
STATUTORY INSTRUMENTS

2017 No. 1013

**The Conservation of Offshore Marine
Habitats and Species Regulations 2017**

PART 2

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

Plans and projects

Compensatory measures

36.—(1) This regulation applies where, notwithstanding a negative assessment of the implications for a European offshore marine site or European site—

- (a) a plan or project is agreed to in accordance with regulation 29; or
- (b) a decision, or a consent, permission or other authorisation, is affirmed on review in accordance with regulations 29 and 34(3).

(2) The appropriate authority must secure that any necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.

(3) The appropriate authority is—

- (a) where the plan or project is agreed to, or the decision, consent, permission or other authorisation is affirmed, in the exercise of a function within devolved competence in respect of Scotland or by the Scottish Ministers, the Scottish Ministers;
- (b) where the plan or project is agreed to, or the decision, consent, permission or other authorisation is affirmed, in the exercise of a function within devolved competence in respect of Wales or by the Welsh Ministers, the Welsh Ministers;
- (c) where the plan or project is agreed to, or the decision, consent, permission or other authorisation is affirmed, by a Northern Ireland department, that Northern Ireland department; and
- (d) in any other case, the Secretary of State.

Modifications etc. (not altering text)

- C1** [Regs. 30-37](#) power to disapply or modify conferred (26.12.2023) by [Energy Act 2023 \(c. 52\)](#), [ss. 293\(4\)\(5\), 334\(3\)\(j\)](#) (with [s. 293\(6\)](#))

Changes to legislation:

There are currently no known outstanding effects for the The Conservation of Offshore Marine Habitats and Species Regulations 2017, Section 36.