

Keeling Schedule showing amendments that would be made to clauses 6, 28, 111 and 112 of, and Schedule 6 to, the Planning and Infrastructure Bill [Lords], as amended in the Public Bill Committee in the House of Lords [Bill 134]. These government amendments are to be considered at Report Stage in the House of Lords. This Schedule has been prepared by the Ministry of Housing, Communities and Local Government to assist the reader in reviewing these proposed changes to the Bill, which are still subject to approval by the House. While every effort has been made to ensure its accuracy, this has been produced for illustrative purposes only. The Ministry of Housing, Communities and Local Government would be grateful if readers notify it of any errors or omissions.

## 6 Applications for development consent: acceptance stage

- (1) The Planning Act 2008 is amended as set out in subsections (2) to (13).
- (2) ~~In section 37 (applications for orders granting development consent), in subsection (3), for “application (including accompaniments) is of a standard that the Secretary of State considers satisfactory” substitute “standard of the application is such as to enable the Secretary of State to conclude that it is suitable to proceed to examination under Chapter 4 of Part 6”.~~
- (3) ~~In section 39 (register of applications), after subsection (4) insert—~~  
~~“(5) The duty under subsection (4) includes a duty to make arrangements for inspection by the public of a revised version of anything mentioned in that subsection (see section 55A).”~~
- (4) Section 55 (acceptance of applications) is amended as set out in subsections
- (5) to (12).
- ~~(5) In subsection (2), omit “, by the end of the period of 28 days beginning with the day after the day on which the Secretary of State receives the application,”. (6) After subsection (2) insert—~~  
~~“(2A) Subject to section 55A(7) and (8), the Secretary of State must make the decision within the period of 28 days beginning with the day after the day on which the Secretary of State receives the application.”~~
- (7) In subsection (3)—
  - (a) after paragraph (c) insert —  
“(ca) that the applicant has complied with section 46 (duty to notify Secretary of State and others of proposed application), and”;
  - (b) omit paragraph (e);
  - (c) ~~for paragraph (f) substitute—~~  
~~“(f) that the standard of the application (including accompaniments) is such that it is suitable to proceed to examination under Chapter 4.”~~
- (8) For subsection (4) substitute —  
“(4) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f), must take into account —

- (a) the extent to which the application complies with section 37(3) (form and contents of application),
- (b) the extent to which any applicable guidance under section 37(4) has been followed in relation to the application,
- (c) the extent to which the application complies with any standards set under section 37(5) (standards for documents etc accompanying application),
- (d) the applicant's approach to satisfying section 48 (duty to publicise), and

HL Bill 134 59/1 (e) the extent to which the applicant has had regard to any advice given under section 51 in connection with the application (or the proposed application that has become the application).

(4A) In considering the matter in subsection (4)(d), the Secretary of State must take into account the extent to which the applicant has had regard to any guidance under section 50(1)."

(9) Omit subsection (5).

(10) Omit subsection (5A).

(11) For subsections (6) and (7) substitute —

"(6) The Secretary of State must notify the applicant of the decision under subsection (2).

(7) If the Secretary of State decides under subsection (2) not to accept the application, the Secretary of State must ~~give the applicant reasons for that decision. —~~

(a) prepare a statement of the Secretary of State's reasons for that decision,

(b) provide a copy of the statement to the applicant, and

(c) publish the statement in such form and manner as the Secretary of State thinks appropriate."

(12) ~~Omit subsection (8).~~

(13) ~~After section 55 insert —~~

#### ~~"55A Changes to applications~~

~~(1) The following provisions of this section apply where —~~

~~(a) the Secretary of State reaches the conclusions in section 55(3)(a), (c) and (ca) in relation to an application, and~~

~~(b) the Secretary of State concludes that the application would be likely to be of the required standard if the applicant were to —~~

~~(i) provide supplementary or revised information,~~

~~(ii) make clarifications or corrections, or (iii) make other limited changes.~~

~~(2) At any time within the period specified in section 55(2A), the Secretary of State may notify the applicant of the actions to be taken as mentioned~~

~~in subsection (1)(b), specifying the last day of the response period as the deadline for compliance with the notice.~~

~~(3) “The response period” means the period of 28 days beginning with the day on which the notice is given.~~

~~(4) Subsections (5) to (9) apply where the Secretary of State gives a notice to the applicant under subsection (2).~~

