

EXPLANATORY MEMORANDUM TO

The Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015

2015 No. 182

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Statutory Rule is to amend the planning related provisions in the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 to ensure that councils will operate fully and effectively within the new planning system which will be in place from 1 April 2015.

3. Background

- 3.1. The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 ('Conservation Regulations') transpose the requirements of the EC 'Habitats' Directive and aspects of the 'Wild Birds' Directive into domestic legislation.
- 3.2. The reform of the planning system and transfer of responsibility for the majority of planning decisions from the Department of the Environment to councils requires that the councils have adequate powers to implement the Habitats Directive from 1 April 2015.
- 3.3. These Regulations will allow councils to undertake environmental assessments for relevant planning applications within EU designated sites.

4. Consultation

- 4.1. The Department undertook a public consultation on its proposals to make updated and consolidated Conservation of Habitats and Species Regulations which closed on 31 January 2015. A synopsis of the comments received was presented to the Environment Committee.
- 4.2. The policy has not changed as a result of the consultation.

5. Equality Impact

- 5.1. There are no equality impact implications arising from these Regulations.

6. Regulatory Impact

- 6.1. The impacts of these Regulations are not expected to place any direct additional burdens on businesses, charities, voluntary bodies or the public sector.

7. Financial Implications

7.1. There are no anticipated financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1. This Statutory Rule does not contravene section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. These Regulations transposes the requirements of the EC Habitats Directive (92/43/EEC).

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.