
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 81

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

PART 6

River Basin Management Plans

Application of this Part

24. This Part applies in relation to—

- (a) the most recent version of each river basin management plan prepared and updated in accordance with the 2003 Regulations; and
- (b) any subsequent version of such a plan updated in accordance with regulation 26.

River basin management plans: content

25.—(1) A river basin management plan must—

- (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;
- (b) include the information specified in the relevant provisions of the Directive, the Groundwater Directive (as transposed by regulation 11 of the Groundwater Regulations (Northern Ireland) 2009⁽¹⁾) and the EQS Directive (as transposed by regulations 22, 24 and 26 of the Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015⁽²⁾) specified in paragraphs (2) to (4);
- (c) in relation to any shellfish water protected area, include the information required by paragraph (2)(d) in relation to protected areas.

(2) The relevant provisions of the Directive 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);
- (d) Annex VII, Parts A and B (elements to be covered in river basin management plans).

(1) [S.R. 2009 No.254](#)

(2) [S.R. 2015 No.351](#)

- (3) The relevant provisions of the Groundwater Directive are—
 - (a) Article 3(5) and (6) (the threshold values and revisions to them);
 - (b) Article 4(4) (summary of assessment of groundwater chemical status);
 - (c) Article 5(4) and (5) (trend assessment and starting points);
 - (d) Annex II Part C (how groundwater threshold values have been set);
 - (e) Annex III, point 5 (maps showing exceedances).
- (4) The relevant provisions of the EQS Directive are—
 - (a) Article 3(5) (information about monitoring and analysis, including alternative matrices);
 - (b) Article 4(2) (information relating to mixing zones);
 - (c) Article 5(4) (updated inventories);
 - (d) Article 6(2) (transboundary pollution).

Review of river basin management plans

26.—(1) The Department must review and, where appropriate, update each river basin management plan in accordance with the time frame specified in Article 13(7) of the Directive.

(2) The Department must co-ordinate 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.

(3) An updated river basin management plan must 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 in accordance with regulation 25.

River basin management plans: public participation

27.—(1) The Department must, in respect of the production of an updated river basin management plan in accordance with regulation 26—

- (a) not less than three years before the relevant date, publish a statement of—
 - (i) the steps and consultation measures the Department is to take in connection with the preparation of the updated plan; and
 - (ii) the dates by which those steps and measures are to be taken;
- (b) not less than two years before the relevant date, publish a summary of the significant water management matters which the Department considers arise for consideration in relation to the river basin district or the part of each international river basin district falling within Northern Ireland; and
- (c) not less than one year before the relevant date, publish a draft of the updated plan.

(2) The Department must co-ordinate with the relevant competent authority in the Republic of Ireland with the aim of producing a draft of the updated plan for the whole of each international river basin district.

(3) Where it appears to the Department that a draft update of a single plan for an international river basin district cannot be produced, the Department must publish a draft updated plan for the part of the international river basin district falling within Northern Ireland.

(4) The Department must publish any matter required by paragraph (1) in such manner as the Department considers appropriate for the purpose of bringing that matter to the attention of persons likely to be affected by it and, in particular, must—

- (a) make copies of the statement, summary or draft updated plan accessible to the public free of charge through its website and its principal offices;
 - (b) publish a notice—
 - (i) stating the fact of publication;
 - (ii) specifying the arrangements made for making copies of the statement, summary or draft updated plan available for public inspection; and
 - (iii) stating that any person may make representations to the Department in relation to the statement, summary or draft updated plan;
 - (c) consult the persons 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 updated plan; and
 - (e) invite the public and the persons referred to in paragraph (6) to make representations in relation to the draft updated plan.
- (5) A notice required by paragraph 4(b) must 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 to be consulted are—
- (a) every water undertaker any part of whose area is within the river basin district or the part of the international river basin district falling within Northern Ireland;
 - (b) the Utility Regulator for Northern Ireland;
 - (c) the Council for Nature Conservation and the Countryside;
 - (d) 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;
 - (e) the harbour authority for each harbour in the river basin district or the part of an international river basin district falling within Northern Ireland;
 - (f) the Department for Infrastructure;
 - (g) where any part of the river basin district or the part of each international river basin district falling within Northern Ireland contains a shellfish water protected area, the Food Standards Agency in Northern Ireland;
 - (h) such persons 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 as the Department considers appropriate.
- (7) The Department must take into account any representations relating to the statement, summary or draft updated plan 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) “harbour” and “harbour authority” have the meanings given by section 38 of the Harbours Act (Northern Ireland) 1970(3);
- (b) “the relevant date”, means the date by which the Department is next required in accordance with regulation 28(4) to publish an updated plan

River basin management plans: publication

28.—(1) The Department must publish an updated river basin management plan 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).

- (2) As soon as an updated river basin management plan is published, the Department must—
 - (a) take such steps as it considers appropriate for the purpose of bringing the updated plan to the attention of the general public and those persons likely to be interested in or affected by it and, in particular, must—
 - (i) make copies of the updated plan accessible to the public free of charge through its website and its principal offices; and
 - (ii) publish a notice specifying the arrangements made for making copies of the updated plan accessible to the public;
 - (b) publish a statement of the steps taken by the Department to comply with regulation 27(1) to (6), so far as they relate to the draft plan; and
 - (c) publish a summary of the representations referred to in regulations 27(7) and any changes made to the plan in light of those representations.
- (3) A notice required in accordance with paragraph (2)(a)(ii) must 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.
- (4) The Department must publish any updated plan—
 - (a) by 22nd December 2021; and
 - (b) subsequently, by 22nd December of the sixth year following that date and of each sixth year following that.

Supplementary plans

29.—(1) The Department may publish supplementary plans for the purpose of supplementing the river basin management plan for a river basin district or part of each international river basin district falling within Northern Ireland.

- (2) A plan published in accordance with 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;
 - (d) a particular description of user of water resources.

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

(4) The Department must, in preparing a supplementary plan, consult such persons referred to in regulation 27(6) and such other persons likely to be interested in or affected by that plan as it considers appropriate, and must take into account any views expressed by those consulted.

River basin management plans: duties on public bodies

30.—(1) The Department and each public body must, 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 in accordance with regulation 29.