
STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 2

Conservation of Natural Habitats and Habitats of Species

Management agreements

Certain payments under management agreements

22.—(1) This regulation applies where the appropriate nature conservation body offers to enter into a management agreement providing for the making of payments by it to—

- (a) a person who has given notice under section 28E(1)(a) of the WCA 1981 (duties in relation to sites of special scientific interest)⁽¹⁾ or regulation 28(5)(a)(ii) or (b); or
- (b) a person whose application for a farm capital grant within the meaning of regulation 26 has been refused in consequence of an objection by that body.

(2) Subject to paragraph (3), such payments must be of such amounts as may be determined by the appropriate nature conservation body in accordance with guidance given by the appropriate authority.

(3) If the person with whom the agreement is to be made so requires within one month of receiving the offer, the determination of those amounts must be referred to an arbitrator to be appointed, in default of agreement, by the appropriate authority.

(4) Where the amounts determined by the arbitrator exceed those determined by the appropriate nature conservation body, that body must—

- (a) amend the offer so as to give effect to the arbitrator's determination; or
- (b) except in the case of an offer made to a person whose application for a farm capital grant has been refused in consequence of an objection by the appropriate nature conservation body, withdraw the offer.

(1) Section 28E was inserted by the Countryside and Rights of Way Act 2000, Schedule 9, paragraph 1; and subsection (1)(a) was amended by the Natural Environment and Rural Communities Act 2006, Schedule 11, paragraph 79.