~~(5) If, during the response period, the Secretary of State notifies the applicant of any further actions as mentioned in subsection (1)(b) that would be likely to bring the application up to the required standard, the applicant must comply with that notice within the response period.~~

~~(6) At any time within the response period, the Secretary of State may, if the Secretary of State considers it appropriate to do so, notify the applicant of a later day as the deadline for compliance with the notice under subsection (2) or, as the case may be, that notice and any further notice under subsection (5).~~

~~(7) If the applicant provides any document or information to the Secretary of State by the specified day in response to a notice under subsection (2) or (5), the Secretary of State must make a decision under section 55(2) within the period of 28 days beginning with the day after the specified day.~~

~~(8) If the applicant does not provide any document or information to the Secretary of State by the specified day in response to a notice under subsection (2) or (5), the Secretary of State must make a decision under section 55(2) within the period of 7 days beginning with the day after the specified day.~~

~~(9) In subsections (7) and (8), “the specified day” means—~~  
~~(a) the day specified in the notice under subsection (2), or~~  
~~(b) if a later day is notified under subsection (6), that later day.~~

~~(10) In this section, “the required standard” means the standard specified in section 55(3)(f).”~~

(13A) In section 118 (legal challenges relating to applications for orders granting development consent), in subsection (3)(b), for “notifies the applicant as required by subsection (7)” substitute “provides the copy of the statement of reasons for the decision to the applicant as required by subsection (7)(b)”.

~~(14) In consequence of the amendments in subsections (7)(c) and (10), omit section 137(3) and (4) of the Localism Act 2011.~~

(14) In consequence of the amendment in subsection (10), omit section 137(4) of the Localism Act 2011.

## 28 Use of forestry estate for renewable electricity

In the Forestry Act 1967, after section 3 insert —

### “3A Use of land in connection with renewable electricity projects

- (1) The ~~appropriate forestry authority~~ Commissioners may —
  - (a) use, or enter into arrangements in connection with the use of, English forestry land for the generation, storage, transmission or supply of renewable electricity;
  - (b) sell, or enter into other arrangements concerning, renewable electricity generated, stored or supplied on, or transmitted across, English forestry land;
  - ~~(c)~~ (e) use, or enter into arrangements in connection with the use of, English forestry land for activity that —
    - (i) is intended to satisfy, or enable the satisfaction of, a relevant condition of development (whether existing or contemplated), or
    - (ii) otherwise arises in connection with such a condition.
- (2) For the purposes of subsection (1)(c), a relevant condition of development is a condition of development that —
  - (a) relates to renewable electricity development located wholly or partly on English forestry land, and
  - (b) is intended to benefit the natural environment of land.
- (3) The exercise of the powers in subsection (1) for either of the following purposes is to be taken to be consistent with the ~~appropriate forestry authority’s~~ Commissioners’ general duty under section 1(2) —
  - (a) facilitating or promoting the use of renewable electricity;
  - (b) obtaining funds for meeting the expenses referred to in section 41(2) ~~or, in the case of land in Wales, for the activities of the Natural Resources Body for Wales.~~
- (4) When the ~~appropriate forestry authority~~ Commissioners are considering the exercise of those powers, section 1(3A) applies as if it included a further paragraph referring to those purposes.
- (5) ~~The appropriate national authority may by regulations made by statutory instrument —~~
  - ~~(a) provide that the appropriate forestry authority may not exercise their powers under this section without the appropriate national authority’s consent;~~
  - ~~(b) make provision about the process by which that consent is to be sought and given or refused;~~
  - ~~(c) provide for that consent to be given subject to conditions.~~
- (6) ~~Regulations under subsection (5) —~~
  - ~~(a) may make different provision for different purposes or areas;~~
  - ~~(b) may include consequential, incidental, supplementary, transitional or saving provision.~~

