STATUTORY RULES OF NORTHERN IRELAND

1995 No. 380

The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995

PART II

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

Control of potentially damaging operations

Supplementary provisions as to consents

17.—(1) Where it appears to the Department that an application for consent under regulation 16(2)*(a)* relates to an operation which is or forms part of a plan or project which—

(a) is not directly connected with or necessary to the management of the site, and

(b) is likely to have a significant effect on the site (either alone or in combination with other plans or projects),

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

(2) In the light of the conclusions of the assessment, and subject to paragraph (3), the Department may give consent for the operation only after having ascertained that the plan or project will not adversely affect the integrity of the site.

(3) If, in spite of an assessment that a plan or project will adversely affect the integrity of a site, the Department is satisfied that, there being no alternative solutions, the plan or project must be carried out for imperative reasons of overriding public interest (which, subject to paragraph (4), may be of a social or economic nature), it may give consent to the operation.

(4) Where the site concerned hosts a priority natural habitat type or a priority species, the reasons referred to in paragraph (3) must be either—

(a) reasons relating to human health, public safety, or beneficial consequences of primary importance to the environment, or

(b) other reasons which in the opinion of the European Commission are imperative reasons of overriding public interest.

(5) Where the Department gives consent under this regulation it shall secure that such compensatory measures are taken as are necessary to ensure that the overall coherence of Natura 2000 is protected.

(6) This regulation does not apply in relation to a site which is a European site by reason only of regulation 9(1)*(c)* (site protected in accordance with Article 5(4)).