STATUTORY RULES OF NORTHERN IRELAND

2003 No. 544

EUROPEAN COMMUNITIES ENVIRONMENTAL PROTECTION

The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003

Made - - - -	*22nd December 2003*
Coming into operation	*12th January 2004*

The Department of the Environment, being a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to water resources, acting in exercise of the powers conferred upon it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003 and shall come into operation on 12th January 2004.

Interpretation

2.—(1) In these Regulations –

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

"the Department" means the Department of the Environment;

"the Directive" means Directive 2000/60/EC 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 amended(**3**);

"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 required to comply with Article 4 of the Directive (environmental objectives) including any objectives

(**1**) S.I.2003/2901
(**2**) 1972 c. 68
(**3**) O.J. No. L327, 22.12.2000, p. 1; amended by Decision 2455/2001/EC of the European Parliament and of the Council of 20th November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC (O.J. No. L331, 15.12.2001, p. 1)

required to comply with Article 7(2) and (3) of the Directive (waters used for the abstraction of drinking water);

"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(**4**);

"programme of measures", in relation to the river basin district and the part of each international river basin district falling within Northern Ireland, means the programme of measures required to comply with Article 11(2) to (6) of the Directive (programme of measures);

"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;

"the relevant place" means the offices of the Department at Calvert House, 23 Castle Place, Belfast, BT1 1FY; and

"river basin district" means the area of land and sea, 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.

(2) Any expression used in both these Regulations and the Directive and not otherwise defined in these Regulations has the same meaning for the purposes of these Regulations as it has for the purposes of the Directive, and the definitions contained in the Directive of expressions used in these Regulations are set out in Schedule 1 (references in those definitions to an Annex or an Article being to an Annex to, or an Article of, the Directive).

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

General duties

3.—(1) The Department, the Department of Agriculture and Rural Development, the Department of Culture, Arts and Leisure and the Department for Regional Development shall exercise their relevant functions in a manner which secures compliance with the requirements of the Directive.

(2) In exercising its relevant functions, the Department shall ensure that the requirements of the Directive for the achievement of its environmental objectives are co-ordinated and shall, 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.

(3) In this regulation, "relevant functions" means functions under these Regulations and, so far as material, the enactments listed in Parts 1 and 2 of Schedule 2.

River basin district and international river basin districts

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

(**4**) 1998 c. 47
(**5**) 1954 c. 33 (N.I.)

(2) The Department shall ensure that –

(a) the deposited map is available at the relevant place for public inspection at all reasonable times; and

(b) copies of the deposited map are available to the public through the Department's website.

(3) In this regulation, "the deposited map" means the map and related information recorded on the CD-ROM which is –

(a) entitled "River Basin District and International River Basin Districts (Northern Ireland) 2003"; and

(b) deposited at the relevant place.

Characterisation of river basin district and international river basin districts

5.—(1) The Department shall, in accordance with Annex II to the Directive and by 22nd December 2004 –

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

(b) conduct 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) The results of the analysis and review required by paragraph (1) shall be periodically reviewed and updated initially by 22nd December 2013 and thereafter by each sixth anniversary of that date.

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

6.—(1) The Department shall ensure that an economic analysis of water use in the river basin district and the part of each international river basin district falling within Northern Ireland is carried out in accordance with Annex III to the Directive by 22nd December 2004.

(2) The Department shall ensure that the analysis required by paragraph (1) is periodically reviewed and updated initially by 22nd December 2013 and thereafter by each sixth anniversary of that date.

(3) The Department for Regional Development shall, 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.

Bodies of water used for the abstraction of drinking water

7.—(1) The Department and the Department for Regional Development, acting jointly, shall identify any bodies of water within the river basin district and the part of each international river basin district falling within Northern Ireland which –

(a) are used to abstract water intended for human consumption and either –

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

(ii) serve more than 50 persons; or

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

(2) In this regulation, "water intended for human consumption" has the same meaning as in Council Directive 80/778/EC of 15th July 1980 relating to the quality of water intended for human consumption, as amended(**6**).

Register of protected areas

8.—(1) The Department shall prepare a register of the protected areas lying (whether wholly or partly) within the river basin district and the part of each international river basin district falling within Northern Ireland.

