
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 544

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

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⁽¹⁾;

“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 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⁽²⁾;

“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.

(1) 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)

(2) [1998 c. 47](#)

(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(3) 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.

(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⁽⁴⁾.

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;

(4) 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)

- (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);
 - (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;
 - (ii) made operational by 22nd December 2012; and
 - (iii) periodically reviewed and, where appropriate, updated initially by 22nd December 2015 and thereafter by each sixth anniversary of that date; and
 - (b) in relation to a programme of measures that is updated under sub-paragraph (a)(iii), any new or revised measures are made operational within three years of that updating.

River basin management plans

12.—(1) The Department shall prepare a river basin management plan for the river basin district and shall ensure co-ordination with the relevant competent authority in the Republic of Ireland with the aim of producing a single plan for the whole of each international river basin district.

(2) Where it appears to the Department that a single plan for an international river basin district cannot be produced, the Department shall prepare a river basin management plan for the part of the international river basin district falling within Northern Ireland.

- (3) A river basin management plan shall –
 - (a) relate to such period as the Department may determine, except in the case of a single plan for an international river basin district where it shall relate to such period as the Department may determine in consultation with the relevant competent authority in the Republic of Ireland; and

- (b) include the information specified in the relevant provisions of the Directive.
- (4) A determination under paragraph (3)(a) shall be published by the Department –
 - (a) in the Belfast Gazette; and
 - (b) at least once in each of two successive weeks in one or more newspapers circulating in the river basin district or the part of the international river basin district to which the determination relates.
- (5) The relevant provisions of the Directive for the purposes of this regulation are –
 - (a) Article 9(2) and (4) (recovery of the costs of water services);
 - (b) Annex II, point 1.3(vi) (exclusion of elements from the assessment of ecological status);
 - (c) the following provisions of Annex V –
 - (i) points 1.3 and 1.3.4 (confidence and precision in monitoring surface water);
 - (ii) point 2.4.1 (confidence and precision in monitoring groundwater); and
 - (iii) points 2.4.5 and 2.5 (presentation of monitoring results for groundwater); and
 - (d) Annex VII, Part A (elements to be covered in river basin management plans).

River basin management plans: public participation

- 13.—**(1) The Department shall in respect of the production of a river basin management plan –
- (a) not less than three years before the beginning of the plan period, publish a timetable and work programme for the production of the plan, including a statement of the consultation measures to be taken;
 - (b) not less than two years before the beginning of the plan period, publish an interim overview of the significant water management issues which it considers arise for consideration in relation to the river basin district and the part of each international river basin district falling within Northern Ireland; and
 - (c) not less than one year before the beginning of the plan period, publish a draft plan.
- (2) The Department shall ensure co-ordination with the relevant competent authority in the Republic of Ireland with the aim of producing a single draft plan for each international river basin district.
- (3) Where a single draft plan is not produced for an international river basin district, the Department shall publish a draft plan for the part of the international river basin district falling within Northern Ireland.
- (4) The Department shall publish the background documents in a manner calculated to bring them to the attention of persons and bodies likely to be affected by them and, in particular, shall –
- (a) make copies of each document accessible to the public free of charge at the relevant place and through the Department’s website;
 - (b) publish a notice –
 - (i) stating the fact of publication;
 - (ii) specifying the arrangements made for making copies of the document published available for public inspection; and
 - (iii) stating that any person may make representations to the Department in relation to the document published;
 - (c) consult the persons and bodies referred to in paragraph (6);

- (d) take such steps as it considers appropriate to provide opportunities for the general public and the persons and bodies referred to in paragraph (6) to participate in discussion and the exchange of information or views in relation to the preparation of the draft plan; and
 - (e) invite the public and the persons and bodies referred to in paragraph (6) to make representations in relation to the draft plan.
- (5) A notice required by paragraph (4)(b) shall be published –
- (a) in the Belfast Gazette; and
 - (b) at least once in each of two successive weeks in one or more newspapers circulating in the river basin district or the part of the international river basin district to which the plan relates.
- (6) The persons and bodies to be consulted are –
- (a) the Northern Ireland Water Council;
 - (b) the Council for Nature Conservation and the Countryside;
 - (c) each district council any part of whose area is within the river basin district or the part of an international river basin district falling within Northern Ireland;
 - (d) the harbour authority for each harbour in the river basin district or the part of an international river basin district falling within Northern Ireland;
 - (e) the Department of Agriculture and Rural Development;
 - (f) the Department of Culture, Arts and Leisure;
 - (g) the Department for Regional Development;
 - (h) such persons or bodies as appear to the Department in relation to the river basin district and the part of each international river basin district falling within Northern Ireland –
 - (i) to be representative of the interests of those carrying on any business which relies upon the water environment;
 - (ii) to have an interest in the protection of the water environment; or
 - (iii) to have an interest in the promotion of flood management; and
 - (i) such other persons or bodies as the Department considers appropriate.
- (7) The Department shall take into account any representations relating to each of the background documents which are received by the Department within a period of six months beginning with the date of publication of the document or such longer period as the Department may allow.
- (8) In this regulation –
- (a) “the background documents” means the timetable and work programme including the statement of consultation measures, the interim overview and the draft plan mentioned in paragraph (1);
 - (b) “harbour” and “harbour authority” have the meanings given by section 38 of the Harbours Act (Northern Ireland) 1970(5); and
 - (c) “the plan period”, in relation to a plan, means the period to which a river basin management plan relates as determined under regulation 12(3)(a).

