
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 1

INTRODUCTORY AND GENERAL PROVISIONS

Extent

2.—(1) Except as provided in this regulation, these Regulations extend to England and Wales only.

(2) The following provisions also extend to Scotland—

- (a) regulation 3(8) (interpretation in relation to adjacent sea);
- (b) regulation 9 (exercise of functions in accordance with Habitats Directive);
- (c) regulation 39(4) (statement under Planning Act 2008⁽¹⁾);
- (d) in regulation 68 (grant of planning permission)—
 - (i) paragraph (1)(e)(ii) and (iii) (deemed grant of planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997⁽²⁾ and section 5(1) of the Pipe-lines Act 1962⁽³⁾), and
 - (ii) paragraph (2) in so far as that paragraph relates to paragraph (1)(e)(ii) and (iii) of that regulation;
- (e) in regulation 69 (planning permission: duty to review), in paragraph (3)—
 - (i) sub-paragraph (b) (direction under section 5(1) of the Pipe-lines Act 1962), and
 - (ii) sub-paragraph (d) in so far as that sub-paragraph relates to a direction under section 57(2) of the Town and Country Planning (Scotland) Act 1997;
- (f) regulations 81, 82 and 83(2) (development consent under Planning Act 2008);
- (g) Chapter 4 of Part 6 (electricity);
- (h) Chapter 5 of Part 6 (pipe-lines);
- (i) regulation 106 (national policy statements under Planning Act 2008), and regulations 102, 103 and 105 in so far as they apply in relation to a national policy statement by virtue of regulation 106; and
- (j) in Schedule 6 (amendments of legislation)—
 - (i) sub-paragraph (3) of paragraph 5 (amendment of section 123 of the Marine Act),
 - (ii) sub-paragraph (5) of that paragraph (amendment of section 237 of that Act), and
 - (iii) paragraph 7 (amendment of the 2007 Regulations⁽⁴⁾),

(1) 2008 c. 29.

(2) 1997 c. 8.

(3) 1962 c. 58; section 5(1) was amended by S.I. 1999/742, paragraph 2(3) of the Schedule.

(4) S.I. 2007/1842.

and regulation 132 in so far as it relates to those provisions.

(3) The following provisions also extend to Scotland in so far as they have effect in relation to the provisions specified in paragraph (2)—

- (a) regulations 3 (interpretation), 5 (nature conservation bodies), 7 (competent authorities) and 8 (European sites and European marine sites);
- (b) Chapter 1 of Part 6 (general provisions in relation to Part 6 (assessment of plans and projects)); and
- (c) regulations 128 (advisory role of the Joint Nature Conservation Committee), 129(3) (advisory role of Scottish Natural Heritage) and 131 (notices).

(4) The following provisions also extend to Northern Ireland—

- (a) sub-paragraph (3) of paragraph 5 of Schedule 6 (amendment of section 123 of the Marine Act),
- (b) sub-paragraph (5) of that paragraph (amendment of section 237 of that Act), and
- (c) paragraph 7 of Schedule 6 (amendment of the 2007 Regulations),

and regulation 132 in so far as it relates to those provisions.

(5) Paragraph 6 of Schedule 6 (amendment of the 1994 Regulations), and regulation 132 in so far as it relates to that paragraph, extend to Scotland only.

(6) The revocation of an enactment by any provision of regulation 133 (revocations) or Schedule 7 (revocations) has the same extent as the enactment revoked, except that the following provisions do not extend to Scotland—

- (a) paragraph (3) of that regulation, and paragraph (1) of that regulation so far as it relates to paragraph (3); and
- (b) paragraph (4)(b) of that regulation and Part 2 of that Schedule.