STATUTORY RULES OF NORTHERN IRELAND

2017 No. 81

ENVIRONMENTAL PROTECTION

The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017

Made - - - -	*28th April 2017*
Coming into operation	*22nd May 2017*

The Department of Agriculture, Environment and Rural Affairs being a department designated [F1] in relation to the environment for the purposes of section 2(2) of the European Communities Act 1972 [F2], makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

F1 S.I. 2008/301; to which there are amendments not relevant to these Regulations
F2 1972 c.68

Modifications etc. (not altering text)
C1 Regulations power to amend or modify conferred (9.1.2022 for specified purposes, 28.2.2022 in so far as not already in force for N.I.) by Environment Act 2021 (c. 30), **ss. 89**, 147(2)(l)(6) (with s. 144); S.R. 2022/54, art. 2(1)(n)
C2 Regulations power to amend or modify conferred (28.2.2022) by Environment Act 2021 (c. 30), **ss. 91**, 147(6) (with s. 144); S.R. 2022/54, art. 2(1)(o)

PART 1

Introductory

Citation, commencement and application

1. These Regulations–

(a) may be cited as the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 and shall come into operation on 22nd May 2017; and

(b) shall apply only in relation to river basin districts identified in accordance with regulation 4(1).

Interpretation

2.—(1) In these Regulations—

"artificial or heavily modified body of surface water" means a body of water designated as artificial or heavily modified in accordance with regulation 15;

"body of water" means a body of groundwater or a body of surface water;

"drinking water protected area" means an area of water identified in accordance with regulation 8;

"environmental objectives", in relation to the river basin district and the part of each international river basin district falling within Northern Ireland, means the objectives set under regulation 12 in accordance with regulation 13;

"international river basin district" means a river basin district lying partly in Northern Ireland and partly in the Republic of Ireland;

"Northern Ireland" has the meaning given by section 98 of the Northern Ireland Act 1998 [F3];

"principal offices" means the offices of the Department at 17 Antrim Road, Tonagh, Lisburn, BT28 3AL;

"programme of measures", in relation to the river basin district and the part of the international river basin district falling within Northern Ireland, means the programme of measures established under regulation 12 in accordance with regulation 20;

"protected area" means an area included on a register in accordance with regulation 10;

"public body" includes Northern Ireland departments, district councils and statutory undertakers, any body established or constituted under a statutory provision and any persons or body who, as a public body and not for their own profit, act under any statutory provision for the improvement of any place or the production or supply of any commodity or service;

"relevant functions" means functions under these Regulations and, so far as material, the enactments listed in Schedule 2;

"river basin district" means the area of land and sea identified by regulation 4(1), made up of a river basin or neighbouring river basins, together with associated groundwater, transitional waters and coastal water, being the main unit for the management of river basins for the purposes of the Directive;

"river basin management plan" means a plan to which Part 6 applies;

"shellfish" means any bivalve or gastropod mollusc;

"shellfish water objectives" means the objectives referred to in regulation 13(4);

"shellfish water protected area" means an area of water designated in accordance with regulation 9;

"status", in relation to a body of water, is a reference to its surface water status or groundwater status (as the case may be);

"the 2003 Regulations" means the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003 [F4];

"the Department" means the Department of Agriculture, Environment and Rural Affairs;

"the Directive" means Directive 2000/60/EC[F5] of the European Parliament and of the Council of 23rd October 2000 establishing a framework for Community action in the field of water policy as last amended by Commission Directive 2014/101/EU [F6];

"the EQS Directive" means Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy [F7] as amended by Directive 2013/39/EU of the European Parliament and of the Council [F8];

"the Groundwater Directive" means Directive 2006/118/EEC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration [F9] as amended by Commission Directive 2014/80/EU [F10];

"the table of priority substances" means the table in Part A of Annex I to the EQS Directive;

"water undertaker" has the same meaning as "relevant undertaker" in the Water and Sewerage Services Order (Northern Ireland) 2006 [F11].

(2) Expressions used in both these Regulations and the Directive and which are listed in Schedule 1 have the meaning given there.

(3) Expressions used in both these Regulations and the Directive and not otherwise defined in these Regulations have the same meaning for the purposes of these Regulations as they do for the purposes of the Directive.

(4) The Interpretation Act (Northern Ireland) 1954 [F12] shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

[[F13](5) For the purposes of these Regulations, references to the Directive, the Groundwater Directive and the EQS Directive, or a provision of one of those Directives, are to be read in accordance with Schedule 5 (Modifications of Directives).**]**

F3 1998 c. 47
F4 S.R. 2003 No. 544
F5 OJ L327, 22.12.2000, p.1-73
F6 OJ L311, 31.10.2014, p.32
F7 OJ L348, 24.12.2008, p.84
F8 OJ L226, 24.08.2013, p.1
F9 OJ L372, 27.12.2006, p.19
F10 OJ L182, 21.06.2014, p.52-55
F11 S.I. 2006 No. 3336 (N.I. 21)
F12 1954 c.33 (N.I.)
F13 Reg. 2(5) inserted (31.12.2020) by The Water (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/112), regs. 1(1), **12(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Duties on Departments

3.—(1) The Department and the Department for Infrastructure must exercise their relevant functions in a manner which secures compliance with the requirements of the Directive, the EQS Directive and the Groundwater Directive.

