
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 81

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

PART 5

Environmental Objectives and Programme of Measures

Modifications to physical characteristics of water bodies

19.—(1) A failure to achieve good groundwater status, good ecological status or, where relevant, good ecological potential, or to prevent deterioration in the status of a body of surface water or a body of groundwater is not a breach of the environmental objectives set for it in accordance with regulation 12 if—

- (a) the failure is the result of new modifications to the physical characteristics of the body of surface water or alterations to the level of the body of groundwater; and
- (b) all the conditions in paragraphs (3) to (5) are or will be met.

(2) A failure to prevent deterioration from high status to good status of a body of surface water is not a breach of the environmental objectives set for it in accordance with regulation 12 if—

- (a) the failure is the result of new sustainable development activities; and
- (b) all the conditions in paragraphs (3) to (5) are or will be met.

(3) All practicable steps are taken to mitigate the adverse impact on the status of the body of water.

(4) At least one of the following circumstances apply—

- (a) the reasons for the modifications or alterations, or for the sustainable development activities, are of overriding public interest;
- (b) the benefits to the environment and to society of achieving the environmental objectives are outweighed by the benefits of the new modifications or alterations, or of the sustainable development activities, to human health, to the maintenance of human safety, or (in the case of modifications or alterations) to sustainable development.

(5) The beneficial objectives served by the modifications or alterations, or by the sustainable development activities, of the body of water cannot, for reasons of technical feasibility or disproportionate costs, be achieved by other means which are a significantly better environmental option.

(6) Where paragraph (1) or (2) applies, the reasons for the modifications or alterations, or for the sustainable development activities, must be specifically set out and explained in the relevant river basin management plan, and the environmental objectives must be reviewed every six years.