
STATUTORY INSTRUMENTS

2010 No. 490

The Conservation of Habitats and Species Regulations 2010

PART 6

ASSESSMENT OF PLANS AND PROJECTS

CHAPTER 4

ELECTRICITY

Consents under Electricity Act 1989: application of assessment and review provisions

86.—(1) The assessment provisions apply in relation to the granting of—

- (a) consent under section 36 of the Electricity Act 1989(1) (consent required for construction etc. of generating stations) to construct, extend or operate a generating station in Great Britain; or
- (b) consent under section 37(2) of that Act (consent required for overhead lines) to install an electric line above ground.

(2) Where in such a case the competent authority 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 consent were subject to conditions, the competent authority may grant consent subject to those conditions.

(3) The review provisions apply to a consent mentioned in paragraph (1) unless—

- (a) the works to which the consent relates—
 - (i) have been completed before the site became a European site or a European offshore marine site (as the case may be), or
 - (ii) were completed before 30th October 1994; or
- (b) the consent was granted—
 - (i) 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 those works having been begun, or
 - (ii) for a limited period and that period has expired.

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

(5) Where on the review of such a consent the competent authority consider that any adverse effects on the integrity of a European site or a European offshore marine 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, the authority may vary the consent accordingly.

(1) 1989 c. 29; section 36 was amended by the Energy Act 2004 (c. 20), section 93(1) and (3); the Planning Act 2008 (c. 29), paragraphs 31 and 32 of Schedule 2; the Marine and Coastal Access Act 2009 (c. 23), section 12(7)(a) and (8); and, in relation to Scotland, by S.I. 2006/1054, paragraph 1(1) and (2) of Schedule 1.

(2) Section 37 was amended by the Planning Act 2008 (c. 29), paragraphs 31 and 33 of Schedule 2.

(6) In conjunction with the review of any such consent the competent authority must review any direction deeming planning permission to be granted for the plan or project and may vary or revoke it.