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STATUTORY RULES OF NORTHERN IRELAND

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**2007 No. 345**

**The Conservation (Natural Habitats, etc.)  
(Amendment) Regulations (Northern Ireland) 2007**

**Amendments to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995**

14. For regulation 43 (assessment of implications for European site) substitute—

**“Assessment of implications for European sites in Northern Ireland and European offshore marine sites**

43.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- (a) is likely to have a significant effect on a European site in Northern Ireland or a European offshore marine 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,

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

(2) A person applying for such consent, permission or other authorisation shall provide such information as the competent authority may reasonably require—

- (a) to enable the competent authority to determine whether an assessment under paragraph (1) is required; or
- (b) for the purposes of an assessment under paragraph (1).

(3) In relation to a European site in Northern Ireland, the competent authority shall for the purposes of—

- (a) determining whether an assessment is required for a plan or project under paragraph (1); or
- (b) the assessment under paragraph (1)

consult the Department and have regard to any representations made by it within such reasonable time as the competent authority may specify.

(4) The competent authority shall, for the purposes of any appropriate assessment relating to a European offshore marine site, consult the Joint Nature Conservation Committee and have regard to any representations made by that committee within such reasonable time as the competent authority may specify.

(5) The competent authority shall, if it considers it appropriate, take such steps as it considers necessary to obtain the opinion of the general public.

(6) In the light of the conclusions of the assessment, and subject to regulation 44, the authority shall agree to the plan or project only after having ascertained that it will not

adversely affect the integrity of the European site in Northern Ireland or the European offshore marine site (as the case may be).

(7) In considering whether a plan or project will adversely affect the integrity of the site concerned, the authority shall have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposed that the consent, permission or other authorisation should be given.

(8) This regulation does not apply in relation to a site which is—

- (a) a European site in Northern Ireland by reason only of regulation 9(1)(c) (site protected in accordance with Article 5(4)); or
- (b) a European offshore marine site by reason only of its being a site of the kind mentioned in regulation 15(c) (site protected in accordance with Article 5(4)) of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.”.