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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the European Communities Act 1972 and amend the Conservation of Habitats and Species Regulations 2017, the Neighbourhood Planning (General) Regulations 2012, the Town and Country Planning (Permission in Principle) Order 2017 and the Town and Country Planning (Brownfield Land Register) Regulations 2017. These Regulations transpose Article 6(3) of Council [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora (OJNo. L 206, 22.7.1992, p.7) (“the Habitats Directive”).

Regulation 2 amends the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) applicable to special development orders, local development orders, neighbourhood development orders, simplified planning zones, enterprise zones and the conversion of footpaths into cycle tracks to incorporate the habitats assessments provisions in regulation 63 of the Habitats Regulations. With the exception of the conversion of footpaths into cycle tracks, this regulation also incorporates regulations 65 and 66 for the review of existing decisions and consents.

Regulation 2 also amends the Habitats Regulations to allow for the application of regulation 63 to applications for permission in principle.

Regulation 3 amends the Neighbourhood Planning (General) Regulations 2012 to change the prescribed condition relating to habitats for the purpose of examination of neighbourhood development plans to require that a neighbourhood development plan complies with the provisions applicable to land use plans in Chapter 8 of Part 6 of the Habitats Regulations.

Regulation 4 amends the Town and Country Planning (Permission in Principle) Order 2017 to change the definition of habitats development (for which a local planning authority may not grant permission in principle) to incorporate the habitats assessment process under regulation 63 of the Habitats Regulations.

Regulation 5 amends the Town and Country Planning (Brownfield Land Register) Regulations 2017 to change the definition of habitats development (which a local planning authority may not enter onto Part 2 of the Brownfield Land Register) to incorporate the habitats assessment process under regulation 63 of the Habitats Regulations.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. The Explanatory Memorandum is published alongside the Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).