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## STATUTORY INSTRUMENTS

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# 2017 No. 1012

## The Conservation of Habitats and Species Regulations 2017

### PART 6

#### Assessment of plans and projects

#### CHAPTER 7

#### Environmental Controls

#### Marine works

**103.**—(1) The assessment provisions apply in relation to the granting of a licence, consent or other approval for marine works.

(2) Where the assessment provisions apply, the competent authority may, if it considers 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 licence, consent or other approval were subject to conditions or requirements, grant the licence, consent or other approval subject to those conditions or requirements.

(3) The review provisions apply to any licence, consent or other approval for marine works.

(4) Where, on the review of any such licence, consent or other approval the competent authority considers 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 activities authorised by it would be avoided by a variation of the licence, consent or other approval, it may vary it accordingly.

(5) In this regulation, “marine works” means—

(a) any activity or proposed activity requiring—

(i) a marine licence under Part 4 of the Marine Act;

(ii) a licence under Part 2 of the Food and Environment Protection Act 1985 (deposits in the sea)<sup>M1</sup>;

(iii) an authorisation under the Aquatic Animal Health (England and Wales) Regulations 2009<sup>M2</sup>;

(iv) an approval or consent for harbour works under legislation falling within paragraph (6); or

(b) harbour works authorised by, and carried out in accordance with, any legislation falling within paragraph (6).

(6) The legislation referred to in paragraph (5)(a)(iv) and (b) is—

(a) a local Act;

(b) such an Act read together with a notice given and published under section 9 of the Harbours Transfer Act 1862<sup>M3</sup> (power to Admiralty to retain authority over ports, etc. where dockyards, etc. are situate); or

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**Changes to legislation:** The Conservation of Habitats and Species Regulations 2017, Section 103 is up to date with all changes known to be in force on or before 08 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)

- (c) an order made under section 14 (powers, on application of harbour authorities, or others, to make orders for securing harbour efficiency etc.) or 16 (powers, on application of intending undertakers, or others, to make orders conferring powers for improvement, construction, etc., of harbours) of the Harbours Act 1964 <sup>M4</sup>.
- (7) In paragraph (5)(a)(iv) and (b), “harbour works” means—
- (a) works involved in the construction of a harbour;
  - (b) works involving the making of modifications to an existing harbour;
  - (c) any dredging operation undertaken by or on behalf of a harbour authority within the meaning of the Harbours Act 1964 <sup>M5</sup>; and
  - (d) works involving the deposit of spoil from any such dredging operation.

#### Marginal Citations

- M1** 1985 c. 48. Part 2 was amended by the [Environmental Protection Act 1990 \(c. 43\)](#), [sections 146](#) and 162 and Schedule 16, Part 8; and by the Marine Act 2009, section 112(1) and Schedule 8, paragraphs 2, 5 and 6. By virtue of these amendments, Part 2 of the Food and Environment Protection Act 1985 only applies to the Scottish inshore region. See section 322(1) for the definition of the “Scottish inshore region”.
- M2** [S.I. 2009/463](#).
- M3** 1862 c. 69. Section 9 was amended by SR & O 1921/1804.
- M4** 1964 c. 40; [sections 14](#) and 16 were amended by the [Transport Act 1981 \(c. 56\)](#), [Schedule 6](#), paragraphs 3 and 14 and Schedule 12; the [Criminal Justice Act 1982 \(c. 48\)](#), [sections 37](#) and 46; the [Transport and Works Act 1992 \(c. 42\)](#), [Schedule 3](#), paragraphs 1 and 2; the [Planning Act 2008 \(c. 29\)](#), [Schedule 2](#), paragraphs 8, 9 and 10; and [S.I. 2006/1177](#). Section 14 was additionally amended by [S.I. 2009/1941](#). Section 16 was additionally amended by the Marine Act 2009, Schedule 21, paragraphs 1 and 2.
- M5** See the definition of “harbour authority” in section 57(1).

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