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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 376**

**ENVIRONMENTAL PROTECTION**

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

*Made* - - - - - *20th November 2009*

*Coming into operation* *14th December 2009*

The Department of Agriculture and Rural Development, being a Department designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the environment, makes the following Regulations in exercise of the powers conferred by that section.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 and shall come into operation on 14<sup>th</sup> December 2009.

**Commencement Information**

**II** Reg. 1 in operation at 14.12.2009, see [reg. 1\(1\)](#)

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>(3)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

<sup>F1</sup>  
...

[<sup>F2</sup>“the 2017 Regulations” means the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017;]

[<sup>F3</sup>the Department means the Department for Infrastructure;]

“flood” means the temporary covering by water from any source of land not normally covered by water, but does not include a flood solely from a sewerage system;

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(1) [S.I. 2008/301](#)  
(2) [1972 c.68](#)  
(3) [1954 c.33 \(N.I.\)](#)

*Status: Point in time view as at 21/12/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. (See end of Document for details)*

“the Floods Directive” means Directive [2007/60/EC](#) of the European Parliament and of the Council on the assessment and management of flood risks<sup>(4)</sup>;

“flood risk” means the combination of the probability of a flood and of the potential adverse consequences, associated with a flood, for human health, the environment, cultural heritage and economic activity;

“flood solely from a sewerage system” means the temporary covering of land by sewage caused solely by a failure or blockage of a sewerage system or which is not connected with any loading on the system by abnormal external hydraulic factors (for example by heavier than usual rainfall or higher than usual river levels);

“Implementation body” means—

- (a) Waterways Ireland; or
- (b) The Foyle, Carlingford and Irish Lights Commission;

[<sup>F4</sup>“international river basin district” has the same meaning as in the 2017 Regulations;]

“Northern Ireland” has the meaning given by section 98(1) of the Northern Ireland Act 1998<sup>(5)</sup>;

“public body” means—

- (a) a Northern Ireland department;
- (b) a department of the Government of the United Kingdom;
- (c) a body established by or under a statutory provision;
- (d) a statutory undertaker (within the meaning of the Planning (Northern Ireland) Order 1991<sup>(6)</sup>); or
- (e) an implementation body;

[<sup>F5</sup>“river basin district” has the same meaning as in the 2017 Regulations;]

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954; and

“the Water Framework Directive” means Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy<sup>(7)</sup>.

(3) Any other word or expression used both in these Regulations and in the Floods Directive or in the Water Framework Directive has the same meaning in these Regulations as it has in those Directives.

#### Textual Amendments

- F1** Words in [reg. 2\(2\)](#) omitted (with application in accordance with reg. 1(b), 4(1) of the amending Rule) by virtue of [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), [reg. 1\(a\)](#), [Sch. 4 para. 2\(2\)\(a\)](#) (with [reg. 37](#))
- F2** Words in [reg. 2\(2\)](#) inserted (with application in accordance with reg. 1(b), 4(1) of the amending Rule) by [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), [reg. 1\(a\)](#), [Sch. 4 para. 2\(2\)\(b\)](#) (with [reg. 37](#))
- F3** Words in [reg. 2\(2\)](#) substituted (27.7.2018) by [The Water Environment \(Floods Directive\) \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/137\)](#), [regs. 1\(1\), 2\(2\)](#)

(4) O.J. No. L288, 6.11.2007, p.27

(5) 1998 c.47

(6) S.I. 1991/1220 (N.I. 11)

(7) O.J. No. L327, 22.12.2000, p.1 as last amended by Directive [2009/31/EC](#) of the European Parliament and of the Council (O.J. No. L140, 5.6.2009, p.114)

- F4** Words in [reg. 2\(2\)](#) substituted (with application in accordance with [reg. 1\(b\)](#), [4\(1\)](#) of the amending Rule) by [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), [reg. 1\(a\)](#), [Sch. 4 para. 2\(2\)\(c\)](#) (with [reg. 37](#))
- F5** Words in [reg. 2\(2\)](#) substituted (with application in accordance with [reg. 1\(b\)](#), [4\(1\)](#) of the amending Rule) by [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), [reg. 1\(a\)](#), [Sch. 4 para. 2\(2\)\(d\)](#) (with [reg. 37](#))

#### Commencement Information

- I2** Reg. 2 in operation at 14.12.2009, see [reg. 1\(1\)](#)

### Competent authority

3. The Department is the competent authority for the purposes of the implementation of the Floods Directive.

#### Commencement Information

- I3** Reg. 3 in operation at 14.12.2009, see [reg. 1\(1\)](#)

### General duties

4.—(1) A Northern Ireland department, each district council, each water undertaker, each sewerage undertaker, each implementation body and the Northern Ireland Fire and Rescue Service Board shall exercise their relevant functions in a manner which secures compliance with the requirements of the Floods Directive.

