

SCHEDULE 1

Regulation 2(2)

Directive definitions

- 1.—(1) In the definitions in paragraph (2) (which derive from the Directive)—
- (a) a reference to an Article or Annex is a reference to an Article or Annex of the Directive (unless otherwise specified);
 - (b) a reference to a regulation is a reference to a regulation in these Regulations.
- (2) The definitions are—
- “aquifer” means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater.
- “body of groundwater” means a distinct volume of groundwater within an aquifer or aquifers.
- “body of surface water” means a discrete and significant element of surface water such as a lake, a reservoir, a stream, river or canal, part of a stream, river or canal, a transitional water or a stretch of coastal water.
- “coastal water” means surface water on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters is measured, extending where appropriate up to the outer limit of transitional waters.
- “direct discharge of pollutants into groundwater” means the discharge of pollutants into groundwater without percolation through the soil or subsoil.
- “ecological status” is an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters, classified in accordance with Annex V.
- “good ecological potential” means the status of a heavily modified or artificial water body classified as such in accordance with the relevant provisions of Annex V.
- “good ecological status” means the status of a body of surface water classified as such in accordance with the relevant provisions of Annex V.
- “good groundwater status” means the status of a body of groundwater when both its chemical and quantitative status are at least good.
- “good groundwater chemical status” means the chemical status of a body of groundwater which meets all the conditions set out in table 2.3.2 of Annex V;
- “good surface water status” means the status of a body of water when both its ecological and chemical status are at least good.
- “good surface water chemical status” means the chemical status required to meet the environmental objectives for surface water established in Article 4(1)(a) of the Directive, that is the chemical status achieved by a body of surface water in which concentrations of pollutants do not exceed the environmental quality standards established in Annex IX and under Article 16(7), and under other relevant EU legislation setting environmental quality standards at EU level.
- “groundwater” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.
- “groundwater status” is the general expression of the status of a body of groundwater, determined by the poorer of its quantitative status and its chemical status.
- “hazardous substances” means substances or groups of substances that are toxic, persistent and liable to bio-accumulate, and other groups of substances which give rise to an equivalent level of concern.

Status: This is the original version (as it was originally made).

“inland water” means all standing and flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of the territorial sea is measured.

“lake” means a body of standing inland surface water.

“pollutant” means any substance liable to cause pollution, including those listed in Annex VIII to the Directive.

“pollution” means the direct or indirect introduction, as a result of human activity, of substances or heat into the air, water or land which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems, which result in damage to material property, or which impair or interfere with amenities and other legitimate uses of the environment.

“priority substance” and “priority hazardous substance” means a substance identified as such in Annex I to the EQS Directive.

“quantitative status” is an expression of the degree to which a body of groundwater is affected by direct and indirect abstractions.

“river” means a body of inland water flowing for the most part on the surface of the land but which may flow underground for part of its course.

“river basin” means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta.

“surface water” means inland waters, except groundwater; transitional waters and coastal waters except in respect of chemical status for which it shall also include territorial waters.

“surface water status” means the status of a body of surface water, determined by the poorer of its ecological status and chemical status.

“transitional waters” are bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flows.

“water services” means all services which provide, for households, public institutions or any economic activity:

- (a) abstraction, impoundment, storage, treatment and distribution of surface water or groundwater;
- (b) waste-water collection and treatment facilities which subsequently discharge into surface water.

“water use” means water services together with any other activity identified under Article 5 and Annex II having a significant impact on the status of water.

SCHEDULE 2

Regulation 2(1)

Enactments in relation to which duties in regulation 3 apply

1. The Lough Neagh Drainage Acts (Northern Ireland) 1955 and 1970(1).
2. Fisheries Act (Northern Ireland) 1966(2).
3. Section 2(2) of the European Communities Act 1972(3).

(1) 1955 c.15 (N.I.) and 1970 c. 7 (N.I.)

(2) 1966 c.17 (N.I.)

