
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 254

Groundwater Regulations (Northern Ireland) 2009

PART 2

Groundwater assessment

Significant and sustained upward trends and the starting point for trend reversal

10.—(1) Subject to sub-paragraph (8), for the purposes of giving effect to paragraphs 2.4.4 and 2.4.5 of Annex V to the Water Framework Directive, the Department shall, in relation to each body or group of bodies of groundwater that it has characterised as being at risk of failing to meet the objectives under Article 4 of that Directive —

- (a) identify any significant and sustained upward trend in pollutant concentrations, groups of pollutants or indicators of pollution; and
- (b) determine the starting point for reversal of each trend so identified.

(2) A body of groundwater shall be treated as being subject to a significant and sustained upward trend where it is subject to a statistically significant increase of concentrations of a pollutant, group of pollutants or indicator of pollution, which represents a significant environmental risk.

(3) The Department shall base the assessment of whether a body of groundwater is subject to a significant and sustained upward trend on information from the sources specified in sub-paragraph (4), assessed in accordance with paragraph 2(c) and (d) of Part A of Annex IV to the Directive.

(4) The sources mentioned in sub-paragraph (3) are—

- (a) monitoring programmes for groundwater—
 - (i) established under the provisions specified in sub-paragraph (9); 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).

(5) The Department shall carry out an additional trend assessment in the circumstances described in Article 5(5) of the Directive in order to verify that a plume of pollution from a contaminated site does not—

- (a) expand;
- (b) cause a deterioration in the chemical status of a body or group of bodies of groundwater; or
- (c) present a risk to human health or the environment.

(6) The starting point for trend reversal must be determined in accordance with Article 5(3) and paragraph 1 of Part B of Annex IV to the Directive.

(7) On 22 December 2015 and on each sixth anniversary thereafter, the Department shall review and where necessary revise its determination made under sub-paragraph (1).

(8) In relation to pollutants or indicators of pollution for which insufficient information is available to identify significant and sustained upward trends and determine starting points for trend reversal by a date to be determined by the Department, the Department shall comply with sub-paragraph (1) as soon as possible after that date.

(9) The provisions specified in this sub-paragraph are those contained in regulation 9 of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003.