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- (7) ~~A statutory instrument containing regulations under subsection (5) is subject to annulment in pursuance of a resolution of—~~
- ~~(a) either House of Parliament, in the case of regulations made by the Secretary of State;~~
  - ~~(b) Senedd Cymru, in the case of regulations made by the Welsh Ministers.~~
- (8) In this section—
- ~~“appropriate national authority” means—~~
- ~~(a) the Secretary of State, in relation to the Commissioners;~~
  - ~~(b) the Welsh Ministers, in relation to the Natural Resources Body for Wales;~~
- “condition of development” means—
- (a) a condition to which planning permission is subject, or
  - (b) a requirement contained in an order granting development consent under the Planning Act 2008 (development consent for nationally significant infrastructure);
- ~~“English forestry land” means land placed at the disposal of the~~ appropriate forestry authority Commissioners ~~under this Act;~~
- “natural environment”, in relation to land, includes—
- (a) its plants, animals and other living organisms,
  - (b) their habitats, and
  - (c) its geological features;
- “renewable electricity” means electricity produced from sources other than—
- (a) coal,
  - (b) lignite,
  - (c) peat,
  - (d) natural gas, within the meaning of the Energy Act 1976,
  - (e) crude liquid petroleum,
  - (f) petroleum products, within the meaning of the Energy Act 1976,
  - (g) any substance produced directly or indirectly from a substance within paragraphs (a) to (f),
  - (h) energy derived from any substance within paragraphs (a) to (g), or
  - (i) nuclear fuel;
- “renewable electricity development” means development the main purpose of which is the generation, storage, transmission or supply of renewable electricity.
- (9) References in this section to the storage of electricity are to the storage of energy converted from electricity for the purpose of its reconversion into electricity.

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**3B Section 3A: power to require Secretary of State's consent in certain cases**

- (1) The Secretary of State may make regulations that, in a case within subsection (2), require the consent of the Secretary of State to an exercise of the Commissioners' powers under section 3A.
- (2) The cases are those where –
  - (a) a proposed exercise of the powers is intended to enable the construction on English forestry land of the whole or part of a generating station (including an extension to an existing station), and
  - (b) the capacity threshold is exceeded.
- (3) In the case of the construction of a new generating station, the capacity threshold is exceeded if it is expected that the generating capacity of the station would equal or exceed the relevant wattage.
- (4) In the case of an extension to an existing station, the capacity threshold is exceeded if it is expected that –
  - (a) the extension would cause the generating capacity of the station to equal or exceed the relevant wattage, or
  - (b) the extension, whether alone or taken together with previous non-consented extensions, would increase the generating capacity of the station by at least the relevant wattage.
- (5) An extension is "non-consented" for the purposes of subsection (4)(b) if –
  - (a) it was enabled by an exercise of the Commissioners' powers under section 3A, and
  - (b) that exercise of those powers did not have the consent of the Secretary of State under regulations under subsection (1).
- (6) But an extension ceases to be "non-consented" for those purposes if –
  - (a) a subsequent extension to the station in question is constructed having been enabled by an exercise of the Commissioners' powers under section 3A, and
  - (b) that exercise of those powers had the consent of the Secretary of State under regulations under subsection (1).
- (7) The relevant wattage is –
  - (a) 5 megawatts, if the station generates electricity from wind, and
  - (b) 50 megawatts, if it does not.
- (8) The Secretary of State may by regulations amend this section so as to change the relevant wattage (including by adding or combining categories of station in relation to which a particular wattage is prescribed).
- (9) In calculating the relevant wattage there is to be disregarded –

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- (a) in the case of a generating station only partly situated on English forestry land, any generating capacity that can be attributed to parts not situated on English forestry land;
  - (b) in the case of a generating station whose capacity is provided in part by facilities for the storage of electricity and in part by other means, the capacity provided by those facilities.

(10) In this section —

“generating station” has the same meaning as in Part 1 of the Electricity Act 1989 (see section 64(1));

“storage” is to be read in accordance with section 3A(9).

### **3C Regulations under section 3B: further provision**

(1) Regulations under section 3B(1) may —

- (a) make provision about the process by which consent is to be sought and given or refused;
- (b) provide for consent to be given subject to conditions.

(2) Regulations under section 3B may —

- (a) make different provision for different purposes or areas;
- (b) include consequential, incidental, supplementary, transitional or saving provision.

(3) Regulations under section 3B are to be made by statutory instrument.

(4) A statutory instrument containing (whether alone or with other provision) regulations under section 3B(8) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(5) A statutory instrument containing regulations under section 3B(1) (but not regulations under section 3B(8)) is subject to annulment in pursuance of a resolution of either House of Parliament.”