(2) In exercising its relevant functions, the Department shall ensure that the implementation of the requirements of the Floods Directive is co-ordinated between the bodies mentioned in paragraph (1).

(3) In this regulation “relevant functions” means functions under these Regulations and, so far as material—

- (a) in the case of a district council, under every statutory provision conferring functions on a district council;
- (b) in any other case, under the statutory provisions listed in Schedule 1.

#### Commencement Information

- I4** Reg. 4 in operation at 14.12.2009, see [reg. 1\(1\)](#)

### Preliminary flood risk assessments

5.—(1) The Department shall prepare a preliminary flood risk assessment for the river basin district and the part of each international river basin district lying within Northern Ireland.

(2) In the case of an international river basin district the Department shall ensure that relevant information is exchanged with the relevant competent authority in the Republic of Ireland, in connection with the preparation of a preliminary flood risk assessment under paragraph (1).

(3) A preliminary flood risk assessment shall be prepared by 22<sup>nd</sup> December 2011.

(4) A preliminary flood risk assessment—

- (a) shall be prepared to provide an assessment of potential risks; and

*Status: Point in time view as at 21/12/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. (See end of Document for details)*

- (b) shall be based on available or readily derivable information such as records and studies on long term developments (including, in particular, information on any impact of climate change on the occurrence of floods).
- (5) A preliminary flood risk assessment shall include the matters mentioned in Schedule 2.
- (6) A preliminary flood risk assessment and any map included in it by virtue of paragraph 1 of Schedule 2, may also include such other information as the Department considers appropriate.

**Commencement Information**

**I5** Reg. 5 in operation at 14.12.2009, see [reg. 1\(1\)](#)

**Preliminary flood risk assessments: review**

- 6.—(1) The Department shall—
- (a) by 22<sup>nd</sup> December 2018 review and, if necessary, update each preliminary flood risk assessment prepared under regulation 5; and
  - (b) by the end of the period of 6 years beginning with that date, and of each subsequent period of 6 years, review and, if necessary, update the latest preliminary flood risk assessment updated after review under this regulation.
- (2) The Department shall take into account in any review under this regulation the likely impact of climate change on the occurrence of floods.
- (3) Regulation 5(2) and (4) to (6) and Schedule 2 apply in relation to the review and updating of a preliminary flood risk assessment.

**Commencement Information**

**I6** Reg. 6 in operation at 14.12.2009, see [reg. 1\(1\)](#)

**Preliminary flood risk assessments: availability for public inspection**

7. The Department shall make available for public inspection copies of the preliminary flood risk assessment for the time being applicable for the river basin district or the part of each international river basin district lying within Northern Ireland.

**Commencement Information**

**I7** Reg. 7 in operation at 14.12.2009, see [reg. 1\(1\)](#)

**Areas of significant flood risk**

- 8.—(1) On the basis of a preliminary flood risk assessment but subject to paragraph (2), the Department shall—
- (a) for the river basin district; and
  - (b) for the part of each international river basin district lying within Northern Ireland, identify any area for which it concludes that potential significant flood risks exist or might be considered likely to occur.

(2) The identification under paragraph (1) of any area within a part of an international river basin district lying within Northern Ireland shall be co-ordinated with the relevant competent authority in the Republic of Ireland.

**Commencement Information**

**I8** Reg. 8 in operation at 14.12.2009, see [reg. 1\(1\)](#)

**Area of significant flood risk: reviews**

**9.**—(1) Where the Department updates a preliminary flood risk assessment for the river basin district or the part of any international river basin district lying within Northern Ireland under regulation 6(1), it shall review and, if necessary, update the identification of areas within that district or part for which it has concluded that potential significant flood risks exist or might be considered likely to occur.

(2) Regulation 8(2) applies in relation to a review and updating of an identification of areas under paragraph (1).

**Commencement Information**

**I9** Reg. 9 in operation at 14.12.2009, see [reg. 1\(1\)](#)

**Preparation of flood hazard maps and flood risk maps**

**10.**—(1) Subject to paragraph (3), the Department shall prepare, in relation to the river basin district and the part of each international river basin district lying within Northern Ireland, flood hazard maps and flood risk maps in accordance with this regulation and regulations 11 and 12.

(2) Flood hazard maps and flood risk maps shall be prepared—

- (a) by 22<sup>nd</sup> December 2013;
- (b) for the areas identified under regulation 8(1); and
- (c) at such scale as the Department considers appropriate.

(3) In the case of an international river basin district the Department shall ensure that information is exchanged with the relevant competent authority in the Republic of Ireland before flood hazard maps and flood risk maps are prepared under paragraph (1).

