STATUTORY RULES OF NORTHERN IRELAND

2011 No. 216

EUROPEAN COMMUNITIES

NATURE CONSERVATION

The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2011

Made - - - -	*7th June 2011*
Coming into operation	*15th July 2011*

The Department of the Environment is a department designated(**1**) for the purpose of making regulations under section 2(2) of the European Communities Act 1972(**2**) in relation to the environment. The Department makes these Regulations in exercise of the powers conferred by that section.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 15th July 2011.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) applies to these Regulations as it applies to an Act of the Assembly.

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

2. The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995(**4**) are amended in accordance with regulations 3 and 4.

3. In regulation 2 (interpretation and application)—

(a) for paragraph (2A)(a)(ii) substitute—

> ""the Wild Birds Directive" means Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds(**5**); and"; and

(**1**) S.I. 2008/301.
(**2**) 1972 c.68.
(**3**) 1954 c.33 (N.I.).
(**4**) S.R. 1995 No.380 as amended by S.R. 2003 No. 46, S.R. 2004 No.435, S.R. 2007 No.345 and S.R. 2009 No.8.
(**5**) O.J. No. L 20, 26.1.2010, p.7. This instrument codifies, with minor amendments, Council Directive 1979/409/EEC as amended.

(b) after paragraph (3) insert the following paragraph—

"(3A) Expressions used in the Wild Birds Directive and in these Regulations have the same meaning as in that Directive.".

4. After regulation 8 (consultation as to inclusion of site omitted from the list) insert—

"**Classification of sites as special protection areas**

8A.—(1) The Department shall classify as special protection areas such sites in Northern Ireland as it considers necessary to ensure that the objective specified in paragraph (2) is met.

(2) The objective referred to in paragraph (1) is that those sites across the United Kingdom's territory which are most suitable in number and size for—

(a) the conservation of the species listed in Annex I to the Wild Birds Directive which naturally occur in that territory; and

(b) the conservation of regularly occurring migratory species of birds not listed in Annex I which naturally occur in that territory,

are classified as special protection areas.

(3) The Department shall make its decision as to the sites to be classified under paragraph (1) only on the basis of relevant scientific information and—

(a) in the case of a site to be classified for the purpose mentioned in paragraph (2)(a), on the basis of the criteria set out in Article 4(1) of the Wild Birds Directive; and

(b) in the case of a site to be classified for the purpose mentioned in paragraph (2)(b), on the basis of the criteria set out in Article 4(2) of the Wild Birds Directive.

(4) Where a site is classified under paragraph (1), the Department shall provide information on that site to the European Commission including—

(a) a map or chart of the site;

(b) its name, location and extent; and

(c) the data resulting from application of the criteria set out in Article 4(1) or Article 4(2) of the Wild Birds Directive.

(5) The information specified in paragraph (4) shall be provided in such format as is established by the Commission.

(6) In this regulation—

(a) "the United Kingdom's territory" means the United Kingdom (including its internal waters), the territorial sea adjacent to the United Kingdom, and the offshore marine area, and

(b) where a site which is classified under paragraph (1) is a European marine site then for the words "the Department" where they occur substitute "the Secretary of State".

Notification of a proposal to classify a special protection area

8B.—(1) Where the Department proposes to classify a site as a special protection area under regulation 8A, it shall give notice of that proposal and an accompanying statement of its reasons for that proposal to—

(a) competent authorities which exercise functions in relation to the site;

(b) competent authorities which exercise functions in relation to an area adjacent to the site;