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[\(6\)](#)

### 111 Extent

- (1) Subject to subsection (2), an amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.
- (2) Paragraphs 37 and 41 of Schedule 6 extend to England and Wales only.
- (3) A provision of this Act, other than an amendment, repeal or revocation, extends to England and Wales only, subject to subsections (4) to (6).
- (4) The following provisions extend to England and Wales and Scotland –
  - (a) sections 13 to 16;
  - (b) section 18(6);
  - (c) section 20(7);
  - [\(ca\) section \(Wind generating stations that may affect seismic array systems\);](#)
  - (d) section 45;
  - (e) ~~section 46 [subsections removed]~~.
- (5) The following provisions extend to Scotland only –
  - (a) section 24; (b) section 44.
- (6) Section 110, this section and sections 112 and 113 extend to England and Wales, Scotland and Northern Ireland.

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## 112 Commencement and transitional provision

(1) In Part 1 –

~~(a) sections 1 to 8 come into force on such day as the Secretary of State may by regulations appoint;~~

(a) sections 1 and 2 come into force on such day as the Secretary of State may by regulations appoint;

(aa) section (*Projects relating to water*) comes into force on the day on which this Act is passed;

(ab) sections 3 to 8 come into force on such day as the Secretary of State may by regulations appoint;

(b) section 9 comes into force at the end of the period of two months beginning with the day on which this Act is passed;

(c) sections 10 to 12 come into force on such day as the Secretary of State may by regulations appoint;

(d) sections 13 to 17 come into force on the day on which this Act is passed;

(e) in section 18 –

(i) subsections (1) and (2), subsection (4) so far as it confers powers to make regulations, and subsections (5) and (6) come into force on the day on which this Act is passed;

(ii) subsection (3), and subsection (4) for remaining purposes, come into force at the end of the period of two months beginning with the day on which this Act is passed;

(f) section 19 comes into force at the end of the period of two months beginning with the day on which this Act is passed, except that it comes into force on the day on which this Act is passed so far as it confers power to make regulations;

(g) section 20 comes into force at the end of the period of two months beginning with the day on which this Act is passed;

(h) sections 21 and 22 come into force on the day on which this Act is passed;

(i) section 23 and Schedule 1 come into force at the end of the period of two months beginning with the day on which this Act is passed, except that paragraph 7 of Schedule 1 comes into force on such day as the Secretary of State may by regulations appoint;

(j) section 24 comes into force on the day on which this Act is passed;

(k) section 25 comes into force at the end of the period of two months beginning with the day on which this Act is passed;

(l) section 26 comes into force on the day on which this Act is passed;

(m) section 27 comes into force at the end of the period of two months beginning with the day on which this Act is passed;

(n) section 28 comes into force at the end of the period of two months beginning with the day on which this Act is passed, except that it

comes into force on the day on which this Act is passed so far as it confers power to make regulations;

(na) section (Wind generating stations that may affect seismic array systems) comes into force at the end of the period of two months beginning with the day on which this Act is passed.

(o) sections 29 and 30 come into force at the end of the period of two months beginning with the day on which this Act is passed;

(p) section 31 comes into force on such day as the Secretary of State may by regulations appoint;

(q) sections 32 and 33 come into force at the end of the period of two months beginning with the day on which this Act is passed;

(r) section 34 comes into force on such day as the Secretary of State may by regulations appoint;

(s) sections 35 to 37 come into force at the end of the period of two months beginning with the day on which this Act is passed;

(t) in section 38 –

(i) subsections (1) and (2) come into force at the end of the period of two months beginning with the day on which this Act is passed;

(ii) subsection (3) comes into force on such day as the Secretary of State may by regulations appoint;

~~(u) sections 39 to 43 and Schedule 2 come into force at the end of the period of two months beginning with the day on which this Act is passed;~~

(u) sections 39 and 40 come into force at the end of the period of two months beginning with the day on which this Act is passed;

(ua) section 41 comes into force on such day as the Secretary of State may by regulations appoint;

(ub) sections 42 and 43 come into force at the end of the period of two months beginning with the day on which this Act is passed;

(v) section 44 comes into force on the day on which this Act is passed;

(w) section 45 comes into force at the end of the period of two months beginning with the day on which this Act is passed;

(x) section 46(1), (4) and (5) come into force at the end of the period of two months beginning with the day on which this Act is passed;

(y) section 46(2) and (3) come into force –

(i) in relation to applications made to the Secretary of State, on the day on which the first relevant regulations made by the Secretary of State come into force;