**Commencement Information**

**I10** Reg. 10 in operation at 14.12.2009, see [reg. 1\(1\)](#)

**Flood hazard maps**

**11.**—(1) Subject to paragraphs (2) and (3), a flood hazard map (or more than one such map taken together) shall show—

- (a) the geographical areas which could be flooded according to the following scenarios—
  - (i) floods with a low probability (or extreme event scenarios);
  - (ii) floods with a medium probability (likely return period of 100 years or more); and
  - (iii) floods with a high probability; and

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- (b) the following elements for each of those scenarios—
- (i) the flood extent;
  - (ii) water depths or water level, whichever is appropriate; and
  - (iii) where appropriate, the flow velocity or the relevant water flow.

(2) But a flood hazard map need not show information referred to in paragraph (1) as respects a flood with a high probability where the Department considers such a flood would be unlikely to have significant adverse consequences for the area which could be flooded by it.

(3) The Department may decide that for a coastal area which, in its opinion, is adequately protected from coastal floods, the preparation of a flood hazard map (or more than one such map taken together) may be limited to the scenario referred to in paragraph (1)(a)(i).

#### Commencement Information

**I11** Reg. 11 in operation at 14.12.2009, see [reg. 1\(1\)](#)

#### Flood risk maps

**12.**—(1) The potential adverse consequences associated with each flood scenario for which any information referred to in regulation 11(1) is shown in a flood hazard map shall be shown in a flood risk map (or more than one flood risk map taken together) by reference to the matters mentioned in paragraph (2).

- (2) The matters are—
- (a) the indicative number of inhabitants who potentially could be affected;
  - (b) the type of economic activity in the area which could be flooded;
  - (c) installations <sup>F6</sup> ..., which might cause accidental pollution if any flood scenario referred to in paragraph (1) occurred;
  - (d) protected areas which potentially could be affected if any flood scenario referred to in paragraph (1) occurred;
  - (e) any area which is within a protected area and could be affected by pollution from any installation referred to in sub-paragraph (c); and
  - (f) such other information as the Department considers useful including the indication of areas where floods with a high content of transported sediments or debris floods can occur and information on other significant sources of pollution.

(3) In this regulation “protected area” has the meaning assigned to it by <sup>F7</sup>regulation 2 of the 2017 Regulations].

#### Textual Amendments

**F6** Words in [reg. 12\(2\)\(c\)](#) omitted (21.12.2018) by virtue of [The Water Environment \(Floods Directive\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/196\)](#), [regs. 1, 2\(2\)](#)

**F7** Words in [reg. 12\(3\)](#) substituted (21.12.2018) by [The Water Environment \(Floods Directive\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/196\)](#), [regs. 1, 2\(3\)](#)

#### Commencement Information

**I12** Reg. 12 in operation at 14.12.2009, see [reg. 1\(1\)](#)

### **Flood hazard maps and flood risk maps: review**

13.—(1) The Department shall—

- (a) by 22<sup>nd</sup> December 2019 review and, if necessary, update each flood hazard map and each flood risk map prepared under regulation 10; and
- (b) by the end of the period of 6 years beginning with that date, and of each subsequent period of 6 years, review and, if necessary, update the latest flood hazard map and flood risk map updated after review under this regulation.

(2) Regulations 10(2)(b) and (c) and (3), 11 and 12 apply in relation to the review and updating of a flood hazard map and a flood risk map.

#### **Commencement Information**

**I13** Reg. 13 in operation at 14.12.2009, see [reg. 1\(1\)](#)

### **Flood hazard maps and flood risk maps: availability for public inspection**

14. The Department shall make available for public inspection copies of each flood hazard and each flood risk map for the time being applicable to the river basin district or the part of each international river basin district lying within Northern Ireland.

#### **Commencement Information**

**I14** Reg. 14 in operation at 14.12.2009, see [reg. 1\(1\)](#)

### **[<sup>F8</sup>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.]

#### **Textual Amendments**

**F8** [Reg. 15](#) substituted (with application in accordance with reg. 1(b), 4(1) of the amending Rule) by [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), [reg. 1\(a\)](#), [Sch. 4 para. 2\(3\)](#) (with reg. 37)

### **Flood risk management plans**

16.—(1) The Department shall prepare a flood risk management plan for the river basin district or a set of such plans co-ordinated at the level of that district.

(2) The Department shall ensure co-ordination with the relevant competent authority in the Republic of Ireland with the aim of preparing a single flood risk management plan for each international river basin district or a set of such plans co-ordinated at the level of each international river basin district.

*Status: Point in time view as at 21/12/2018.*

*Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. (See end of Document for details)*

(3) Where it appears to the Department that plans for an international river basin district cannot be prepared in accordance with paragraph (2), the Department shall prepare a flood risk management plan or a set of such plans for the part of the international river basin district lying within Northern Ireland.

(4) Plans prepared under paragraph (3) shall—

- (a) as far as possible, be co-ordinated at the level of the international river basin district; and
- (b) not include measures which, by their extent and impact, significantly increase flood risks upstream or downstream in the Republic of Ireland unless the measures have been co-ordinated with the relevant competent authority in the Republic of Ireland and an agreed solution has been found.

