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STATUTORY INSTRUMENTS

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**2019 No. 579**

**The Conservation of Habitats and Species  
(Amendment) (EU Exit) Regulations 2019**

**PART 3**

**Amendments to the Conservation of Habitats and Species Regulations 2017**

**Amendments of regulations 12 to 13**

**10.** For regulations 12 to 13 substitute—

**“Duty to designate special areas of conservation**

**12.**—(1) The appropriate authority must, having regard to the priorities established under regulation 13, designate as special areas of conservation such sites in England and Wales as the authority considers to be sites of national importance.

(2) Sites of national importance are sites which contribute significantly to the objective in paragraph (3)(a) or the objective in paragraph (3)(b).

(3) The objectives referred to in paragraph (2) are—

(a) the maintenance, or restoration, at favourable conservation status in their natural range of the natural habitat types listed in Annex I to the Habitats Directive or the species listed in Annex II to that Directive; and

(b) the maintenance of biological diversity within the Atlantic biogeographic region.

(4) For animal species ranging over wide areas, those sites determined to be of national importance must correspond to places within the natural range of such species, which present the physical or biological factors essential to their life and reproduction.

(5) For aquatic species which range over wide areas, such sites are to be determined to be of national importance only where there is a clearly identifiable area which is distinct in providing the physical and biological factors essential to their life and reproduction.

(6) In determining which sites are of national importance for the purposes of paragraph (1), the appropriate authority must—

(a) apply the Annex III criteria;

(b) make its determination only on the basis of relevant scientific information; and

(c) have regard to the importance of the population of a species or area of a habitat found in the United Kingdom for the purpose of meeting the objectives in paragraph (3).

(7) For the purposes of paragraph (6)(a), the Annex III criteria are to be construed as if—

(a) for “Community importance” there were substituted “national importance”;

(b) a reference to a “Member State” is to be taken to be a reference to the appropriate authority;

- (b) for “continuous ecosystem situated on both sides of one or more internal Community frontiers” there were substituted “continuous ecosystem extending beyond the borders of the United Kingdom”; and
  - (c) for “the biogeographical regions concerned and/or for the whole of the territory referred to in Article 2” there were substituted “the Atlantic biogeographical region”.
- (8) In applying the Annex III criteria, the appropriate authority must—
- (a) in relation to the application of stage 1 of the Annex III criteria, have regard to the advice of the appropriate nature conservation body; and
  - (b) in relation to the application of stage 2 of the Annex III criteria, have regard to the advice of the Joint Nature Conservation Committee.
- (9) In this regulation, “the Annex III criteria” means the criteria set out in Annex III to the Habitats Directive.

### **Priorities for designating special areas of conservation**

**13.**—(1) The appropriate authority must, in accordance with paragraph (2), establish priorities for designating as special areas of conservation such sites as it has determined to be sites of national importance.

- (2) Priorities for the purpose of paragraph (1) must be established in the light of—
- (a) the importance of the sites for the maintenance at or restoration to a favourable conservation status of—
    - (i) a natural habitat type specified in Annex I to the Habitats Directive; or
    - (ii) a species specified in Annex II to the Habitats Directive;
  - (b) the importance of such sites for the coherence of the national site network; and
  - (c) the threats of degradation or destruction to which the sites are exposed.”