(ii) in relation to applications made to the Scottish Ministers, on the day on which the first relevant regulations made by the Scottish Ministers come into force;

(iii) in relation to applications made to the Welsh Ministers, on the day on which the first relevant regulations made by the Welsh Ministers come into force; and in this paragraph “relevant regulations” means regulations under paragraph 9A of Schedule 3 to the Harbours Act 1964 (inserted by section 46(4));

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- [\(z\)](#) section 47 comes into force on such day as the Secretary of State may by regulations appoint.
- (2) In Part 2—
- (a) section 48 comes into force on such day as the Secretary of State may by regulations appoint, except that it comes into force on the day on which this Act is passed so far as it confers power to make regulations;
- (b) sections 49 and 50 come into force at the end of the period of two months beginning with the day on which this Act is passed;
- (c) in section 51—
- (i) subsection (1) comes into force at the end of the period of two months beginning with the day on which this Act is passed;
- (ii) subsection (2) comes into force on such day as the Secretary of State may by regulations appoint;
- [\(ca\) section \(Directions restricting refusal of planning permission in England\) comes into force on the day on which this Act is passed;](#)
- [\(cb\) in section \(Directions giving deemed planning permission: special regard to heritage assets\)—](#)
- [\(i\) subsection \(1\) comes into force at the end of the period of two months beginning with the day on which this Act is passed;](#)
- [\(ii\) subsection \(2\) comes into force at the same time as section 102\(1\) of the Levelling-up and Regeneration Act 2023;](#)
- [\(cc\) section \(Planning permission etc: extension of time in event of legal challenge\) comes into force at the end of the period of two months beginning with the day on which this Act is passed.](#)
- [\(cd\) section \(Provision of advice by Natural England to public authorities\) comes into force on such day as the Secretary of State may by regulations appoint;](#)
- (d) section 52(1), (2) and (3) and Schedule 3 come into force on such day as the Secretary of State may by regulations appoint, except that section 52(1) comes into force on the day on which this Act is passed so far as it confers power to make regulations;
- (e) section 52(4) to (8) come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (3) Part 3 (including Schedules 4, 5 and 6) comes into force on such day as the Secretary of State may by regulations appoint, [except that paragraph 14\(2\) of Schedule 6 comes into force at the same time as section 106 of the Levelling-up and Regeneration Act 2023.](#)
- (4) Part 4 comes into force on such day as the Secretary of State may by regulations appoint.
- (5) In Part 5—
- (a) section 99 comes into force at the end of the period of two months beginning with the day on which this Act is passed;
- (b) section 100 comes into force on such day as the Secretary of State may by regulations appoint;

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- (c) section 101 comes into force at the end of the period of two months beginning with the day on which this Act is passed;
  - (d) sections 102 and 103 come into force on such day as the Secretary of State may by regulations appoint;
  - (e) sections 104 and 105 come into force at the end of the period of two months beginning with the day on which this Act is passed;
  - (f) section 106 comes into force at the same time as section 18 of the Neighbourhood Planning Act 2017;
  - (g) in section 107 –
    - (i) subsections (1), (2) and (5) to (9) come into force at the end of the period of two months beginning with the day on which this Act is passed;
    - (ii) subsections (3) and (4) come into force on such day as the Secretary of State may by regulations appoint;
  - (h) section 108 comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (6) In this Part –
- (a) section 109 comes into force at the end of the period of two months beginning with the day on which this Act is passed;
  - (b) sections 110 to 113 come into force on the day on which this Act is passed.
- (7) The Secretary of State may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (8) Regulations under this section –
- (a) are to be made by statutory instrument;
  - (b) may make different provision for different purposes or different areas.

