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

Made - - - - 30th October 2017

Laid before Parliament
Laid before the National
Assembly for Wales 31st October 2017

Coming into force 30th November 2017

# THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

# PART 1

# **Introductory and General Provisions**

- 1. Citation and commencement
- 2. Extent
- 3. Interpretation
- 3A Interpretation: the Directives
  - 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
- 9A Reports
- 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. Duty to designate special areas of conservation

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)

- 13. Priorities for designating special areas of conservation
- 14. Consultation as to inclusion of site omitted from the list
- 15. Classification of sites as special protection areas
- 16. Notification of a proposal to classify a special protection area
- 16A Management objectives of the national site network

#### 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

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)

#### PART 3

#### Protection of species

# 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

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)

#### PART 6

# Assessment of plans and projects

#### CHAPTER 1

# General provisions

# 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

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)

#### 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

#### *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

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)

#### **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

#### 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.

Document Generated: 2024-06-29

Status: Point in time view as at 01/04/2021.

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)

# 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

#### 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
- 141A Transitional provisions: EU exit
- 142. Review: England
- 143. Amendment of Schedules
- 144. Amendment of the Annexes to the Directives
- 145. Statutory instruments

Signature

SCHEDULE 1 — Special Nature Conservation Orders: Procedure

- 1. Coming into operation
- 2. Publicity for orders
- 3. Unopposed orders

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)

- 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 4A — Prohibited Methods of Capturing or Killing Wild Animals

- 1. The prohibited means of capturing or killing mammals are—
- 2. The prohibited methods of capturing or killing fish are—
- 3. The prohibited modes of transport are— (a) aircraft; and
- SCHEDULE 5 European Protected Species of plants

# SCHEDULE 6 — Consequential Amendments

PART 1 — Primary Legislation

- 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

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)

- 23. Marine and Coastal Access Act 2009 (Transitional and Savings Provisions)
  Order 2011
- 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
- A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014
- 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

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)

- 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
- 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
- 81. Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017

SCHEDULE 7 — Revocations

**Explanatory Note** 

# **Status:**

Point in time view as at 01/04/2021.

# **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.