EXPLANATORY MEMORANDUM TO

The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2026

S.R. 2026 No. 116

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Section 14(1), (2) and (7) of the Retained EU Law (Revocation and Reform) Act 2023 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the statutory rule is to to amend The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 to align the designation of marine Special Protection Areas (SPAs) and marine Special Areas of Conservation (SACs) to the same procedure as designating Marine Conservation Zones (MCZs) in the Marine Act (Northern Ireland) 2013, and DAERA's responsibility for the management and monitoring of European marine sites in the NI inshore region.

3. Background

3.1. The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, as amended, (the 1995 regulations), transpose the Habitats and Birds Directives which provide a legislative framework to protect the EU's most valuable and threatened biodiversity. These Directives are assimilated law and the regulations perform an important role in protecting and restoring Northern Ireland's biodiversity. The regulations apply to the NI land area and the inshore region (tidal waters and parts of the sea in or adjacent to Northern Ireland up to the seaward limits of territorial waters).

3.2. Whilst nature conservation is a devolved matter, the foreshore and the sea bed and subsoil and their natural resources is reserved. In practice, DAERA has been responsible for identifying potential SACs and SPAs, and undertaking public consultations on proposed designations within the inshore region. The Secretary of State's (SoS) agreement was obtained prior to public consultation and again at the formal designation stage.

3.3. Upon review of the 1995 regulations it was also identified that a drafting error during EU exit amendments had resulted in the SoS being omitted from the SAC designation process.

3.4. This statutory rule makes other minor amendments required to ensure the role of the SoS reflects that DAERA is responsible for management and monitoring of European marine sites in the NI inshore region.

3.5. These amendments are made under section 14 of the Retained EU Law (Revocation and Reform) Act 2023 and reflect long standing roles and responsibilities in designating marine protected areas.

4. Consultation

4.1. No consultation required as this proposed Statutory Rule makes only technical changes.

5. Equality Impact

5.1. In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications have been assessed. The Department considers that the Statutory Rule will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been prepared for this Statutory Rule as it has no impact in terms of costs on businesses, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

7.1. There will be no financial implications for the Department.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Statutory Rule complies fully with the provisions of section 24 of the Northern Ireland Act 1998, as amended by the European Union (Withdrawal) Act 2018.

9. EU Implications

9.1. There are no EU implications associated with this Statutory Rule.

10. Parity or Replicatory Measure

10.1. This stautory rule will ensure parity with other UK devolved administrations.

11. Additional Information

11.1. N /A.