## SCHEDULE 6

Section 90

## AMENDMENTS RELATING TO PART 3

**PART 1**

## RAMSAR SITES: AMENDMENTS TO THE HABITATS REGULATIONS 2017

- 1 The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012) are amended as follows.
- 2 In regulation 3 (interpretation), in paragraph (1) –
  - (a) after the definition of “marine area” insert –
 

““the national Ramsar site series” means all the wetlands in the United Kingdom that have been designated under paragraph 1 of article 2 of the Ramsar Convention for inclusion in the list of wetlands of international importance referred to in that article;”;
  - (b) after the definition of “priority species” insert –
 

““Ramsar Convention” means the Convention on Wetlands of International Importance especially as Waterfowl Habitat signed at Ramsar on 2 February 1971, as amended by –

    - (a) the Protocol known as the Paris Protocol done at Paris on 3 December 1982, and
    - (b) the amendments known as the Regina Amendments adopted at the Extraordinary Conference of the Contracting Parties held at Regina, Saskatchewan, Canada, between 28 May and 3 June 1987; but if that Convention is further amended after the passing of the Planning and Infrastructure Act 2025, the references to the Ramsar Convention in these Regulations are to be taken after the entry into force of the further amendments as referring to that Convention as further amended (and the reference to paragraph 1 of article 2 is, if necessary, to be taken as referring to the appropriate successor provision);

“Ramsar site” means a site that has been designated under paragraph 1 of article 2 of the Ramsar Convention for inclusion in the list of wetlands of international importance referred to in that article;”.
- 3 In regulation 24 (assessment of implications for European sites) –
  - (a) ~~in paragraph (1)(a), after “European site” insert “, or on a Ramsar site in England”;~~
  - (a) after paragraph (2) insert –

“(2A) Where it appears to Natural England that a notice of a proposal under section 28E(1)(a) of the WCA 1981 relates to an operation which is or forms part of a plan or project situated wholly in England which—

- (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of that site,

it must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

(2B) In the light of the conclusions of the assessment, Natural England may give consent for the operation only after having ascertained that the plan or project will not adversely affect the integrity of the site.”;

- (b) in the heading, at the end insert “and certain Ramsar sites ~~Ramsar sites in England~~”.

- 4 In regulation 25 (sites of special scientific interest which become European sites: duty to review) —

- (a) ~~in paragraph (1), after “European site” insert “, or within a Ramsar site in England”;~~

- (b) ~~in the heading, after “European sites” insert “or Ramsar sites in England”.~~

- (a) in paragraph (1) —

- (i) after “where” insert “ —

(a)”;

- (ii) at the end insert “, or

- (b) a consent for an operation situated wholly in England has been given under section 28E(3)(a) of the WCA 1981 (or has effect as if given under that section) in relation to land included in a site of special scientific interest which, after the date of that consent, becomes land within a Ramsar site.”;

- (b) in paragraph (3) —

- (a) in sub-paragraph (a), after “24(1)” insert “or (2A)”;

- (b) in sub-paragraph (b), after “24(2)” insert “or (2B)”;

- (c) in the heading, after “European sites” insert “or Ramsar sites”.

- 5 In the italic heading before regulation 63, ~~after “European sites” insert “, Ramsar sites in England”.~~ for “and European offshore marine sites” substitute “, European offshore marine sites and certain Ramsar sites”.

- 6 In regulation 63 (assessment of implications for European sites and European offshore marine sites) —

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Part 1 – Ramsar sites: amendments to the Habitats Regulations 2017

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- (a) ~~in paragraph (1), after “European site” insert “, a Ramsar site in England”;~~
  - (a) after paragraph (1) insert –  
“(1A) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project situated wholly in England which –
    - (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and
    - (b) is not directly connected with or necessary to the management of that site,must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.”;
  - (b) in paragraph (5), after “European site” insert “, the Ramsar site”;
  - (ba) in paragraph (9), for “paragraph (1)” substitute “paragraphs (1) and (1A)”;
  - (c) in the heading, ~~after “European sites” insert “, Ramsar sites in England”~~for “and European offshore marine sites” substitute “, European offshore marine sites and certain Ramsar sites”.
- 7 In regulation 64 (considerations of overriding public interest), in paragraph (1), after “European site” insert “, the Ramsar site”.
- 8 In regulation 65 (review of existing decisions and consents), in paragraph (1), after “European site” insert “, a Ramsar site”. (b) after “63(1)” insert “or (1A)”.
- 9 In regulation 67 (co-ordination where more than one competent authority involved) –
- (za) in paragraph (2), after “(1)” insert “or (1A)”;
  - (a) in paragraph (3)(a), after “European site” insert “, a Ramsar site”;
  - (b) in paragraph (3)(b), after “European site” insert “, a Ramsar site”.
- 10 In regulation 68 –
- (a) the existing text becomes paragraph (1);
  - (b) at the end insert –  
“(2) Where in accordance with regulation 64 –
    - (a) a plan or project in England is agreed to, notwithstanding a negative assessment of the implications for a Ramsar site ~~in England~~, or
    - (b) a decision, or a consent, permission or other authorisation, is affirmed on review, notwithstanding such an assessment, the appropriate authority must secure that any necessary compensatory measures are taken to ensure that the overall coherence of the national Ramsar site series is protected.”