(5) For the purposes of preparing a flood risk management plan, the Department shall—

- (a) set objectives for the management of flood risks for the areas identified under regulation 8(1) focusing on the reduction of potential adverse consequences of flooding for human health, the environment, cultural heritage and economic activity; and
- (b) identify measures to achieve those objectives.

(6) A flood risk management plan shall include the matters specified in Part I of Schedule 3.

(7) A flood risk management plan may contain or be accompanied by such other maps, diagrams, illustrations and descriptive matter as the Department considers appropriate for the purpose of explaining or illustrating any matter in the plan.

(8) Any such maps, diagrams, illustrations and descriptive matter are to be treated as forming part of the plan and references to such a plan are to be construed accordingly.

(9) A flood risk management plan shall be prepared and published by 22<sup>nd</sup> December 2015.

#### **Commencement Information**

**I15** Reg. 16 in operation at 14.12.2009, see [reg. 1\(1\)](#)

#### **Flood risk management plans: objectives and measures**

**17.**—(1) In setting objectives and identifying measures under regulation 16(5)—

(a) the Department shall take account of, so far as relevant—

- (i) any impact of climate change on the occurrence of floods within the river basin district to which the plan relates;
- (ii) the preliminary flood risk assessment prepared under regulation 5 for the river basin district to which the plan relates;
- (iii) the flood hazard maps and the flood risk maps prepared under regulation 10 for the river basin district to which the plan relates;
- (iv) the cost of implementing proposed measures;
- (v) the benefits (in terms of reducing the potential adverse consequences of flooding for human health, the environment, cultural heritage and economic activity or otherwise) that are likely to be derived from implementing proposed measures;
- (vi) flood extent and flood conveyance routes and areas which have the potential to retain flood water such as natural flood plains;
- (vii) soil and water management;



- (viii) anything done under or in pursuance of [<sup>F9</sup>the Planning Act (Northern Ireland) 2011] which affects development or the use of land within the river basin district to which the plan relates;
  - (ix) the environmental objectives of Article 4 of the Water Framework Directive;
  - (x) the conservation of nature whether within or outside the river basin district to which the plan relates; and
  - (xi) navigation and port infrastructure; and
- (b) shall consider, so far as is appropriate, structural and non-structural measures and the reduction of the likelihood of flooding as means of achieving objectives.
- (2) A flood risk management plan—
- (a) shall address all aspects of flood risk management focusing on prevention, protection, preparedness, emergency response, recovery and review including flood forecasts and early warning systems and take into account the characteristics of the particular river basin or sub-basin; and
  - (b) may also include the promotion of sustainable land use practices, improvement of water retention as well as the controlled flooding of certain areas in the case of a flood.
- (3) In this regulation any reference to the river basin district to which the plan relates includes an international river basin district or, as the case may be, the part of such a district lying within Northern Ireland.
- (4) For the purposes of paragraph (1)(b), a measure is structural if it involves the carrying out of any operation on land.

**Textual Amendments**

**F9** Words in [reg. 17\(1\)\(a\)\(viii\)](#) substituted (21.12.2018) by [The Water Environment \(Floods Directive\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/196\)](#), [regs. 1, 2\(4\)](#)

**Commencement Information**

**I16** Reg. 17 in operation at 14.12.2009, see [reg. 1\(1\)](#)

**[<sup>F10</sup>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.]

**Textual Amendments**

**F10** [Reg. 18](#) substituted (with application in accordance with [reg. 1\(b\), 4\(1\)](#) of the amending Rule) by [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), [reg. 1\(a\)](#), [Sch. 4 para. 2\(4\)](#) (with [reg. 37](#))

**Flood risk management plans: public participation**

19.—(1) The Department shall, in respect of the preparation of a flood risk management plan—

- (a) not less than three years before the beginning of the period to which the plan is to relate, publish a timetable and work programme for the preparation of the plan, including a statement of the consultation measures to be taken; and
- (b) not less than one year before the beginning of the period to which the plan is to relate, publish a draft of the plan.

(2) The Department shall publish the documents referred to in paragraph (1) 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 [<sup>F11</sup>its headquarters and through its website];
  - (b) publish a notice—
    - (i) stating the fact of publication;
    - (ii) specifying the arrangements made for making copies of the documents available for public inspection; and
    - (iii) stating that any person may make representations to the Department in relation to the documents published within a period specified in the notice;
  - (c) consult the persons and bodies referred to in paragraph (4);
  - (d) take such steps as it considers appropriate to provide opportunities for the general public and the persons and bodies referred to in paragraph (4) to participate in discussion and the exchange of information or views in relation to the preparation of the plan and, in particular, shall give access to background documents and information used in such preparation; and
  - (e) invite the public and the persons and bodies referred to in paragraph (4) to make representations in relation to the draft plan.
- (3) A notice required by paragraph (2)(b) shall be published—
- (a) in the Belfast Gazette;
  - (b) at least once in each of two successive weeks in one or more newspapers circulating in the river basin district; and
  - (c) on the Department's website.
- (4) The persons and bodies to be consulted are—
- (a) the Drainage Council;
  - (b) each district council any part of whose area is within the river basin district;
  - (c) the harbour authority for each harbour in the river basin district;
  - [<sup>F12</sup>(d) the Department of Communities.
  - (e) the Department of Agriculture, Environment and Rural Affairs.]
  - (g) each water undertaker and each sewerage undertaker;
  - (h) Waterways Ireland;
  - (i) the Foyle, Carlingford and Irish Lights Commission;
  - (j) the relevant competent authority in the Republic of Ireland (in the case of a plan affecting an international river basin district);
  - (k) such persons or bodies as appear to the Department in relation to the river basin district—

