
STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 2

Conservation of Natural Habitats and Habitats of Species

Nature conservation policy in planning contexts

Nature conservation policy in planning contexts

41.—(1) For the purposes of the relevant provisions, policies relating to the development and use of land or in respect of the conservation of the natural beauty and amenity of the land are to be taken to include policies encouraging the management of features of the landscape of the kinds described in paragraph (3).

(2) In paragraph (1), the “relevant provisions” means—

(a) in relation to the development and use of land—

(i) section 17(3) of the Planning and Compulsory Purchase Act 2004 (local development documents)^{M1}; and

(ii) section 62(2)(b) of that Act (local development plan); and

(b) in relation to the conservation of the natural beauty and amenity of the land—

(i) section 12(3A) of the TCPA 1990 (preparation of unitary development plan)^{M2};

(ii) section 31(3) of that Act (structure plans: continuity, form and content)^{M3}; and

(iii) section 36(3) of that Act (local plans)^{M4}.

(3) The features of the landscape referred to in paragraph (1) are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems of marking field boundaries) or their function as “stepping stones” (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.

(4) Where the Secretary of State considers it necessary, the Secretary of State must include in a national policy statement under Part 2 of the Planning Act 2008 (national policy statements)^{M5} policy that encourages the management of features of the landscape of the kinds described in paragraph (3).

Marginal Citations

M1 2004 c. 5. Section 17(3) was amended by the [Planning Act 2008 \(c. 29\)](#), [section 180\(3\)\(b\)](#).

M2 [Section 12\(3A\)](#) was inserted by the [Planning and Compensation Act 1991 \(c. 34\)](#), [paragraph 2\(1\)](#) of Schedule 4, and was repealed by the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), [Schedule 9](#), but (in relation to England only) subject to transitional provisions contained in Schedule 8 to that Act.

M3 [Section 31\(3\)](#) was substituted by the [Planning and Compensation Act 1991 \(c. 34\)](#) (“the 1991 Act”), Schedule 4, paragraph 16, and was repealed by the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#) (“the 2004 Act”), Schedule 9, subject to transitional provisions contained in Schedule 8 to that Act.

Changes to legislation: *The Conservation of Habitats and Species Regulations 2017, Section 41 is up to date with all changes known to be in force on or before 02 July 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) [View outstanding changes](#)*

M4 [Section 36](#) was substituted by the 1991 Act, Schedule 4, paragraph 17, and was repealed by the 2004 Act, Schedule 9, subject to transitional provisions contained in Schedule 8 to that Act.

M5 [2008 c. 29](#).

Changes to legislation:

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Changes and effects yet to be applied to :

- reg. 41(1) words inserted by [2023 c. 55 Sch. 8 para. 38\(2\)](#)
- reg. 41(2)(a)(i) words substituted by [2023 c. 55 Sch. 8 para. 38\(3\)\(a\)](#)
- reg. 41(2)(a)(i) words substituted by [2023 c. 55 Sch. 8 para. 38\(3\)\(b\)](#)
- reg. 41(2)(a)(ii) word omitted by [2023 c. 55 Sch. 8 para. 38\(4\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 41(2)(aa) inserted by [2023 c. 55 Sch. 8 para. 38\(5\)](#)
- reg. 108(6) inserted by [2023 c. 55 Sch. 8 para. 39\(6\)](#)
- reg. 111(2)(aa)(ab) substituted for reg. 111(2)(a)(b) by [2023 c. 55 Sch. 8 para. 40\(3\)\(a\)](#)