

Appendix 1

Duty to conserve biodiversity

1—(1) It is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

(2) In complying with subsection (1), a public body must in particular have regard to any strategy designated under section 2(1).

(3) Conserving biodiversity includes—

- (a) in relation to any species of flora or fauna, restoring or enhancing a population of that species;
- (b) in relation to any type of habitat, restoring or enhancing the habitat.

(4) The Department must issue guidance containing recommendations, advice and information for the assistance of public bodies in complying with the duty under subsection (1).

(5) In this section “public body” means—

- (a) a Northern Ireland department;
- (b) a district council;
- (c) a statutory undertaker within the meaning of the Planning (Northern Ireland) Order 1991 (NI 11);
- (d) any other body established or constituted under a statutory provision.

The biodiversity strategy

2—(1) The Department must designate one or more strategies for the conservation of biodiversity (whether prepared by the Department or by one or more other persons).

(2) The Department must publish any strategy so designated.

(3) A strategy so designated may include different provision for different cases or types of case.

(4) The Department must—

- (a) not later than 5 years after the coming into operation of subsection (1), and
- (b) at least once in every period of 5 years thereafter,

publish a report regarding the implementation of any strategy designated under that subsection.

Biodiversity lists

3—(1) The Department must publish a list of the species of flora and fauna and types of habitat which in the Department's opinion are of principal importance for the purpose of conserving biodiversity.

(2) The Department must—

- (a) keep under review any list published under this section;

- (b) make such revisions of any such list as appear to the Department appropriate; and
- (c) publish any list so revised as soon as reasonably practicable after revising it.

(3) Without prejudice to section 1(1) and (2), a public body must—

(a) take such steps as appear to the body to be reasonably practicable to further the conservation of the species of flora and fauna and types of habitat included in any list published under this section; or

(b) promote the taking by others of such steps.

(4) In this section “public body” has the same meaning as in section 1.