

SCHEDULE 1

Regulation 3

Damage to species and natural habitats

Damage to protected species and natural habitats

1. In the case of protected species or natural habitats (other than damage in an area of special scientific interest to which paragraph 4 applies) the damage shall be such that it has a significant adverse effect on reaching or maintaining the favourable conservation status of the protected species and natural habitat taking into account—

- (a) the conservation status at the time of the damage;
- (b) the services provided by the amenities they produce;
- (c) their capacity for natural regeneration;
- (d) the number of individuals, their density or the area covered;
- (e) the role of the particular individuals or of the damaged area in relation to the species or to the habitat conservation and the rarity of the species or habitat assessed at the relevant level whether local, regional^[F1], national or in their natural range];
- (f) the capacity of the species for propagation, its viability or the capacity of the habitat for natural regeneration;
- (g) the capacity of the species or habitat to recover within a short time of the damage being caused to a condition which leads to its state at the time of the damage or better without any intervention other than increased protection measures.

F1 Words in Sch. 1 para. 1(e) substituted (31.12.2020) by [The Environment \(Miscellaneous Amendments\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/584\)](#), regs. 1, 44; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I1 Sch. 1 para. 1 in operation at 24.7.2009, see [reg. 1](#)

Conservation status of habitats

2.—(1) A habitat's conservation status is the sum of the influences acting on a natural habitat and its typical species that may affect its long term natural distribution, structure and functions as well as the long term survival of its typical species.

- (2) Its conservation status is favourable if—
- (a) the natural range and areas covered within that natural range are stable or increasing;
 - (b) the specific structure and functions which are necessary for the long term maintenance of the natural habitat exist and are likely to continue to exist for the foreseeable future; and
 - (c) the conservation status of its typical species is favourable.

Commencement Information

I2 Sch. 1 para. 2 in operation at 24.7.2009, see [reg. 1](#)

Conservation status of species

3.—(1) A species' conservation status is the sum of the influences acting on the species concerned that may affect the long term distribution and abundance of its populations.

Changes to legislation: There are currently no known outstanding effects for the The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009, SCHEDULE 1. (See end of Document for details)

- (2) The conservation status is favourable if—
- (a) the population dynamics data on the species concerned indicate that it is maintaining itself on a long term basis as a viable component of its natural habitats;
 - (b) the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and
 - (c) there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long term basis.

Commencement Information

I3 Sch. 1 para. 3 in operation at 24.7.2009, see [reg. 1](#)

Areas of special scientific interest

- 4.—(1) In the case of an area of special scientific interest, the damage shall be to—
- (a) the species or habitats declared under Article 28(1) of the Environment (Northern Ireland) Order 2002(1), or
 - (b) protected species or natural habitats.

(2) The damage shall have an adverse effect on the integrity of the site (that is, the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats or the levels of populations of the species affected).

Commencement Information

I4 Sch. 1 para. 4 in operation at 24.7.2009, see [reg. 1](#)

Express authorisation

5. Damage to protected species and natural habitats and damage in an area of special scientific interest does not include damage caused by an act expressly authorised by the relevant authorities in accordance with the Conservation (Nature Habitats, etc.) Regulations (Northern Ireland) 1995(2) or the Wildlife (Northern Ireland) Order 1985(3) or the Environment (Northern Ireland) Order 2002.

Commencement Information

I5 Sch. 1 para. 5 in operation at 24.7.2009, see [reg. 1](#)

(1) S.I. 2002/3153 (N.I. 7)
(2) S.R. 1995 No. 380
(3) S.R. 1985 No. 171

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009, SCHEDULE 1.