(3) 1972 c.68

4. The Drainage (Northern Ireland) (Order) 1973**(4)**.
5. Part II of the Food and Environment Protection Act 1985**(5)**.
6. Part II of the Waste and Contaminated Land (Northern Ireland) Order 1997**(6)**.
7. The Water (Northern Ireland) Order 1999**(7)**.
8. The Environment (Northern Ireland) Order 2002**(8)**.
9. The Water and Sewerage Services (Northern Ireland) Order 2006**(9)**.
10. The Sludge (Use in Agriculture) Regulations (Northern Ireland) 1990**(10)**.
11. The Surface Waters (Abstraction for Drinking Water) (Classification) Regulations (Northern Ireland) 1996**(11)**.
12. The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (Northern Ireland) 2003**(12)**.
13. The Anti-Pollution Works Regulations (Northern Ireland) 2003**(13)**.
14. The Landfill Regulations (Northern Ireland) 2003**(14)**.
15. The Waste Management Licensing Regulations (Northern Ireland) 2003**(15)**.
16. The Protection of Water Against Agricultural Nitrate Pollution Regulations (Northern Ireland) 2004**(16)**.
17. The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2005**(17)**.
18. The Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006**(18)**.
19. The Urban Waste Water Treatment Regulations (Northern Ireland) 2007**(19)**.
20. The Water Supply (Water Quality) Regulations (Northern Ireland) 2007**(20)**.
21. The Quality of Bathing Water Regulations (Northern Ireland) 2008**(21)**.
22. The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009**(22)**.
23. Part 4 of the Marine and Coastal Access Act 2009 (marine licensing)**(23)**.

(4) S.I. 1973 No.69 (N.I. 1)

(5) 1985 c. 48

(6) S.I. 1997 No 2778 (N.I. 19)

(7) S.I. 1999 No. 662 (N.I. 6)

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

(9) S.I. 2006 No. 3336 (N.I. 21)

(10) S.R. 1990 No. 245

(11) S.R. 1996 No. 603

(12) S.R. 2003 No. 319

(13) S.R. 2003 No. 7

(14) S.R. 2003 No. 496

(15) S.R. 2003 No. 493

(16) S.R. 2004 No. 419

(17) S.R. 2005 No. 32.

(18) S.R. 2006 No. 482

(19) S.R. 2007 No. 187

(20) S.R. 2007 No. 147

(21) S.R. 2008 No. 231

(22) S.R. 2009 No. 252

(23) 2009 c. 23

24. The Private Water Supply Regulations (Northern Ireland) 2009**(24)**.
25. The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009**(25)**.
26. The Groundwater Regulations (Northern Ireland) 2009**(26)**.
27. The Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010**(27)**.
28. The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013**(28)**.
29. The Nitrates Action Programme Regulations (Northern Ireland) 2014**(29)**.
30. The Phosphorus (Use in Agriculture) Regulations (Northern Ireland) 2014**(30)**.
31. The Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015**(31)**.

SCHEDULE 3

Regulation 20(2)(a)

EU instruments for the protection of water

1. Council [Directive 91/271/EEC](#) concerning urban waste water treatment.
2. Council [Directive 91/676/EEC](#) concerning the protection of waters against pollution caused by nitrates from agricultural sources.
3. Council [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora.
4. Council [Directive 98/83/EC](#) on the quality of water intended for human consumption.
5. [Directive 2006/7/EC](#) of the European Parliament and of the Council concerning the management of bathing water quality.
6. [Directive 2006/118/EC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration.
7. [Directive 2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy.
8. [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds.
9. [Directive 2010/75/EU](#) of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control).
10. [Directive 2011/92/EU](#) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.
11. [Directive 2012/18/EU](#) of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances.

