
Status: Point in time view as at 28/12/2018.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

STATUTORY INSTRUMENTS

2017 No. 1012

**WILDLIFE
COUNTRYSIDE**

The Conservation of Habitats and Species Regulations 2017

<i>Made</i>	- - - -	<i>30th October 2017</i>
<i>Laid before Parliament</i>		<i>31st October 2017</i>
<i>Laid before the National Assembly for Wales</i>		<i>31st October 2017</i>
<i>Coming into force</i>		<i>30th November 2017</i>

**THE CONSERVATION OF HABITATS
AND SPECIES REGULATIONS 2017**

PART 1

Introductory and General Provisions

1. Citation and commencement
2. Extent
3. Interpretation
4. Plans or projects relating to offshore marine area or offshore marine installations
5. Nature conservation bodies
6. Relevant authorities in relation to marine areas and European marine sites
7. Competent authorities
8. European sites and European marine sites
9. Duties relating to compliance with the Directives
10. Duties in relation to wild bird habitat
11. Review by appropriate nature conservation body

PART 2

Conservation of Natural Habitats and Habitats of Species

European sites

12. Selection of sites eligible for identification as of Community importance
13. Designation of special areas of conservation
14. Consultation as to inclusion of site omitted from the list

Status: Point in time view as at 28/12/2018.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

15. Classification of sites as special protection areas
16. Notification of a proposal to classify a special protection area

Register of European sites

17. Register of European sites
18. Notification of changes to the register
19. Notice to landowners and other bodies

Management agreements

20. Management agreements
21. Existing agreements
22. Certain payments under management agreements

Control of potentially damaging operations

23. Notification of potentially damaging operations
24. Assessment of implications for European sites
25. Sites of special scientific interest which become European sites: duty to review
26. Farm capital grants

Special nature conservation orders

27. Power to make special nature conservation order
28. Restriction on carrying out operations specified in order
29. Assessment of implications for European sites after service of stop notice
30. Compensation for effect of stop notice
31. Restoration orders

Byelaws

32. Power to make byelaws
33. Byelaws: supplementary provisions
34. Compensation for effect of byelaws
35. Continuation in force of existing byelaws

Powers of compulsory acquisition

36. Powers of compulsory acquisition

European marine sites

37. Marking of site and advice by nature conservation bodies
38. Management scheme for European marine site
39. Direction to establish or amend management scheme
40. European marine sites: byelaws and orders

Nature conservation policy in planning contexts

41. Nature conservation policy in planning contexts

PART 3

Protection of species

Status: Point in time view as at 28/12/2018.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Protection of animals

42. European protected species of animals
43. Protection of certain wild animals: offences
44. Protection of certain wild animals: defences
45. Prohibition of certain methods of capturing or killing wild animals

Protection of plants

46. European protected species of plants
47. Protection of certain wild plants: offences
48. Protection of certain wild plants: defences

Interpretation of Part 3

49. Interpretation of Part 3

PART 4

Additional protection of habitats and wild animals and plants

Surveillance and monitoring

50. Surveillance of conservation status of habitats and species
51. Protection of certain animals and plants from exploitation
52. Monitoring of incidental capture and killing
53. Protection from incidental capture and killing

Introduction of new species

54. Introduction of new species from ships

PART 5

Licences

Grant of licences

55. Licences for certain activities relating to animals or plants
56. Licences for the introduction of new species
57. Licences: general provisions

Relevant licensing body

58. Relevant licensing body

Offences

59. False statements made for obtaining licence
60. Offence of breaching licence condition

PART 6

Assessment of plans and projects

CHAPTER 1

General provisions

Status: Point in time view as at 28/12/2018.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Introductory provisions

61. Interpretation of Part 6
62. Application of provisions of Chapter 1

General provisions for protection of European sites and European offshore marine sites

63. Assessment of implications for European sites and European offshore marine sites
64. Considerations of overriding public interest
65. Review of existing decisions and consents
66. Consideration on review
67. Co-ordination where more than one competent authority involved
68. Compensatory measures
69. Modifications of regulations 63 to 68 in certain cases

CHAPTER 2

Planning

Planning permission

70. Grant of planning permission
71. Planning permission: duty to review
72. Planning permission: consideration on review
73. Planning permission: effect of orders made on review
74. Planning permission: compensation

General development orders

75. General development orders
76. General development orders: opinion of appropriate nature conservation body
77. General development orders: approval of local planning authority
78. General development orders: supplementary

