Considerations of overriding public interest
- 63. Review of existing decisions and consents
- 64. Consideration on review
- 65. Co-ordination where more than one competent authority involved
- 66. Compensatory measures
- 67. Modifications of regulations 61 to 66 in certain cases

#### CHAPTER 2

#### **PLANNING**

# Planning permission

- 68. Grant of planning permission
- 69. Planning permission: duty to review
- 70. Planning permission: consideration on review
- 71. Planning permission: effect of orders made on review
- 72. Planning permission: supplementary provisions as to compensation

# General development orders

- 73. General development orders
- 74. General development orders: opinion of appropriate nature conservation body
- 75. General development orders: approval of local planning authority
- 76. General development orders: supplementary

# Special development orders

77. Special development orders

# Local development orders

78. Local development orders

Simplified planning zones and enterprise zones

- 79. Simplified planning zones
- 80. Enterprise zones

# Development consent under Planning Act 2008

- 81. Grant of development consent
- 82. Development consent: review

#### Interpretation of Chapter 2

83. Interpretation of Chapter 2

#### **CHAPTER 3**

# HIGHWAYS AND ROADS

- 84. Construction or improvement of highways or roads
- 85. Cycle tracks and other ancillary works

#### **CHAPTER 4**

#### **ELECTRICITY**

- 86. Consents under Electricity Act 1989: application of assessment and review provisions
- 87. Consents under Electricity Act 1989: procedure on review
- 88. Consents under Electricity Act 1989: effect of review
- 89. Consents under Electricity Act 1989: compensation

#### CHAPTER 5

#### PIPE-LINES

- 90. Authorisations under Pipe-lines Act 1962: application of assessment and review provisions
- 91. Authorisations under Pipe-lines Act 1962: procedure on review
- 92. Authorisations under Pipe-lines Act 1962: effect of review
- 93. Authorisations under Pipe-lines Act 1962: compensation

#### CHAPTER 6

# TRANSPORT AND WORKS

- 94. Orders under Transport and Works Act 1992: application of assessment and review provisions
- 95. Orders under Transport and Works Act 1992: procedure on review
- 96. Orders under Transport and Works Act 1992: effect of review
- 97. Orders under Transport and Works Act 1992: compensation

#### CHAPTER 7

#### **ENVIRONMENTAL CONTROLS**

- 98. Environmental permits
- 99. Abstraction and works authorised under water legislation
- 100. Marine works
- 101. Derogations in relation to nitrate pollution prevention legislation

#### **CHAPTER 8**

#### LAND USE PLANS

| Land | use | рĺ | lans |
|------|-----|----|------|
|------|-----|----|------|

| 102. | Assessment of implications | for | European | sites | and | European | offshore |
|------|----------------------------|-----|----------|-------|-----|----------|----------|
|      | marine sites               |     |          |       |     |          |          |

- 103. Considerations of overriding public interest
- 104. Co-ordination for land use plan prepared by more than one authority
- 105. Compensatory measures

# Planning Act 2008

106. National policy statements

# Interpretation of Chapter 8

107. Interpretation of Chapter 8

#### PART 7

#### **ENFORCEMENT**

# Wildlife inspectors

108. Wildlife inspectors

# Powers of entry

- 109. Powers of entry: constables
- 110. Powers of entry: wildlife inspectors
- 111. Powers of entry: other authorised persons

# Powers of search, etc.

112. Constables' powers of search, etc.

# Powers in relation to specimens and samples

- 113. Powers in relation to samples: constables
- 114. Powers in relation to specimens and samples: wildlife inspectors
- 115. Restrictions on taking samples from live specimens

# Offences

- 116. Attempts and possession of means of committing offence
- 117. Obstruction of persons exercising powers of entry under regulation 111
- 118. Obstruction in connection with constables' powers to take samples
- 119. Offences in connection with wildlife inspectors' enforcement powers

# Codes of practice

120. Codes of practice

#### Miscellaneous

- 121. Advice and assistance from nature conservation bodies
- 122. Forfeiture
- 123. Proceedings for offences: venue and time limits
- 124. Offences by bodies corporate etc.
- 125. Application of criminal offences to the Crown

#### Interpretation of Part 7

126. Interpretation of Part 7

#### PART 8

#### FINAL PROVISIONS

- 127. Powers of drainage authorities
- 128. Advisory role of the Joint Nature Conservation Committee
- 129. Advisory role of Natural England, the Countryside Council for Wales and Scottish Natural Heritage
- 130. Local inquiries
- 131. Notices
- 132. Amendments of legislation
- 133. Revocations
- 134. Transitional provisions Signature

# SCHEDULE 1 — SPECIAL NATURE CONSERVATION ORDERS: PROCEDURE

# Coming into operation

1. (1) An original order or a restrictive amending order takes...

# Publicity for orders

2. (1) The appropriate authority must, where an order has been...

#### Unopposed orders

3. (1) Where an order has taken effect immediately and no...

# Opposed orders

4. (1) If any representation or objection duly made with respect...

Restriction on power to amend orders or confirm them with modifications

5. The appropriate authority may not, by virtue of paragraph 3(1)...

# Notice of final decision on order

6. (1) The appropriate authority must, as soon as practicable after...

# Proceedings for questioning validity of orders

7. (1) This paragraph applies to any order which has taken...

#### *Interpretation*

8. In this Schedule— "amending order" and "revoking order" mean an...

# SCHEDULE 2 — EUROPEAN PROTECTED SPECIES OF ANIMALS

# SCHEDULE 3 — EXCLUDED POPULATIONS OF CERTAIN SPECIES

# SCHEDULE 4 — ANIMALS WHICH MAY NOT BE CAPTURED OR KILLED IN CERTAIN WAYS

# SCHEDULE 5 — EUROPEAN PROTECTED SPECIES OF PLANTS

# SCHEDULE 6 — AMENDMENTS OF LEGISLATION

PART 1 — PRIMARY LEGISLATION

- 1. Amendment of the Harbours Act 1964
- 2. Amendment of the Conservation of Seals Act 1970
- 3. Amendment of the Highways Act 1980
- 4. Amendment of the Constitutional Reform Act 2005
- 5. Amendment of the Marine Act
  - PART 2 SUBORDINATE LEGISLATION
- 6. Amendment of the 1994 Regulations
- 7. Amendment of the 2007 Regulations

SCHEDULE 7 — REVOCATIONS

PART 1 — REVOCATIONS

PART 2 — REVOCATIONS NOT EXTENDING TO SCOTLAND

**Explanatory Note**