
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 2

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

Control of potentially damaging operations

Existing notices and consents

23.—(1) Any notice previously given under subsection (1)(a) of section 28E(1) (duties in relation to sites of special scientific interest) of the WCA 1981, or any consent previously given under section 28E(3)(a) of that Act, in relation to land which on or after 1st April 2010 becomes land within a European site, has effect, subject as follows, as if given under regulation 20(1)(a) or (2)(a), respectively.

(2) The appropriate nature conservation body must review any such consent as regards its compatibility with the conservation objectives of the site, and may modify or withdraw it.

(3) Notice of any such modification or withdrawal of consent must be given to every owner and occupier of land within the site who in the opinion of the appropriate nature conservation body may be affected by it; and after such notice has been given, the consent has effect in relation to an owner or occupier as so modified or withdrawn.

(4) The modification or withdrawal of a consent does not affect anything done in reliance on the consent before the modification or withdrawal takes effect.

(5) Where or to the extent that an operation ceases to be authorised by a consent by reason of the consent being modified or withdrawn, the period after which in accordance with regulation 20(2)(c) the operation may be carried out in the absence of consent is four months from the giving of notice of the modification or withdrawal under paragraph (3).

(6) Regulation 22 (notification of appropriate authority in case of risk) applies in such a case, with the following modifications—

- (a) for the reference to consent not having been given substitute a reference to consent being modified or withdrawn; and
- (b) for the reference to the period specified in regulation 20(2)(c) substitute a reference to the period specified in paragraph (5).

(1) Section 28E was inserted by the Countryside and Rights of Way Act 2000 (c. 37), paragraph 1 of Schedule 9, and amended by the Natural Environment and Rural Communities Act 2006 (c. 16), paragraphs 79 and 80 of Schedule 11.