Special development orders

79. Special development orders

Local development orders

80. Local development orders

Neighbourhood development orders

81. Neighbourhood development orders

Simplified planning zones and enterprise zones

82. Simplified planning zones
83. Enterprise zones

Development consent under Planning Act 2008

84. Grant of development consent
85. Development consent: review

Status: Point in time view as at 28/12/2018.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Interpretation of Chapter 2

86. Interpretation of Chapter 2

CHAPTER 3

Highways and roads

87. Construction or improvement of highways or roads
88. Cycle tracks and other ancillary works

CHAPTER 4

Electricity

89. Consents under Electricity Act 1989: application of assessment and review provisions
90. Consents under Electricity Act 1989: procedure on review
91. Consents under Electricity Act 1989: effect of review
92. Consents under Electricity Act 1989: compensation

CHAPTER 5

Pipe-lines

93. Authorisations under Pipe-lines Act 1962: application of assessment and review provisions
94. Authorisations under Pipe-lines Act 1962: procedure on review
95. Authorisations under Pipe-lines Act 1962: effect of review
96. Authorisations under Pipe-lines Act 1962: compensation

CHAPTER 6

Transport and Works

97. Orders under Transport and Works Act 1992: application of assessment and review provisions
98. Orders under Transport and Works Act 1992: procedure on review
99. Orders under Transport and Works Act 1992: effect of review
100. Orders under Transport and Works Act 1992: compensation

CHAPTER 7

Environmental Controls

101. Environmental permits
102. Abstraction and works authorised under water legislation
103. Marine works
104. Derogations in relation to nitrate pollution prevention legislation

CHAPTER 8

Land Use Plans

Status: Point in time view as at 28/12/2018.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Land use plans

- 105. Assessment of implications for European sites and European offshore marine sites
- 106. Assessment of implications for European site: neighbourhood development plans
- 107. Considerations of overriding public interest
- 108. Co-ordination for land use plan prepared by more than one authority
- 109. Compensatory measures

Planning Act 2008

- 110. National policy statements

Interpretation of Chapter 8

- 111. Interpretation of Chapter 8

CHAPTER 9

MARINE POLICY STATEMENTS AND MARINE PLANS

- 112. Marine policy statement
- 113. Marine plan

PART 7

Enforcement

Wildlife inspectors

- 114. Wildlife inspectors

Powers of entry

- 115. Powers of entry: constables
- 116. Powers of entry: wildlife inspectors
- 117. Powers of entry: other authorised persons

Powers of search etc.

- 118. Constables' powers of search, etc.

Powers in relation to specimens and samples

- 119. Powers in relation to samples: constables
- 120. Powers in relation to specimens and samples: wildlife inspectors
- 121. Restrictions on taking samples from live specimens

Offences

- 122. Attempts and possession of means of committing offence
- 123. Obstruction of persons exercising powers of entry under regulation 117
- 124. Obstruction in connection with constables' powers to take samples
- 125. Offences in connection with wildlife inspectors' enforcement powers

Status: Point in time view as at 28/12/2018.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Codes of practice

- 126. Codes of practice

Miscellaneous

- 127. Advice and assistance from nature conservation bodies
- 128. Forfeiture
- 129. Proceedings for offences: venue and time limits
- 130. Offences by bodies corporate etc.
- 131. Application of criminal offences to the Crown

Interpretation of Part 7

- 132. Interpretation of Part 7

PART 8

Final Provisions

- 133. Powers of drainage authorities
- 134. Advisory role of the Joint Nature Conservation Committee
- 135. Advisory role of Natural England, the Natural Resources Body for Wales and Scottish Natural Heritage
- 136. Research
- 137. Local inquiries
- 138. Notices
- 139. Consequential Amendments
- 140. Revocations
- 141. Transitional provisions
- 142. Review: England
Signature

SCHEDULE 1 — Special Nature Conservation Orders: Procedure

- 1. Coming into operation
- 2. Publicity for orders
- 3. Unopposed orders
- 4. Opposed orders
- 5. Restriction on power to amend orders or confirm them with modifications
- 6. Notice of final decision on order
- 7. Proceedings for questioning validity of orders
- 8. Interpretation

SCHEDULE 2 — European Protected Species of animals

SCHEDULE 3 — Excluded populations of certain species

SCHEDULE 4 — Animals which may not be captured or killed in certain ways.