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*amendments to the Habitats Regulations 2017*

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- 11 In regulation 70 (grant of planning permission) –  
     (a) in paragraph (2), after “European site” insert “, a Ramsar site”;  
     (b) in paragraph (3), after “European site” insert “, a Ramsar site”.
- 12 In regulation 72 (planning permission: consideration on review), in paragraph (3), after “European site” insert “, a Ramsar site”.
- 13 In regulation 73 (planning permission: effect of orders made on review), in paragraph (6), after “European site” insert “, a Ramsar site”.
- 14 ~~In regulation 75 (general development orders), in paragraph (a), after “European site” insert “, a Ramsar site in England”.~~
- 14 (1) In regulation 75 (general development orders) –  
     (a) the existing text becomes paragraph (1);  
     (b) at the end insert –  
         “(2) It is a condition of any planning permission granted by a  
         general development order made by the Secretary of State on or after  
         the day on which this paragraph comes into force that development  
         which –  
             (a) is likely to have a significant effect on a Ramsar site (either  
             alone or in combination with other plans or projects), and  
             (b) is not directly connected with or necessary to the  
             management of the site,  
         must not be begun until the developer has received written  
         notification of the approval of the local planning authority under  
         regulation 77 (approval of local planning authority).”
- (2) In regulation 75(2) (as inserted by sub-paragraph (1)), after “force” insert “or  
a street vote development order”.
- 14A In regulation 76 (general development orders: opinion of appropriate nature  
conservation body), in paragraph (7), for “75(a)” substitute “75(1)(a) or  
(2)(a)”.
- 15 In regulation 77 (general development orders: approval of local planning  
authority), in paragraph (6), after “European site” insert “, the Ramsar site”.
- 16 In regulation 79 (special development orders), in paragraph (4)(b), after  
“European site” insert “, a Ramsar site”.
- 17 In regulation 80 (local development orders), in paragraph (4)(b), after  
“European site” insert “, a Ramsar site”.
- 18 In regulation 81 (neighbourhood development orders), in paragraph (4)(b),  
after “European site” insert “, a Ramsar site”.
- 19 In regulation 82 (simplified planning zones) –  
     ~~(a) in paragraph (2), after “European site” insert “or a Ramsar site in~~  
     ~~England”;~~

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- (a) after paragraph (2) insert –  
“(2A) Where a simplified planning zone scheme for an area in England is adopted or approved, that scheme is not to be taken to grant planning permission for development which –  
 (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and  
 (b) is not directly connected with or necessary to the management of the site,  
unless adopted or approved in accordance with the assessment provisions.”;
- (b) in paragraph (5)(b), after “European site” insert “, a Ramsar site”.
- 20 In regulation 83 (enterprise zones) –  
 (a) ~~in paragraph (2), after “European site” insert “or a Ramsar site in England”;~~  
 (a) after paragraph (2) insert –  
“(2A) Where an order designating an enterprise zone is made for an area wholly in England, or where a modified enterprise zone scheme is approved for such an area, that order or scheme is not to be taken to grant planning permission for development which –  
 (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and  
 (b) is not directly connected with or necessary to the management of the site,  
unless made or approved in accordance with the assessment provisions.”;  
 (aa) after paragraph (4) insert –  
“(4A) Paragraph (2A) does not apply to an order made or a scheme approved before the day on which this paragraph comes into force.”  
 (b) in paragraph (5)(b), after “European site” insert “, a Ramsar site”.
- 21 In regulation 84 (grant of development consent), in paragraph (2), after “European site” insert “, a Ramsar site”.
- 22 In regulation 85 (development consent: review), in paragraph (1)(a), after “European site” insert “, a Ramsar site”.
- 22A In regulation 85A (assumptions to be made about nutrient pollution standards: general), in paragraph (6)(a), after “63(1)” insert “or (1A)”.
- 23 In regulation 87 (construction or improvement of highways or roads), in paragraph (2)(b), after “European site” insert “, a Ramsar site”.
- 24 In regulation 88 (cycle tracks and other ancillary works), ~~in paragraph~~