- (i) to be representative of the interests of those carrying on any business which relies upon flood risk management; or
  - (ii) to have an interest in flood risk management; and
  - (l) such other persons or bodies as the Department considers appropriate.
- (5) The Department shall take into account any representations relating to each of the documents referred to in paragraph (1) 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.
- (6) In this regulation—
- (a) “harbour” and “harbour authority” have the meanings given by section 38 of the Harbours Act (Northern Ireland) 1970(8); and
  - (b) “the river basin district” includes an international river basin district or, as the case may be, the part of an international river basin district lying within Northern Ireland.

#### Textual Amendments

- F11** Words in [reg. 19\(2\)\(a\)](#) substituted (27.7.2018) by [The Water Environment \(Floods Directive\) \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/137\)](#), [regs. 1\(1\)](#), [2\(3\)](#)
- F12** [Reg. 19\(4\)\(d\)\(e\)](#) substituted (27.7.2018) for [reg. 19\(4\)\(d\)-\(f\)](#) by [The Water Environment \(Floods Directive\) \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/137\)](#), [regs. 1\(1\)](#), [2\(4\)](#)

#### Commencement Information

- I17** Reg. 19 in operation at 14.12.2009, see [reg. 1\(1\)](#)

### Flood risk management plan: publication

- 20.**—(1) The Department shall—
- (a) publish a flood risk management plan in such manner as it considers appropriate;
  - (b) make copies of it available for public inspection;
  - (c) make copies of it available to the public; and
  - (d) publicise the publication of the plan.
- (2) In making copies of a plan available to the public under paragraph (1)(c), the Department may charge a reasonable fee for each copy.

#### Commencement Information

- I18** Reg. 20 in operation at 14.12.2009, see [reg. 1\(1\)](#)

### Flood risk management plans: review

- 21.**—(1) The Department shall—
- (a) by 22<sup>nd</sup> December 2021 review and, if necessary, update each flood risk management plan prepared under regulation 16; and

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**Changes to legislation:** There are currently no known outstanding effects for the The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. (See end of Document for details)

- (b) by the end of the period of 6 years beginning with that date, and each subsequent period of 6 years, review and, if necessary, update the latest flood risk management plan updated under this regulation.
- (2) An updated plan shall include (in addition to the matters required to be included by regulation 16(6)) the matters specified in Part 2 of Schedule 3.
- (3) The Department shall take into account in any review under this regulation the likely impact of climate change on the occurrence of floods.
- (4) Regulations 16(2) to (8) and 17 to 20 apply in relation to the preparation of an updated flood risk management plan.

**Commencement Information**

**I19** Reg. 21 in operation at 14.12.2009, see [reg. 1\(1\)](#)

**Provision of information and assistance by public bodies**

**22.** 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.

**Commencement Information**

**I20** Reg. 22 in operation at 14.12.2009, see [reg. 1\(1\)](#)

**Guidance to public bodies**

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

**Commencement Information**

**I21** Reg. 23 in operation at 14.12.2009, see [reg. 1\(1\)](#)

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 20<sup>th</sup> November 2009.



*John C Clarke*  
A senior officer of the  
Department of Agriculture and Rural  
Development



**Status:** Point in time view as at 21/12/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. (See end of Document for details)

## SCHEDULE 1

Regulation 4(3)