(24) S.R. 2009 No. 413
(25) S.R. 2009 No. 376
(26) S.R. 2009 No. 254
(27) S.R. 2010 No. 412
(28) S.R. 2013 No. 160
(29) S.R. 2014 No. 307
(30) S.R. 2014 No. 308
(31) S.R. 2015 No.351

SCHEDULE 4

Regulation 38

Consequential amendments

The Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015

1.—(1) The Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015⁽³²⁾ are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2(1)—

(a) omit the definition of “the 2003 Regulations”;

(b) before the definition of “biological boundary value” insert—

““the 2017 Regulations” means the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017;”;

(c) in the definition of “river basin district” for “the 2003 Regulations” wherever it appears substitute “the 2017 Regulations”;

(d) for the definition of “river basin management plan” substitute—

““river basin management plan” has the same meaning as in the 2017 Regulations;”;

(e) for the definition of “shellfish waters” substitute—

““shellfish waters” means a shellfish water protected area designated in accordance with regulation 9 of the 2017 Regulations;”;

(3) In regulation 2(2) for “the 2003 Regulations” substitute “the 2017 Regulations”.

(4) For regulation 3(2) substitute—

“(2) The functions listed in paragraph (1) are

(a) analysis and review of the characterisation of each river basin district in accordance with regulation 5(2) of the 2017 Regulations;

(b) monitoring of the status of the water environment in each river basin district in accordance with regulation 11 of the 2017 Regulations;

(c) setting of environmental objectives for each body of surface water in each river basin district in accordance with regulation 12(1)(a) of the 2017 Regulations;

(d) preparing programmes of measures to achieve those objectives in accordance with regulation 12(1)(b) of the 2017 Regulations.”.

(5) In regulation 20(1) for “regulation 5 of the 2003 Regulations” substitute “regulation 6 of the 2017 Regulations”.

(6) In regulation 21(1) for “regulation 5 of the 2003 Regulations” substitute “regulation 6 of the 2017 Regulations”.

(7) In regulation 21(2) for “regulation 5 of the 2003 Regulations” substitute “regulation 6 of the 2017 Regulations”.

The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009

2.—(1) The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009⁽³³⁾ are amended in accordance with paragraphs (2) to (5).

⁽³²⁾ S.R. 2015 No.351

⁽³³⁾ S.R. 2009 No.376

Status: This is the original version (as it was originally made).

(2) In regulation 2(2)—

(a) omit the definition of “the 2003 Regulations”;

(b) before the definition of “the Department” insert—

““the 2017 Regulations” means the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017;”;

(c) for the definition of “international river basin district” substitute—

““international river basin district” has the same meaning as in the 2017 Regulations;”.

(d) for the definition of “river basin district” substitute—

““river basin district” has the same meaning as in the 2017 Regulations;”.

(3) For regulation 15 (Flood hazard maps and flood risk: co-ordination with the 2003 Regulations) substitute—

“Flood hazard maps and flood risk maps: co-ordination with the 2017 Regulations

15.—(1) The development of the first flood hazard maps and flood risk maps and their subsequent reviews shall be—

(a) co-ordinated with, and may be integrated into, the reviews required by regulations 5(2) and 7(2) of the 2017 Regulations; and

(b) carried out in such a way that the information they contain is consistent with the information provided under the 2017 Regulations.”.

(4) For regulation 18 (Flood risk management plans: co-ordination with the 2003 Regulations) substitute—

“Flood risk management plans: co-ordination with the 2017 Regulations

18.—(1) The development of the first flood risk management plans and their subsequent reviews shall be co-ordinated with, and may be integrated into, the reviews of the river basin management plans required by regulation 26 of the 2017 Regulations.

(2) The active involvement of the parties and bodies listed in regulation 19(4) in the development of the first flood risk management plans and their subsequent reviews shall be co-ordinated, as appropriate, with the active involvement of the persons listed in regulation 27(6) of the 2017 Regulations.”.

(5) In Part 1 of Schedule 3—

(a) in paragraph 4(e) for “the 2003 Regulations” substitute “the 2017 Regulations”;

(b) in paragraph 8 for “the 2003 Regulations” substitute “the 2017 Regulations”.

The Marine Strategy Regulations 2010

3. In Schedule 2 to the Marine Strategy Regulations(34), for the “the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003” substitute “the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017”.