- ~~(3)(a), after “European site” insert “or a Ramsar site in England”~~ at end insert –  
“(4) Section 3(10) of that Act is not to be taken to deem planning permission to be granted for development wholly in England which –  
(a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and  
(b) is not directly connected with or necessary to the management of the site,  
whether or not the development authorised by the permission has been begun, unless the competent authority has agreed to the plan or project in accordance with the assessment provisions.”.
- 25 In regulation 89 (consents under Electricity Act 1989: application of assessment and review provisions) –  
 (a) in paragraph (2), after “European site” insert “, a Ramsar site”;  
 (b) in paragraph (6), after “European site” insert “, a Ramsar site”; (c) in paragraph (8), after “European site” insert “, a Ramsar site”.
- 26 In regulation 93 (authorisations under Pipe-lines Act 1962: application of assessment and review provisions) –  
 (a) in paragraph (2), after “European site” insert “, a Ramsar site”;  
 (b) in paragraph (3)(a)(ii), after “European site” insert “, a Ramsar site”;  
 (c) in paragraph (4), after “European site” insert “, a Ramsar site”.
- 27 In regulation 97 (orders under Transport and Works Act 1992: application of assessment and review provisions) –  
 (a) in paragraph (2), after “European site” insert “, a Ramsar site”;  
 (b) in paragraph (3), after “European site” insert “, a Ramsar site”; (c) in paragraph (4), after “European site” insert “, a Ramsar site”.
- 28 In regulation 101 (environmental permits) –  
 (a) in paragraph (2), after “European site” insert “, a Ramsar site”; (b) in paragraph (4), after “European site” insert “, a Ramsar site”.
- 29 In regulation 102 (abstraction and works authorised under water legislation) –  
 (a) in paragraph (3), after “European site” insert “, a Ramsar site”; (b) in paragraph (6), after “European site” insert “, a Ramsar site”.
- 30 In regulation 103 (marine works) –  
 (a) in paragraph (2), after “European site” insert “, a Ramsar site”; (b) in paragraph (4), after “European site” insert “, a Ramsar site”.
- 31 In regulation 104 (derogations in relation to nitrate pollution prevention legislation), in paragraph (2), after “European site” insert “, a Ramsar site”.

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- 32 In regulation 105 (assessment of implications for European sites and European offshore marine sites) –
- (a) ~~in paragraph (1)(a), after “European site” insert “, a Ramsar site in England”;~~
- (a) after paragraph (1) insert –
- “(1A) Where a land use plan relating to an area wholly in England –
- (a) is likely to have a significant effect on a Ramsar site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site,
- the plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.”;
- (b) in paragraph (4), after “European site” insert “, the Ramsar site”;
- (c) in the heading, ~~after “European sites” insert “, Ramsar sites”~~ for “and European offshore marine sites” substitute “, European offshore marine sites and certain Ramsar sites”.
- 33 In regulation 106 (assessment of implications for European site: neighbourhood development plans) –
- (a) in paragraph (3), after “European site” insert “or Ramsar site”; (b) in the heading, for “site” substitute “sites and Ramsar sites”.
- 34 In regulation 107 (considerations of overriding public interest), in paragraph (1), after “European site” insert “, the Ramsar site”.
- 35 In regulation 108 (co-ordination for land use plan prepared by more than one authority) –
- (za) in paragraph (2), after “(1)” insert “or (1A)”;
- (zb) in paragraph (3), after “105(1)” insert “or (1A)”;
- (a) in paragraph (3)(a), after “European site” insert “, a Ramsar site”;
- (b) in paragraph (3)(b), after “European site” insert “, a Ramsar site”.
- 36 In regulation 109 (compensatory measures) – (a) the existing text becomes paragraph (1);
- (b) at the end insert –
- “(2) Where in accordance with regulation 107 a land use plan is given effect notwithstanding a negative assessment of the implications for a Ramsar site, the appropriate authority must secure that any necessary compensatory measures are taken to ensure that the overall coherence of the national Ramsar site series is protected.”
- 37 In regulation 110A (assessments under this Chapter: required assumptions) –

- (a) in paragraph (5)(a), after “105(1)” insert “or (1A)”;
- (b) in paragraph (5)(b), after “105(1)” insert “or (1A)”.