### STATUTORY PROVISIONS IN RELATION TO WHICH DUTIES IN REGULATION 4 APPLY

#### Commencement Information

**I22** Sch. 1 in operation at 14.12.2009, see [reg. 1\(1\)](#)

- The Foyle Fisheries Acts (Northern Ireland) 1952 and 1962**(9)**
- The Forestry Act (Northern Ireland) 1953**(10)**
- The Lough Neagh Drainage Acts (Northern Ireland) 1955 and 1970**(11)**
- The Fisheries Act (Northern Ireland) 1966**(12)**
- The Harbours Act (Northern Ireland) 1970**(13)**
- The Drainage (Northern Ireland) Order 1973**(14)**
- The Pollution Control and Local Government (Northern Ireland) Order 1978**(15)**
- The Lagside Development (Northern Ireland) Order 1989**(16)**
- The Planning (Northern Ireland) Order 1991**(17)**
- The Roads (Northern Ireland) Order 1993**(18)**
- The Conservation (Nature Habitats etc) Regulations (Northern Ireland) 1995**(19)**
- The North/South Co-operation Implementation Bodies (Northern Ireland) Order 1999**(20)**
- The Water (Northern Ireland) Order 1999**(21)**
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999**(22)**
- The Environment (Northern Ireland) Order 2002**(23)**
- The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003**(24)**
- The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004**(25)**
- The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2006**(26)**
- The Fire and Rescue Services (Northern Ireland) Order 2006**(27)**
- The Water and Sewerage Services (Northern Ireland) Order 2006**(28)**

**(9)** 1952 c.5 (N.I.) and 1962 c.5 (N.I.)

**(10)** 1953 c.2 (N.I.)

**(11)** 1955 c.15 (N.I.) and 1970 c.7 (N.I.)

**(12)** 1966 c.17 (N.I.)

**(13)** 1970 c.1 (N.I. 1)

**(14)** S.I. 1973/69 (N.I. 1)

**(15)** 1978/1049 (N.I. 19)

**(16)** S.I. 1989/490 (N.I. 2)

**(17)** S.I. 1991/1220 (N.I. 11)

**(18)** S.I. 1993/3160 (N.I. 15)

**(19)** S.R. 1995 No. 380

**(20)** S.I. 1999/859

**(21)** S.I. 1999/662 (N.I. 6)

**(22)** S.R. 1999 No. 73 as amended by S.R. 2008 No. 17 and S.R. 2008 No. 372

**(23)** S.I. 2002/3153 (N.I. 7)

**(24)** S.R. 2003 No. 544

**(25)** S.R. 2004 No. 280

**(26)** S.R. 2006 No. 34

**(27)** S.I. 2006/1254 (N.I. 9)

**(28)** S.I. 2006/3336 (N.I. 21)

The Planning Reform (Northern Ireland) Order 2006(29)

The Foyle and Carlingford Fisheries (NI) Order 2007(30)

## SCHEDULE 2

Regulations 5(5) and (6) and 6(3)

### MATTERS WHICH MUST BE INCLUDED IN A PRELIMINARY FLOOD RISK ASSESSMENT

1. Maps at the appropriate scale of the river basin district which show—
  - (a) borders of any river basin, sub-basin and coastal area in the district; and
  - (b) topography and land use.

#### Commencement Information

**I23** Sch. 2 para. 1 in operation at 14.12.2009, see [reg. 1\(1\)](#)

2.—(1) Subject to sub-paragraph (2), a description of the floods which have occurred in the past in the river basin district and which had significant adverse impacts on human health, the environment, cultural heritage or economic activity (including their extent and conveyance routes and an assessment of the adverse impacts they have entailed).

(2) Sub-paragraph (1) applies only where a similar future flood with significant adverse impacts on the matters mentioned in that sub-paragraph is still probable in the river basin district.

#### Commencement Information

**I24** Sch. 2 para. 2 in operation at 14.12.2009, see [reg. 1\(1\)](#)

3. A description of the significant floods which have occurred in the past in the river basin district where significant adverse consequences of any similar future flood might be envisaged.

#### Commencement Information

**I25** Sch. 2 para. 3 in operation at 14.12.2009, see [reg. 1\(1\)](#)

4. An assessment of the potential adverse consequences of any future flood for human health, the environment, cultural heritage and economic activity in the river basin district taking into account, as far as possible, issues such as—

- (i) the topography;
- (ii) the position, and the general hydrological and geomorphological characteristics of watercourses;
- (iii) natural features (for example flood plains, wetlands or woodlands) which can assist in the retention of water (whether on a permanent or temporary basis);
- (iv) the effectiveness of any existing artificial flood protection structure;
- (v) the position of any populated area and area of economic activity; and

(29) S.I. 2006/1252 (N.I. 7)

(30) S.I. 2007/915 (N.I. 9)

**Status:** Point in time view as at 21/12/2018.

**Changes to legislation:** There are currently no known outstanding effects for the The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. (See end of Document for details)

(vi) long-term developments including impacts of climate change on the occurrence of floods.

**Commencement Information**

**I26** Sch. 2 para. 4 in operation at 14.12.2009, see [reg. 1\(1\)](#)

5. In this Schedule any reference to the river basin district shall include a reference to the part of each international river basin district lying within Northern Ireland.

**Commencement Information**

**I27** Sch. 2 para. 5 in operation at 14.12.2009, see [reg. 1\(1\)](#)

SCHEDULE 3

Regulations 16(6) and 21(2)

MATTERS TO BE INCLUDED IN FLOOD RISK MANAGEMENT PLANS

PART I

MATTERS TO BE INCLUDED IN EVERY PLAN

1. A description of—
  - (a) the objectives set by the Department for the management of flood risks for the areas identified under regulation 8(1) or 9(1);
  - (b) the measures identified for achieving those objectives; and
  - (c) the priority to be given to implementing each measure.