(2) In this regulation, "protected area" means –

(a) a body of water which has been identified under regulation 7; and

(b) the areas and bodies of water for the time being designated or otherwise identified as requiring special protection under any Community instrument providing for the protection of surface water and groundwater or for the conservation of habitats or species directly depending on water, or any enactment implementing such a Community instrument, including, in particular –

(i) areas designated for the protection of economically significant aquatic species;

(ii) bodies of water designated as recreational waters;

(iii) nutrient-sensitive areas; and

(iv) areas designated for the protection of habitats or species where the maintenance or improvement of the status of water is an important factor in the protection of the habitats or species.

(3) The register referred to in paragraph (1) shall –

(a) be completed by 22nd December 2004; and

(b) thereafter be kept under review and up to date.

Monitoring

9.—(1) The Department shall –

(a) establish programmes for monitoring water status in order to establish a coherent and comprehensive overview of water status within the river basin district and the part of each international river basin district falling within Northern Ireland; and

(b) take such other action as is necessary to give effect to the relevant monitoring provisions of the Directive.

(2) The monitoring programmes shall cover –

(a) in relation to surface water –

(i) the volume and level or rate of flow to the extent relevant to ecological and chemical status and ecological potential; and

(ii) ecological and chemical status and ecological potential; and

(b) in relation to groundwater, chemical and quantitative status.

(3) The monitoring programmes shall be made operational by 22nd December 2006.

(4) The relevant monitoring provisions of the Directive referred to in paragraph (1)(b) are set out in the following provisions of Annex V to the Directive –

(a) points 1.3 to 1.3.6 (monitoring of ecological status and chemical status for surface waters);

(**6**) O.J. No. L229, 30.8.80, p. 11; amended by Council Directive 98/83/EC of 3rd November 1998 on the quality of water intended for human consumption (O.J. No. L330, 5.12.98, p.32)

(b) points 1.4 to 1.4.3 (classification and presentation of ecological status, chemical status and ecological potential);

(c) points 2.2 to 2.2.4 (monitoring of groundwater quantitative status);

(d) points 2.4 to 2.4.4 (monitoring of groundwater chemical status); and

(e) points 2.4.5 and 2.5 (interpretation and presentation of groundwater status).

Recovery of costs for water services and provision of incentives for efficient water use

10.—(1) The Department and the Department for Regional Development shall, in accordance with Article 9 of the Directive and by 1st January 2010, ensure –

(a) that water pricing policies provide adequate incentives for users to use water resources efficiently; and

(b) an adequate contribution of the different water uses, disaggregated into at least industry, households and agriculture, to the recovery of the costs of water services, based on the economic analysis required under regulation 6 and taking account of the polluter pays principle.

(2) The Department shall provide the Department for Regional Development with any information relating to the environment which may reasonably be required to carry out its functions under this regulation.

(3) The Department for Regional Development shall –

(a) on a request being made by the Department, provide the Department with information on the steps it proposes to take in pursuance of its duties under paragraph (1); and

(b) for the purposes of Article 9(4) of the Directive, inform the Department of any decision taken under that Article and provide the Department with a statement of the reasons for that decision.

Environmental objectives and programmes of measures

11.—(1) For the purposes of the river basin management plan required by regulation 12, the Department shall prepare proposals for –

(a) environmental objectives for the river basin district and the part of each international river basin district falling within Northern Ireland; and

(b) a programme of measures to be applied in order to achieve those objectives.

(2) In preparing proposals under paragraph (1), the Department shall –

(a) take into account the analyses carried out under regulations 5 and 6 (and any updated analyses); and

(b) take such steps as it considers appropriate to –

(i) publicise its proposals;

(ii) provide opportunities for the general public and those persons and bodies likely to be interested in or affected by its proposals to participate in discussion and the exchange of information or views in relation to them; and

(iii) consult the persons and bodies referred to in sub-paragraph (b)(ii) on those proposals.

(3) The Department shall ensure that –

(a) for the river basin district and the part of each international river basin district falling within Northern Ireland, a programme of measures is –

(i) established by 22nd December 2009;