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STATUTORY INSTRUMENTS

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**2017 No. 1012**

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

**PART 6**

Assessment of plans and projects

CHAPTER 4

Electricity

**Consents under Electricity Act 1989: procedure on review**

**90.**—(1) Where the competent authority decides in pursuance of regulation 89(3), (6) or (7) to revoke or vary a consent under the Electricity Act 1989 or a direction deeming planning permission to be granted, the authority must serve notice on the persons specified in paragraph (2), informing them of the decision and specifying a period of not less than 28 days within which any person on whom the notice is served may make representations to the authority.

(2) The persons referred to in paragraph (1) are—

- (a) the person to whom the consent was granted or, as the case may be, in whose favour the direction was made;
- (b) in the case of a consent under section 36 of the Electricity Act 1989, any other person proposing to operate the generating station in question; and
- (c) any other person who in the authority's opinion will be affected by the revocation or variation.

(3) The competent authority must also serve notice on—

[<sup>F1</sup>(za) in a case where the Welsh Ministers are the competent authority, the relevant planning authority within the meaning of regulation 2(1) of the Electricity (Offshore Generating Stations) (Applications for Consent) (Wales) Regulations 2019 (interpretation),]

- (a) [<sup>F2</sup>in any other case,] the relevant planning authority within the meaning of paragraph 2(6) of Schedule 8 to the Electricity Act 1989 (consents under sections 36 and 37 of that Act)<sup>M1</sup>, and
- (b) the appropriate nature conservation body,

informing them of the decision and inviting their representations within the specified period.

(4) The competent authority must consider whether to proceed with the revocation or variation, and must have regard to any representations made in accordance with paragraph (1) or (3).

(5) If within the specified period a person on whom notice was served under paragraph (1), or the relevant planning authority, so requires, the competent authority must, before deciding whether to proceed with the revocation or variation, give—

- (a) to that person or the relevant planning authority (as the case may be), and
- (b) to any other person on whom notice under paragraph (1) or (3) was required to be served,

**Status:** Point in time view as at 01/04/2019.

**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017, Section 90 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

an opportunity of appearing before, and being heard by, a person appointed by the competent authority for the purpose.

#### Textual Amendments

- F1** Reg. 90(3)(za) inserted (E.W.) (1.4.2019) by [The Electricity \(Offshore Generating Stations\) \(Applications for Consent\) \(Wales\) Regulations 2019 \(S.I. 2019/295\)](#), regs. 1, **13(2)**
- F2** Words in reg. 90(3)(a) inserted (E.W.) (1.4.2019) by [The Electricity \(Offshore Generating Stations\) \(Applications for Consent\) \(Wales\) Regulations 2019 \(S.I. 2019/295\)](#), regs. 1, **13(3)**

#### Modifications etc. (not altering text)

- C1** Reg. 90 applied (with modifications) (30.11.2017) by [The Conservation of Offshore Marine Habitats and Species Regulations 2017 \(S.I. 2017/1013\)](#), regs. 1, **33(10)(11)** (with regs. 3, 4(2))

#### Marginal Citations

- M1** Schedule 8 was amended by the [Planning \(Consequential Provisions\) Act 1990 \(c. 11\)](#), **Schedule 2**, paragraph 83(1); the [Local Government \(Wales\) Act 1994 \(c. 19\)](#), **Schedule 6**, paragraph 22 and Schedule 18; and the [Environment Act 1995 \(c. 25\)](#), **Schedule 10**, paragraph 30(1), (3) and (6) and Schedule 24.

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