**Commencement Information**

**I28** Sch. 3 para. 1 in operation at 14.12.2009, see [reg. 1\(1\)](#)

2. The conclusions of the preliminary flood risk assessment as required by regulation 5 in the form of a map of the river basin district delineating the areas identified under regulation 8(1) or 9(1) which are the subject of the flood risk management plan.

**Commencement Information**

**I29** Sch. 3 para. 2 in operation at 14.12.2009, see [reg. 1\(1\)](#)

3. Flood hazard maps and flood risk maps prepared under regulation 10 and the conclusions that can be drawn from those maps.

**Commencement Information**

**I30** Sch. 3 para. 3 in operation at 14.12.2009, see [reg. 1\(1\)](#)



4. A summary of flood related measures taken under—
- (a) [<sup>F13</sup>Council Directive 2011/92/EU, as amended by Directive 2014/52/EU] on the assessment of the effects of certain public and private projects on the environment;
  - (b) [<sup>F14</sup>Council Directive 2012/18/EU] in the control of major accident hazards involving dangerous substances;
  - (c) Directive 2001/42/EC of the European Parliament and the Council on the assessment of the effects of certain plans and programmes on the environment<sup>(31)</sup>;
  - (d) any other Community instrument which the Department considers relevant to flood risk management; and
  - (e) [<sup>F15</sup>the 2017 Regulations].

#### Textual Amendments

- F13** Words in Sch. 3 para. 4(a) substituted (21.12.2018) by The Water Environment (Floods Directive) (Amendment No. 2) Regulations (Northern Ireland) 2018 (S.R. 2018/196), regs. 1, 2<sup>(5)(a)</sup>
- F14** Words in Sch. 3 para. 4(b) substituted (21.12.2018) by The Water Environment (Floods Directive) (Amendment No. 2) Regulations (Northern Ireland) 2018 (S.R. 2018/196), regs. 1, 2<sup>(5)(b)</sup>
- F15** Words in Sch. 3 para. 4(e) substituted (with application in accordance with reg. 1(b), 4(1) of the amending Rule) by The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 (S.R. 2017/81), reg. 1(a), Sch. 4 para. 2<sup>(5)(a)</sup> (with reg. 37)

#### Commencement Information

- I31** Sch. 3 para. 4 in operation at 14.12.2009, see reg. 1<sup>(1)</sup>

5. When available, for shared river basins or sub-basins, a description of the methodology of cost-benefit analysis used to assess measures with transnational effects.

#### Commencement Information

- I32** Sch. 3 para. 5 in operation at 14.12.2009, see reg. 1<sup>(1)</sup>

6. A description of—
- (a) how the priority given to implementing each measure under paragraph 1(c) was determined; and
  - (b) the way in which progress in implementing the plan will be monitored.

#### Commencement Information

- I33** Sch. 3 para. 6 in operation at 14.12.2009, see reg. 1<sup>(1)</sup>

7. A summary of—
- (a) the public information and consultation measures taken in connection with the preparation of the plan (including those public information measures taken in connection with the preliminary flood risk assessment mentioned in paragraph 2 and the maps mentioned in paragraph 3); and
  - (b) changes made to the plan in light of the views and representations received on it.

<sup>(31)</sup> O.J. No. L197, 21.7.2001, p.30

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**Changes to legislation:** There are currently no known outstanding effects for the The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009. (See end of Document for details)

**Commencement Information**

**I34** Sch. 3 para. 7 in operation at 14.12.2009, see [reg. 1\(1\)](#)

8. Information as to the Department and a description of the co-ordination process within any international river basin district and of the co-ordination process with [<sup>F16</sup>the 2017 Regulations].

**Textual Amendments**

**F16** Words in [Sch. 3 para. 8](#) substituted (with application in accordance with reg. 1(b), 4(1) of the amending Rule) by [The Water Environment \(Water Framework Directive\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/81\)](#), [reg. 1\(a\)](#), [Sch. 4 para. 2\(5\)\(b\)](#) (with [reg. 37](#))

**Commencement Information**

**I35** Sch. 3 para. 8 in operation at 14.12.2009, see [reg. 1\(1\)](#)

9. In this Part “river basin district” includes an international river basin district or, as the case may be, the part of an international river basin district lying within Northern Ireland.

**Commencement Information**

**I36** Sch. 3 para. 9 in operation at 14.12.2009, see [reg. 1\(1\)](#)

## PART II

### COMPONENTS OF THE SUBSEQUENT UPDATE OF FLOOD RISK MANAGEMENT PLANS

10. A summary of any changes which have been made as compared to the previous version of the plan including a summary of the reviews carried out under regulations 6, 9, 13 and 21.

