



Environment Act 2021

2021 CHAPTER 30

PART 6

NATURE AND BIODIVERSITY

Conservation

110 Protected site strategies

- (1) Natural England may prepare and publish a strategy for—
 - (a) improving the conservation and management of a protected site, and
 - (b) managing the impact of plans, projects or other activities (wherever undertaken) on the conservation and management of the protected site.
- (2) A strategy under subsection (1) is called a “protected site strategy”.
- (3) A “protected site” means—
 - (a) a European site,
 - (b) a site of special scientific interest, or
 - (c) a marine conservation zone,to the extent the site or zone is within England.
- (4) A protected site strategy for a protected site may in particular—
 - (a) include an assessment of the impact that any plan, project or other activity may have on the conservation or management of the protected site (whether assessed individually or cumulatively with other activities),
 - (b) include Natural England’s opinion on measures that it would be appropriate to take to avoid, mitigate or compensate for any adverse impact on the conservation or management of the protected site that may arise from a plan, project or other activity,
 - (c) identify any plan, project or other activity that Natural England considers is necessary for the purposes of the conservation or management of the protected site, and

Status: This is the original version (as it was originally enacted).

- (d) cover any other matter which Natural England considers is relevant to the conservation or management of the protected site.
- (5) In preparing a protected site strategy for a protected site, Natural England must consult—
- (a) any local planning authority in England which exercises functions in respect of an area—
 - (i) within which any part of the protected site is located, or
 - (ii) within which a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site is being, or is proposed to be, undertaken,
 - (b) any public authority in England—
 - (i) that is undertaking, or proposing to undertake, a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site,
 - (ii) the consent or approval of which is required in respect of a plan, project or other activity that Natural England considers may have an adverse impact on the conservation or management of the protected site, or
 - (iii) that Natural England considers may otherwise be affected by the strategy,
 - (c) any IFC authority in England which exercises functions in respect of an area—
 - (i) the conservation or management of which Natural England considers may be affected by the strategy, or
 - (ii) the sea fisheries resources of which Natural England considers may be affected by the strategy,
 - (d) the Marine Management Organisation, where—
 - (i) any part of the protected site is within the MMO’s area, or
 - (ii) Natural England considers any part of the MMO’s area may otherwise be affected by the strategy,
 - (e) the Environment Agency,
 - (f) the Secretary of State, and
 - (g) any other person that Natural England considers should be consulted in respect of the strategy, including the general public or any section of it.
- (6) In subsections (4) and (5), a reference to an adverse impact on the conservation or management of a protected site includes—
- (a) in relation to a European site, anything which adversely affects the integrity of the site,
 - (b) in relation to a site of special scientific interest, anything which is likely to adversely affect the flora, fauna or geological or physiographical features by reason of which the site is of special interest,
 - (c) in relation to a marine conservation zone, anything which hinders the conservation objectives stated for the zone pursuant to section 117(2) of the Marine and Coastal Access Act 2009, and
 - (d) any other thing which causes deterioration of natural habitats and the habitats of species as well as disturbance of the species in the protected site, in so far as such disturbance could be significant in relation to the conservation or management of the protected site.

- (7) A person whom Natural England consults under subsection (5)(a) to (e) must cooperate with Natural England in the preparation of a protected site strategy so far as relevant to the person’s functions.
- (8) The Secretary of State may give guidance as to how to discharge the duty in subsection (7).
- (9) The Secretary of State must lay before Parliament, and publish, the guidance.
- (10) A person must have regard to a protected site strategy so far as relevant to any duty which the person has under—
- (a) the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012),
 - (b) sections 28G to 28I of the Wildlife and Countryside Act 1981, or
 - (c) sections 125 to 128 of the Marine and Coastal Access Act 2009.
- (11) Natural England may, from time to time, amend a protected site strategy.
- (12) The duty to consult a person under subsection (5) also applies when Natural England amends a protected site strategy under subsection (11) so far as the amendment is relevant to the person’s functions.
- (13) In this section—
- “England” has the meaning given in section 109;
 - “European site” has the meaning given in regulation 8 of the Conservation of Habitats and Species Regulations 2017;
 - “IFC authority” means an inshore fisheries and conservation authority created under section 150 of the Marine and Coastal Access Act 2009;
 - “local planning authority” has the meaning given in section 109;
 - “marine conservation zone” means an area designated as a marine conservation zone under section 116(1) of the Marine and Coastal Access Act 2009;
 - “MMO’s area” has the meaning given in section 2(12) of the Marine and Coastal Access Act 2009;
 - “public authority” has the meaning given in section 40(4) of the Natural Environment and Rural Communities Act 2006;
 - “sea fisheries resources” has the meaning given in section 153(10) of the Marine and Coastal Access Act 2009;
 - “site of special scientific interest” means an area notified under section 28(1) of the Wildlife and Countryside Act 1981.