
STATUTORY INSTRUMENTS

1973 No. 69

Drainage (Northern Ireland) Order 1973

PART III

DRAINAGE SCHEMES

[^{F1}Monitoring

12I.—(1) Where an environmental statement is considered by the Drainage Council or, as the case may be, the Commission, and the decision is to approve the scheme, the Drainage Council or, as the case may be, the Commission, must consider whether it is appropriate to impose a condition requiring monitoring of any significant adverse effects on the environment of the proposed scheme (“a monitoring condition”).

(2) When considering whether to impose a monitoring condition under paragraph (1), and the nature of any such monitoring conditions, the Drainage Council, or as the case may be the Commission, must consider—

- (a) whether monitoring measures are proportionate to the nature, location and size of the proposed scheme and the significance of its effects on the environment having regard in particular to the type of parameters to be monitored and the duration of the monitoring;
- (b) in order to avoid duplication of monitoring, whether monitoring arrangements required under [^{F2}[^{F3}assimilated] law] or other legislation applicable in Northern Ireland are more appropriate than imposing a monitoring condition; and
- (c) if monitoring conditions are to be required, whether provision should be made to require appropriate remedial action.

(3) Where mitigation measures or monitoring conditions are required, the Department or, as the case may be, the Commission, must take steps to ensure that those measures and conditions are implemented.]

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| F1 | Arts. 12, 12ZA, 12A-12I substituted (16.5.2017) for arts. 12-12H by The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 (S.R. 2017/88) , regs. 1, 21 |
| F2 | Words in art. 12I(2)(b) substituted (31.12.2020) by The Drainage (Environmental Impact Assessment) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/31) , regs. 1(1), 2(7) ; 2020 c. 1, Sch. 5 para. 1(1) |
| F3 | Word in art. 12I substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424) , reg. 1(2), Sch. para. 8(2)(a) |

Changes to legislation:

There are currently no known outstanding effects for the Drainage (Northern Ireland) Order 1973, Section 12I.