

ENVIRONMENT (NORTHERN IRELAND) ORDER 2002

S.I. 2002 No. 3153 (N.I. 7)

EXPLANATORY MEMORANDUM

OPTIONS CONSIDERED

39. Three options were considered. The first was a “do nothing” option but this was discounted. The existing legislation is deficient in a number of key areas such as measures to avoid damage or deterioration to ASSIs from activities undertaken by landowners or the problems arising from third parties. Fines are also considered inadequate and an ineffective deterrent to protecting the integrity of sites. There could be an adverse impact on biodiversity and the Department’s ability to meet its European and International commitments.
40. The second option was a fundamental overhaul of existing legislation to include other nature conservation issues such as wildlife protection and marine conservation. This would be an extremely long and time consuming process leaving sites vulnerable until such time as the new legislation would come into effect. In addition, the Department must ensure compliance as expeditiously as possible with its legislative requirements on European designated sites by improving Northern Ireland legislation on ASSIs and subsequently amending the Regulations that transpose the EC Habitats Directive.
41. The third option was to introduce measures designed solely to ensure more effective protection and management ASSIs. The provisions of Part IV which were finalised following the extensive consultation process will secure that aim in addition to maximising the value of habitats and related species, assisting the delivery of biodiversity targets for Northern Ireland and helping fulfil EC and international obligations.