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STATUTORY INSTRUMENTS

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**1994 No. 2716**

**The Conservation (Natural Habitats, &c.) Regulations 1994**

**PART IV**

**ADAPTATION OF PLANNING AND OTHER CONTROLS**

*Electricity*

**Consents under Electricity Act 1989: application of general requirements**

**71.**—(1) Regulations 48 and 49 (requirement to consider effect on European site) apply in relation to the granting of—

- (a) consent under section 36 of the Electricity Act 1989<sup>(1)</sup> to construct, extend or operate a generating station, or
- (b) consent under section 37 of that Act to install an electric line above ground.

(2) Where in such a case the Secretary of State considers that any adverse effects of the plan or project on the integrity of a European site would be avoided if the consent were subject to conditions, he may grant consent subject to those conditions.

(3) Regulations 50 and 51 (requirement to review existing decisions and consents, &c.) apply to such a consent as is mentioned in paragraph (1) unless—

- (a) the works to which the consent relates have been completed before the site became a European site or, if later, the commencement of these Regulations, or
- (b) the consent was granted subject to a condition as to the time within which the works to which it relates were to be begun and that time has expired without them having been begun, or
- (c) it was granted for a limited period and that period has expired.

Where the consent is for, or includes, the operation of a generating station, the works shall be treated as completed when, in reliance on the consent, the generating station is first operated.

(4) Where on the review of such a consent the Secretary of State considers that any adverse effects on the integrity of a European site of the carrying out or, as the case may be, the continuation of the plan or project would be avoided by a variation of the consent, he may vary the consent accordingly.

(5) In conjunction with the review of any such consent the Secretary of State shall review any direction deeming planning permission to be granted for the plan or project and may vary or revoke it.

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(1) 1989 c. 29.