

**The Conservation of  
Habitats and Species  
(Amendment)  
Regulations 2012**

**DLP BRIEFING NOTE 106**

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## The Conservation of Habitats and Species (Amendment) Regulations 2012

The Conservation of Habitats and Species (Amendment) Regulations 2012, SI 2012 No. 1927, which were laid before Parliament on 25<sup>th</sup> July 2012, come into force on 16 August 2012. The Regulations will amend the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490).

The new Regulations require public bodies to help:

*“preserve, maintain and re-establish habitat for wild birds.”*

(DEFRA, ‘Explanatory Memorandum to The Conservation of Habitats and Species (Amendment) Regulations 2012)

The public bodies the Regulations refer to include, the Secretary of State, Welsh Ministers, Natural England, the Countryside Council for Wales, the Environment Agency, the Forestry Commission, local authorities, national park authorities and the Broads Authority and in the case of a marine area, any relevant competent authority, to protect and create bird habitat.

The Secretary of State and Welsh Ministers have a duty to oversee these bodies and ensure that they guide them in protecting and creating bird habitat. They also have a duty to consider designating Marine Conservation Zones for the protection and enhancement of bird habitat.

The Regulations seek to ensure that various provisions of Directive 92/43/EEC (“the Habitats Directive”) are transposed in a clear manner. The amendments include:

- Where land is designated as both a SSSI and a European Site, the revocation of regulations 20 and 22 of the Habitats Regulations has simplified the control regime.
- The revocation of regulation 38(5) ensures that the Marine Management Organisation and Welsh Minister’s byelaw/order making powers are consistent with those of the Inshore Fisheries Conservation Authorities.
- Regulation 58 has been amended to make it clear that this offence applies to anyone authorised to carry out activities under the licence.
- Regulation 60 makes it clear that the need to undertake appropriate assessment applies to any plan or project which a competent authority proposes to undertake or give consent to (unless already applied in legislation).
- Where there may already be other regulations in place for the assessment of plans or projects which may affect a European site or European offshore marine site, Regulation 61 has been amended to reflect this.
- The amendment of regulations 2, 5 and 8 to extend certain provisions in the Habitats Regulations to Northern Ireland relating to appropriate assessment and reserved matters.
- A new regulation, 129A, ensures that the Secretary of State and Welsh Ministers will encourage research and scientific work for the maintenance or restoration of habitats and species at favourable conservation status and to protect and manage wild birds.

The Regulations also seek to ensure clear transposition of the Directive 2009/147/EC (“the Wild Birds Directive”).

Section 15 of the National Parks and Access to the Countryside Act 1949 is also amended by the Regulations. This is to clarify that Local Nature Reserves can be utilised for re-establishing bird habitat.

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