
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 6

ASSESSMENT OF PLANS AND PROJECTS

CHAPTER 2

PLANNING

Development consent under Planning Act 2008

Grant of development consent

81.—(1) The assessment provisions apply in relation to the making of an order granting development consent under the Planning Act 2008⁽¹⁾.

(2) Where those provisions apply, the competent authority may, if they consider that any adverse effects of the plan or project on the integrity of a European site or a European offshore marine site would be avoided if the order granting development consent included requirements under section 120 of the Planning Act 2008 (what may be included in order granting development consent), make an order subject to those requirements.

Development consent: review

82.—(1) The review provisions apply to any order granting development consent under the Planning Act 2008 unless—

- (a) the development to which it related has been completed before the site becomes a European site or a European offshore marine site;
- (b) it included a requirement as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun; or
- (c) the development consent was granted for a limited period and that period has expired.

(2) For the purpose of this regulation, in a case where the Panel or the Council made the order granting development consent, the Commission must carry out any review.

(3) The Commission must consult the Secretary of State for the purpose of any review under the review provisions.

(4) In any such review of an order granting development consent, the competent authority must—

- (a) consider whether any adverse effects could be overcome by imposing requirements under paragraph 5(4)(c), (d) or (e) of Schedule 6 to the Planning Act 2008 (changes to, and revocation of, orders granting development consent); and

(b) if they consider that those effects could be so overcome, impose those requirements by making such an order under paragraph 3(1) of Schedule 6 to that Act as may be required.

(5) Any order made by the Commission under paragraph 3(1) of Schedule 6 to that Act, if not made on the application of the Secretary of State under paragraph 3(6) of that Schedule, is to be treated as so made.

(6) Paragraph (5) has effect only where the Secretary of State has agreed to the making of such an order by the Commission.