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STATUTORY RULES OF NORTHERN IRELAND

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**1995 No. 380**

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

**PART II**

**CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES**

***European sites***

*Selection of sites eligible for identification as of Community importance*

**6.—**(1) On the basis of the criteria set out in Annex III (Stage 1) to the Habitats Directive, and relevant scientific information, the Department shall propose a list of sites indicating with respect to each site—

- (a) which natural habitat types in Annex I to the Directive the site hosts, and
- (b) which species in Annex II to the Directive that are native to Northern Ireland the site hosts.

(2) For animal species ranging over wide areas these sites shall correspond to the places within the natural range of such species which present the physical or biological factors essential to their life and reproduction.

For aquatic species which range over wide areas, such sites shall be proposed only where there is a clearly identifiable area representing the physical and biological factors essential to their life and reproduction.

(3) Where appropriate the Department may propose modification of the list in the light of the results of the surveillance referred to in Article 11 of the Habitats Directive.

(4) The list shall be transmitted to the European Commission together with information on each site including—

- (a) a map of the site,
- (b) its name, location and extent, and
- (c) the data resulting from the application of the criteria specified in Annex III (Stage 1), provided in a format established by the Commission.

*Adoption of list of sites: designation of special areas of conservation*

**7.—**(1) Once a site of Community importance in Northern Ireland has been adopted in accordance with the procedure laid down in paragraph 2 of Article 4 of the Habitats Directive, the Department shall designate that site as a special area of conservation as soon as possible and within six years at most.

(2) The Department shall establish priorities for the designation of sites in the light of—

- (a) the importance of the sites for the maintenance or restoration at a favourable conservation status of—
    - (i) a natural habitat type in Annex I to the Habitats Directive, or
    - (ii) a species in Annex II to the Directive,and for the coherence of Natura 2000; and
  - (b) the threats of degradation or destruction to which those sites are exposed.
- (3) In this regulation in relation to European marine sites for the words “the Department” where they occur substitute “the Secretary of State”.

*Consultation as to inclusion of site omitted from the list*

**8.** If consultation is initiated by the European Commission in accordance with Article 5(1) of the Habitats Directive with respect to a site in Northern Ireland hosting a priority natural habitat type or priority species and—

- (a) the Department agrees that the site should be added to the list transmitted in accordance with regulation 6, or
- (b) the Council, acting on a proposal from the Commission in pursuance of paragraph 2 of Article 5 of the Habitats Directive, so decides,

the site shall be treated as added to the list as from the date of that agreement or decision.

*Meaning of “European site” in these Regulations*

**9.—(1)** In these Regulations a “European site” means—

- (a) a special area of conservation,
- (b) a site of Community importance which has been placed on the list referred to in the third sub-paragraph of Article 4(2) of the Habitats Directive,
- (c) a site hosting a priority natural habitat type or priority species in respect of which consultation has been initiated under Article 5(1) of the Habitats Directive, during the consultation period or pending a decision of the Council under Article 5(3), or
- (d) an area classified pursuant to Article 4(1) or (2) of the Wild Birds Directive.

(2) Sites which are European sites by virtue only of paragraph 1(c) are not within regulations 17 and 43 (which relate to the approval of certain plans and projects); but this is without prejudice to their protection under other provisions of these Regulations.