(2) Without prejudice to the generality of paragraph (1), the Department must determine an authorisation so as, in particular—

(a) to prevent deterioration of the surface water status or groundwater status of a body of water (subject to the application of regulations 18 and 19); and

(b) otherwise to support the achievement of the environmental objectives set for a body of water (subject to the application of regulations 16 to 19).

(3) In paragraph (2) "determine an authorisation" means decide whether to grant, vary or revoke or impose conditions (and if so which conditions) on—

(a) a consent issued under the Water (Northern Ireland) Order 1999 [F14];

(b) an authorisation under the Groundwater Regulations (Northern Ireland) 2009 [F15];

(c) a licence issued under the Waste Management Licensing Regulations (Northern Ireland) 2003 [F16];

(d) a permit issued under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 [F17];

(e) a registration or authorisation under the Radioactive Substances Act 1993 [F18];

(f) a licence for an abstraction or impoundment under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 [F19].

(4) In exercising its relevant functions, the Department must ensure that the requirements of the Directive for the achievement of its environmental objectives are co-ordinated and must, in particular—

(a) ensure that the programme of measures is co-ordinated for the whole of the river basin district; and

(b) consult the relevant competent authority in the Republic of Ireland to ensure co-ordination of the programme of measures for the whole of each international river basin district.

F14 S.I. 1999/662 (N.I. 6)
F15 S.R. 2009 No. 254
F16 S.R. 2003 No.493
F17 S.R. 2013 No.160
F18 1993 c.12
F19 S.R. 2006 No. 482

PART 2

River basin districts and water bodies

River basin district and international river basin districts

4.—(1) For the purposes of these regulations, the area shown on the official map and named as "North Eastern" is identified as a river basin district and the areas shown on the official map and named as "Neagh Bann", "North Western" and "Shannon" are identified as international river basin districts.

(2) The Department must publish the official map on its website.

(3) The Department must make the official map available to the public at its principal offices.

(4) In this regulation, "the official map" means the map of river basin districts produced by the Department and published on its website.

Characterisation of river basin district and international river basin districts

5.—(1) The Department must maintain and periodically review and (if necessary) update, in accordance with Annex II to the Directive (characterisation of waters)—

(a) an analysis of the characteristics of each river basin district and the part of each international river basin district falling within Northern Ireland; and

(b) a review of the impact of human activity on the status of surface water and groundwater in the river basin district and the part of each international river basin district falling within Northern Ireland.

(2) A review and any update must be done—

(a) by 22nd December 2019; and

(b) subsequently, by 22nd December of the sixth year following that date and of each sixth year following that.

(3) In relation to a review of the characteristics of each river basin district and part of each international river basin district falling within Northern Ireland in accordance with paragraph 1(a), the Department must include in the relevant river basin management plan an explanation of the approach taken to the use of System A or B in paragraphs 1.1 and 1.2 to 1.2.4 (characterisation of surface water body types) of Annex II to the Directive.

Classification of water bodies

6. The Department must classify the status of bodies of water in accordance with Annex V to the Directive.

Economic analysis of water use in river basin district and international river basin districts

7.—(1) The Department must maintain and periodically review and (if necessary) update, in accordance with Annex III to the Directive (economic analysis), an economic analysis of water use in the river basin district and the part of each international river basin district falling within Northern Ireland.

(2) A review and any update must be done—

(a) by 22nd December 2019; and

(b) subsequently, by 22nd December of the sixth year following that date and of each sixth year following that.

(3) The Department for Infrastructure must, in accordance with a timetable established by the Department—

(a) provide the Department with so much of the information specified in paragraph (a) of Annex III to the Directive as relates to its functions;

(b) review and, if necessary, update that information; and

(c) provide any such updated information to the Department.

PART 3

Protected areas

Bodies of water used for the abstraction of drinking water

8.—(1) The Department and the water undertaker, acting jointly, must identify any body of water (a "drinking water protected area") within the river basin district and the part of each international river basin district falling within Northern Ireland which—

(a) is used for the abstraction of water intended for human consumption and either—

(i) provides more than 10 cubic metres of water per day as an average; or

(ii) serves more than 50 persons; or

(b) is intended to be used for the future abstraction of water intended for human consumption to the extent referred to in sub-paragraph (a)(i) or (ii).

(2) For each drinking water protected area, the programme of measures for the river basin district and the part of each international river basin district falling within Northern Ireland within which the body of water is located must include measures with the aim of avoiding deterioration in the