

2010 No. 490
WILDLIFE
COUNTRYSIDE

The Conservation of Habitats and Species
Regulations 2010

Summary Extract

[The following is a verbatim extract from the original document.

Nothing has been changed. Oliver Natelson]

My comments are in *[italics in square brackets]*

Competent authorities

7

(1) For the purposes of these Regulations, “competent authority” includes

(a) public body of any description or person holding a public office;

(c) any person exercising any function of a person mentioned in sub-paragraph (a)

(3) In paragraph (1)—

(a) “public body” includes any local authority,

(4) In paragraph (3)(a)—

“local authority” means

(a) in relation to England, a London borough council,

**Exercise of functions in accordance with
the Habitats Directive**

9.

(1) The appropriate authority and the nature conservation bodies must exercise their functions under the enactments relating to nature conservation so as to secure compliance with the requirements of the Habitats Directive.

(2) Paragraph (1) applies, in particular, to functions under the following enactments—

(c) Part 1 (wildlife) of the WCA 1981

(f) these Regulations.

My comments

*[paragraph 9 (1) and 9 (2) (c) and (f) means that the Local Planning Authority (L B Haringey) **must** use its powers to protect European Protected Species (bats) so as to comply with the Habitats Directive. This may be achieved by*

(i) inserting these protective measures in its Core Strategy - or

(ii) refusing planning permission - or

(iii) inserting planning conditions

Whichever methods LB Haringey uses, it must ensure that the Habitats Directive is not contravened – for example by a developer.

The Habitats Directive is an European Community Directive. This Directive was transcribed into UK law as “The Habitats Regulations (1994)”.

These were amended several times and recently replaced by “The Conservation of Habitats and Species Regulations April 2010”.

The relevant sections of these latest regulations are also included in this communication to The Inspector.

[The following “cut and paste” extracted from the Conservation of Habitats and Species Regulations 2010, demonstrates that protection of European Protected Species (bats) involves the LPA to ensure the protection of habitats, so as to enable bats (as European Protected Species) to commute to foraging sites, enabling them, to feed, to nurture their young, to reproduce, to hibernate

**.
In a nutshell - to ensure that their numbers locally are not “negatively impacted” by a development.
The above are my comments - O. Natelson
The following is taken verbatim directly from the Regulations]**

PART 3

PROTECTION OF SPECIES

Protection of animals

European protected species of animals

40.—

(1) Schedule 2 (European protected species of animals) lists those species of animals listed in Annex IV(a) to the Habitats Directive which have a natural range which includes any area in Great Britain.

(2) References in this Part to a “European protected species” of animal are to any of those species.

Protection of certain wild animals: offences

41.—

(1) A person who—

- (a) deliberately captures, injures or kills any wild animal of a European protected species,
 - (b) deliberately disturbs wild animals of any such species,
 - (c) deliberately takes or destroys the eggs of such an animal, or
 - (d) damages or destroys a breeding site or resting place of such an animal,
- is guilty of an offence.

(2) For the purposes of paragraph (1)(b), disturbance of animals includes in particular any disturbance which is likely—

(a) to impair their ability—

(i) to survive, to breed or reproduce, or to rear or nurture their young, or

(ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate;
or

(b) to affect significantly the local distribution or abundance of the species to which they belong.
