

## European and domestic legislation relevant to Northern Ireland's natural heritage

Designation	Legislation	Brief Background	Agency to contact	How to get work done
<b>European Designations</b>				
<b>Special Areas of Conservation (SACs) – a Natura 2000 site</b>	<i>Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora</i> (EC Habitats Directive, adopted in 1992)  and <i>Conservation (Natural Habitats, &amp; c.) (Amendment) Regulations (Northern Ireland) 2007</i> (the 'Habitats Regulations')	The provisions of the Directive require Member States to introduce a range of measures including the protection of habitats and species listed in the Annexes; to create and maintain a network of protected sites known as "Natura 2000"; to undertake surveillance of habitats and species and produce a report every six years on the implementation of the Directive.	<b>Northern Ireland Environment Agency (NIEA)</b> (Countryside Designation and Protection - CDP)	A 'test of likely significance' acts as a coarse filter for all proposed plans and projects which are not directly connected with or necessary to the management of the site.  This will ensure that plans and projects likely to have a significant effect are subject to appropriate assessment.
<b>Special Protection Areas (SPAs) – a Natura 2000 site</b>	<i>Council Directive 79/409/EEC on the conservation of wild birds</i> (Birds Directive, adopted in 1979)  and <i>Conservation (Natural Habitats, &amp; c.) (Amendment) Regulations (Northern Ireland) 2007</i> (the 'Habitats Regulations')	The Directive provides a framework for the conservation and management of, and human interactions with, wild birds in Europe.	<b>NIEA</b> (Natural Heritage)  Klondyke Building Gasworks Ormeau Road Belfast, BT7 2JA Tel: 90251477  www.ni-environment.gov.uk	<ul style="list-style-type: none"> <li>consult European Commission guidance documents (see below)</li> <li>undertake 'test of likely significance'</li> <li>if necessary, undertake appropriate assessment</li> <li>contact NIEA to consult at each stage of the process (CDP)</li> </ul>
<b>Ramsar</b>	An international convention (that does not have supporting legislation).	The convention seeks to protect wetlands for their value and for the species which they support.	<i>See note across</i>	Sites with Ramsar designation will likely have European protection therefore follow those requirements

### Precautionary Principle

A plan or project may be granted authorisation only on the condition that the competent authority is certain that it will not have (significant) adverse effects on the integrity of the Natura 2000 site. That is so where no reasonable scientific doubt remains as to the absence of such effects.

### Useful links and documents:

- Information on European sites can be found on the Joint Nature Conservation Committee's (JNCC) web site at [www.jncc.gov.uk](http://www.jncc.gov.uk)
- European Commission, 2000. 'Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC'.
- European Commission, 2002. 'Assessment of plans and projects significantly affecting Natura 2000 sites: methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC'.

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<b>Domestic Designations</b>				
<b>Areas of Special Scientific Interest (ASSIs)</b>	<i>The Environment (Northern Ireland) Order 2002, Part IV</i>	SACs and SPAs are primarily protected by the Habitats Regulations and most are underpinned by declaring the site as an ASSI. This provides specific legislative protection and places further obligations on public bodies (e.g. Translink).  In all cases SACs and SPAs are also protected by wider countryside measures and other legislation such as The Planning Order.	<b>NIEA</b> (CDP)	Consult the relevant declaration particularly 'notifiable operations' and where necessary, seek consent from NIEA.  ASSI presence will also be considered in planning permission process.
<b>Protection of range of species.</b>	<i>The Wildlife (Northern Ireland) Order 1985</i> (out for consultation to 6th June 2008)	Provides statutory protection to wild birds, wild plants and wild animals.  Covers range of issues but see Schedules 1, 5 and 8 for protected species	<b>NIEA</b> (Biodiversity Unit)	Commission survey if thought protected species present.  e.g. avoid scrub clearance or hedgerow cutting during nesting season 1st March – 31st August.
<b>Tree Preservation Orders (TPOs)</b>	<i>The Planning (Northern Ireland) Order 1991, Part V</i> (Tree Preservation Orders)	A TPO can protect individual trees, a group of trees or woodlands which add to the character and appearance of an area.  This order prohibits the cutting down, lopping, topping or willful destruction of trees without obtaining permission from the Planning Service.	<b>Planning Service HQ</b>  Clarence Court 10-18 Adelaide Street Belfast, BT2 8GB Tel: 028-90540540  www.doeni.gov.uk	Contact the relevant divisional planning office to discuss work that will impact upon a TPO.
<b>Listed buildings and structures</b>	<i>Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995</i>	Consent must be obtained if proposing to carry out repairs, alterations or demolition or to construct an extension which would affect the character of a listed building inside or out.	<b>NIEA</b> (Built Heritage)  Waterman House 5-33 Hill Street Belfast, BT1 2LA Tel: 028 90543095  www.ni-environment.gov.uk	Buildings and structures are important opportunities for some species, for example bats where they may provide roosts/hibernation sites. All bats receive full European protection – expert advice must be sought if it is suspected that bats are present-consult with NIEA at the outset.

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