**Commencement Information**

**I37** Sch. 3 para. 10 in operation at 14.12.2009, see [reg. 1\(1\)](#)

11. An assessment of the progress made towards the achievement of the objectives included in the plan under paragraph 1(a).

**Commencement Information**

**I38** Sch. 3 para. 11 in operation at 14.12.2009, see [reg. 1\(1\)](#)

12. A summary of any measures included in the previous plan under paragraph 1(b) which were not implemented, with reasons for non-implementation.

**Commencement Information**

**I39** Sch. 3 para. 12 in operation at 14.12.2009, see [reg. 1\(1\)](#)

13. A description of any other measures implemented since the publication of the previous version of the plan which the Department considers have contributed to the achievement of the objectives included in the plan under paragraph 1(a).

**Commencement Information**

**I40** Sch. 3 para. 13 in operation at 14.12.2009, see **reg. 1(1)**

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations implement Directive [2007/60/EC](#) of the European Parliament and of the Council on the assessment and management of flood risks (O.J. No. L288, 6.11.2007, p.27) (“the Directive”). The Regulations—

- (a) provide that the Department of Agriculture and Rural Development shall be the competent authority in Northern Ireland for the implementation of the Directive (regulation 3);
- (b) require each Northern Ireland department, each district council, each water undertaker, each sewerage undertaker and certain other public bodies to exercise their relevant statutory functions in a manner which secures compliance with the requirements of the Directive and requires the Department of Agriculture and Rural Development (“the Department”) to ensure that the implementation of the requirements of the Directive is co-ordinated (regulation 4);
- (c) require the Department to prepare by 22<sup>nd</sup> December 2011 a preliminary flood risk assessment for the North Eastern river basin district and the part of each international river basin district shared with the Republic of Ireland which lies within Northern Ireland (regulation 5 and Schedule 2) – the North Eastern river basin district and the international river basin districts are identified under regulation 4 of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003 (“the 2003 Regulations”) by reference to a map deposited at the offices of the Department of the Environment at Calvert House, 23 Castle Place, Belfast BT1 1FY; a copy of the map can be accessed at <http://www.doeni.gov.uk>;
- (d) require the Department to review and, if necessary, update each preliminary flood risk assessment by 22<sup>nd</sup> December 2018 and every six years thereafter (regulation 6);
- (e) require the Department to make copies of the preliminary flood risk assessments available for public inspection (regulation 7);
- (f) require the Department, on the basis of the preliminary flood risk assessments, to identify areas for which it concludes that potential significant flood risks exist or might be considered likely to occur (regulation 8);
- (g) provide for the review by the Department of areas for which it has concluded that potential significant flood risks exist or might be considered likely to occur (regulation 9);
- (h) require the Department to prepare by 22<sup>nd</sup> December 2013, in accordance with the requirements of regulations 10 to 12, flood hazard maps and flood risk maps for the areas

**Status:** Point in time view as at 21/12/2018.

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for which it has concluded that potential significant flood risks exist or might be considered likely to occur;

- (i) require the Department, by 22<sup>nd</sup> December 2019 and every six years thereafter, to review and, if necessary, update each flood hazard map and each flood risk map (regulation 13);
- (j) require the Department to make copies of each flood hazard map and each flood risk map available for public inspection (regulation 14);
- (k) require the development and subsequent reviews of flood hazard maps and flood risk maps to be co-ordinated with analysis and reviews under the 2003 Regulations (regulation 15);
- (l) require the Department to prepare by 22<sup>nd</sup> December 2015 a flood risk management plan for each river basin district or a set of such plans co-ordinated at the level of the district in accordance with the requirements of regulations 16 and 17 and Part 1 of Schedule 3; in the case of an international river basin district, the Department is required to ensure co-ordination with the relevant competent authority in the Republic of Ireland with the aim of preparing a single flood risk management plan or a set of such plans co-ordinated at the level of the international river basin district, but where this is not possible, the Department is required to prepare a flood risk management plan or a set of such plans for the part of the international river basin district lying within Northern Ireland;
- (m) provide for the development and subsequent reviews of flood risk management plans to be co-ordinated with reviews of river basin management plans under regulation 15 of the 2003 Regulations (regulation 18);
- (n) require the Department to take various steps to ensure public participation in the preparation of a flood risk management plan and to take into account any representations received in relation thereto (regulation 19);
- (o) provide for the publication of a flood risk management plan (regulation 20);
- (p) require the Department to review and, if necessary, update each flood risk management plan by 22<sup>nd</sup> December 2021 and every six years thereafter (regulation 21 and Schedule 3);
- (q) require public bodies to provide such information and assistance as the Department may reasonably seek in connection with the exercise of its functions under the Regulations (regulation 22); and
- (r) enable the Department to give guidance to any public body on the implementation of the Directive (regulation 23).

**Status:**

Point in time view as at 21/12/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009.