

STATUTORY RULES OF NORTHERN IRELAND

**2017 No. 88**

**The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017**

**PART 2**

**DRAINAGE WORKS**

**Monitoring**

**17.**—(1) Where an environmental statement is determined by the Drainage Council or as the case may be, the Commission, and the decision is to approve the drainage works, the Drainage Council, or 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 drainage works (“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 development and the significance of its effects on the environment having regard in particular to the types of parameters to be monitored and the duration of the monitoring;
- (b) in order to avoid duplication of monitoring, whether monitoring arrangements required under [<sup>F1</sup>retained EU 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.

**F1** Words in [reg. 17\(2\)\(b\)](#) substituted (31.12.2020) by [The Drainage \(Environmental Impact Assessment\) \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/31\)](#), regs. 1(1), [3\(7\)](#); 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**II** Reg. 17 in operation at 16.5.2017, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, Section 17.