(34) [S.I. 2010/1627](#), to which there are amendments not relevant to these Regulations

The Groundwater Regulations (Northern Ireland) 2009

4.—(1) The Groundwater Regulations (Northern Ireland) 2009⁽³⁵⁾ are amended in accordance with paragraphs (2) to (10).

(2) In regulation 2(1)—

(a) before the definition of “the Appeals Commission” insert—

““the 2017 Regulations” means the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017;”;

(b) for the definition of “baseline level” substitute—

““baseline level” means the average value measured at least during the reference years 2007 and 2008 on the basis of monitoring in accordance with a programme prepared under regulation 11 of the 2017 Regulations;”;

(c) for the definition of “river basin district and international river basin districts” substitute—

““river basin district and international river basin districts” mean—

(a) an area identified by regulation 4(1) of the 2017 Regulations, being the main unit for the management of river basins for the purposes of the Water Framework Directive and being made up of a river basin or neighbouring river basins, together with associated groundwater, transitional waters and coastal water;

(b) the North Eastern River Basin District; or

(c) the Neagh Bann, North Western and Shannon International River Basin Districts;”.

(3) In regulations 9(2) and 9(3) for “subparagraph” substitute “paragraph”.

(4) In regulations 10(1), 10(3), 10(7), 10(8), 11(1) and 23(2) for “sub-paragraph” substitute “paragraph”.

(5) For regulation 10(4) substitute—

“(4) The sources mentioned in paragraph (3) are—

(a) the monitoring programmes for groundwater—

(i) established under the provisions specified in regulation 11 of the 2017 Regulations; and

(ii) designed in accordance with the requirements of those provisions and paragraphs 1 and 2(a) and (b) of Part A of Annex IV to the Directive; and

(b) for the purposes of identifying trends for the first river basin management plan, any data deemed relevant by the Department and gathered before the start of the monitoring programmes under sub-paragraph (4)(a).”.

(6) Omit regulation 10(9).

(7) For regulation 11(2) substitute—

“(2) The provision specified in this paragraph is regulation 26 of the 2017 Regulations.”.

(8) For regulation 14(2) substitute—

“(2) Each programme of measures established under regulation 12 of the 2017 Regulations must include measures to prevent the input of hazardous substances into groundwater.”.

(9) For regulation 15(2) substitute

(35) S.R. 2009 No.254

Status: This is the original version (as it was originally made).

“(2) Each programme of measures established under regulation 12 of the 2017 Regulations must include measures to limit the input of non-hazardous pollutants into groundwater.”.

(10) In regulation 19(2) for “Sub paragraph” substitute “paragraph”.

The Quality of Bathing Waters (Northern Ireland) Regulations 2008

5. In regulation 2(2) of the Quality of Bathing Waters (Northern Ireland) Regulations 2008⁽³⁶⁾ for the definition of “Water Framework Regulations” substitute—

““Water Framework Regulations” means the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017.”.

The Chemical Analysis of Water Status (Technical Specifications) Regulations (Northern Ireland) 2011

6.—(1) The Chemical Analysis of Water Status (Technical Specifications) Regulations (Northern Ireland) 2011⁽³⁷⁾ are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1)—

(a) omit the definition of “the 2003 Regulations”;

(b) for the definition of “protected area” insert—

““protected area” has the same meaning as in regulation 10(2) of the 2017 Regulations;”;

(c) for the definition of “river basin district and international river basin districts” substitute—

““river basin district” and “international river basin districts” have the same meaning as in regulation 2(1) of the 2017 Regulations;”;

(d) after the definition of “river basin district and international river basin districts” insert—

““the 2017 Regulations” means the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017;”.

(3) In regulations 3 and 7 for “regulation 9 of the 2003 Regulations” substitute “regulation 11 of the 2017 Regulations”.

⁽³⁶⁾ S.R. 2008 No.231

⁽³⁷⁾ S.R. 2011 No.238