(5) 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)

River basin management plans: publication

14.—(1) The Department shall ensure that a river basin management plan is published for the river basin district and the part of each international river basin district falling within Northern Ireland (or, as the case may be, a single plan) by 22nd December 2009.

- (2) As soon as a river basin management plan is published, the Department shall –
- (a) take such steps as it considers appropriate for the purpose of bringing the plan to the attention of the general public and those persons and bodies likely to be interested in or affected by it and, in particular, shall –
 - (i) make copies of the plan accessible to the public free of charge at the relevant place and through the Department’s website; and
 - (ii) publish a notice specifying the arrangements made for making copies of the plan accessible to the public;
 - (b) publish a statement of the steps taken by the Department to comply with regulation 13(4), so far as they relate to the draft plan; and
 - (c) publish a summary of the representations referred to in regulations 13(4)(b)(iii) and 13(7) and any changes made to the plan in light of those representations.
- (3) A notice required under paragraph (2)(a)(ii) shall be published –
- (a) in the Belfast Gazette; and
 - (b) at least once in each of two successive weeks in one or more newspapers circulating in the river basin district or the part of the international river basin district to which the plan relates.

River basin management plans: review

15.—(1) The Department shall ensure that each river basin management plan is periodically reviewed and where appropriate updated, initially by 22nd December 2015 and thereafter by each sixth anniversary of that date.

(2) The Department shall ensure co-ordination with the relevant competent authority in the Republic of Ireland for the purposes of reviewing and updating a single plan for an international river basin district by the dates mentioned in paragraph (1).

(3) An updated river basin management plan shall include the information specified in Part B of Annex VII to the Directive (additional information for inclusion in updated river basin management plans) in addition to the matters required to be included by regulation 12(3)(b) and (5).

(4) The Department shall publish an updated river basin management plan by the dates mentioned in paragraph (1) and regulations 12(3)(a) and (4), 13 and 14(2) and (3) shall apply in relation to the preparation and publication of an updated river basin management plan as if references to a river basin management plan included a reference to an updated river basin management plan.

Supplementary plans

16.—(1) The Department may publish supplementary plans for the purpose of supplementing a river basin management plan.

- (2) A plan published under paragraph (1) may, for example, relate to –
- (a) a particular description of body of water;
 - (b) a particular catchment or geographical area;
 - (c) a particular matter relating to, or aspect of, the water environment; or
 - (d) a particular description of user of water resources.

(3) Where a plan prepared under paragraph (1) supplements a single plan for the whole of an international river basin district, the Department shall consult the relevant competent authority in the Republic of Ireland and may, where appropriate, publish a single supplementary plan.

(4) The Department shall, in preparing a supplementary plan, consult such of the persons and bodies referred to in regulation 13(6) and such other persons or bodies likely to be interested in or affected by that plan as it considers appropriate, and shall take into account any views expressed by those consulted.

Duty to have regard to river basin management plans and supplementary plans

17. The Department and each public body shall, in exercising their functions so far as affecting the river basin district or the part of an international river basin district falling within Northern Ireland, have regard to –

- (a) the river basin management plan for that district; and
- (b) any supplementary plan published under regulation 16.

Publication of information

18.—(1) The Department shall make accessible to the public at the relevant place –

- (a) the results of the analysis and review conducted under regulation 5 (characterisation of river basin district and international river basin districts);
- (b) maps showing bodies of water identified under regulation 7 (bodies of water used for the abstraction of drinking water);
- (c) the register prepared under regulation 8 (register of protected areas);
- (d) the results of the programmes established under regulation 9 (monitoring);
- (e) the programmes of measures established under regulation 11 (environmental objectives and programmes of measures); and
- (f) any supplementary plan published under regulation 16 (supplementary plans).

(2) The Department shall make accessible to the public at the relevant place and through the Department's website the results of the analysis conducted under regulation 6 (economic analysis of water use in river basin district and international river basin districts).

Provision of information and assistance by public bodies

19. A public body shall, on being requested to do so by the Department, provide the Department with such information in its possession or under its control and such assistance as the Department may reasonably seek in connection with the exercise of any of the Department's functions under these Regulations.

Guidance to public bodies

20. The Department may give guidance to any public body on the implementation of the Directive, and the body to whom guidance is issued shall have regard to it.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Sealed with the Official Seal of the Department of the Environment on 22nd December 2003.

L.S.

Judena Goldring
A senior officer of the
Department of the Environment