SCHEDULE 5 — European Protected Species of plants

SCHEDULE 6 — Consequential Amendments

PART 1 — Primary Legislation

Status: Point in time view as at 28/12/2018.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

1. Harbours Act 1964
2. Sea Fisheries (Shellfish) Act 1967
3. Conservation of Seals Act 1970
4. Highways Act 1980
5. Town and Country Planning Act 1990
6. Planning Act 2008
7. Constitutional Reform Act 2005
8. Marine and Coastal Access Act 2009
PART 2 — Subordinate Legislation
9. Public Gas Transporter Pipe-Line Works (Environmental Impact Assessment) Regulations 1999
10. Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999
11. Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999
12. Pipe-line Works (Environmental Impact Assessment) Regulations 2000
13. Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001
14. Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003
15. Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006
16. Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009
17. Marine Management Organisation (Prescription of Powers to Fix Fees and Charges) Order 2010
18. Merchant Shipping (Ship-to-Ship Transfers) Regulations 2010
19. Marine Strategy Regulations 2010
20. Port of Bristol (Deep Sea Container Terminal) Harbour Revision Order 2010
21. Marine Licensing (Exempted Activities) Order 2011
22. Marine Licensing (Exempted Activities) (Wales) Order 2011
23. Marine and Coastal Access Act 2009 (Transitional and Savings Provisions) Order 2011
24. Associated British Ports (Grimsby Riverside Ro-Ro Terminal) Harbour Revision Order 2011
25. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011
26. Localism Act 2011 (Infrastructure Planning) (Consequential Amendments) Regulations 2012
27. Neighbourhood Planning (General) Regulations 2012
28. Hinkley Point Harbour Empowerment Order 2012
29. Brechfa Forest West Wind Farm Order 2013
30. Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order 2013
31. The Natural Resources Body for Wales (Functions) Order 2013
32. Galloper Wind Farm Order 2013
33. Nitrate Pollution Prevention (Wales) Regulations 2013
34. Marine Licensing (Application Fees) Regulations 2014
35. Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014
36. Rampion Offshore Wind Farm Order 2014
37. A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014

Changes to legislation: The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

38. Clocaenog Forest Wind Farm Order 2014
39. Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014
40. Associated British Ports (Fisher Fleet Quay) Harbour Revision Order 2014
41. Able Marine Energy Park Development Consent Order 2014
42. Walney Extension Offshore Wind Farm Order 2014
43. Keeping and Introduction of Fish (Wales) Regulations 2014
44. Willington C Gas Pipeline Order 2014
45. Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015
46. A160/A180 (Port of Immingham Improvement) Development Consent Order 2015
47. Cornwall Council (A30 Temple to Higher Carblake Improvement) Order 2015
48. Dogger Bank Creyke Beck Offshore Wind Farm Order 2015
49. Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015
50. Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015
51. Town and Country Planning (Development Management Procedure) (England) Order 2015
52. Town and Country Planning (General Permitted Development) (England) Order 2015
53. Nitrate Pollution Prevention Regulations 2015
54. Knottingley Power Plant Order 2015
55. Environmental Damage (Prevention and Remediation) (England) Regulations 2015
56. White Moss Landfill Order 2015
57. Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015
58. Poole Harbour (Works) Revision Order 2015
59. Preesall Underground Gas Storage Facility Order 2015
60. Progress Power (Gas Fired Power Station) Order 2015
61. Dogger Bank Teeside A and B Offshore Wind Farm Order 2015
62. Ferrybridge Multifuel 2 Power Station Order 2015
63. Nitrate Pollution Prevention (Wales) (Amendment) Regulations 2015
64. A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016
65. Palm Paper Mill Generating Station Order 2016
66. Thorpe Marsh Gas Pipeline Order 2016
67. A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016
68. Fal Fishery Order 2016
69. York Potash Harbour Facilities Order 2016
70. River Humber Gas Pipeline Replacement Order 2016
71. Triton Knoll Electrical System Order 2016
72. M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016
73. Environmental Permitting (England and Wales) Regulations 2016
74. Economic Growth (Regulatory Functions) Order 2017
75. Town and Country Planning (Brownfield Land Register) Regulations 2017
76. Keuper Underground Gas Storage Facility Order 2017
77. Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017

Status: Point in time view as at 28/12/2018.

Changes to legislation: The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

78. Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017
79. Town and Country Planning (Environmental Impact Assessment) Regulations 2017
80. Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
81. Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017

SCHEDULE 7 — Revocations

Explanatory Note

Status:

Point in time view as at 28/12/2018.

Changes to legislation:

The Conservation of Habitats and Species Regulations 2017 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.