

EXPLANATORY MEMORANDUM TO

The Water Environment (Floods Directive) (Amendment No. 2) Regulations (Northern Ireland) 2018

SR 2018 No. 196

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations amend the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 to replace out of date references to other legislation.

3. Background

- 3.1. In Northern Ireland, the transposing legislation of Directive 2007/60/EC on the assessment and management of flood risks is the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009 ("the Floods Directive Regulations"). The Directive requires Member States to assess if all water courses and coast lines are at risk from flooding, to map the flood extent, to assess the risk to assets and humans in these areas and to take adequate and coordinated measures to reduce this flood risk. The Directive also reinforces the rights of the public to access this information and to have a say in the planning process. The obligations of this Directive are to be carried out in coordination with the Water Framework Directive (WFD) 2000/60/EC, notably by the coordination of flood risk management plans and river basin management plans.
- 3.2. These Regulations amend the Water Environment (Floods Directive Regulations) (Northern Ireland) 2009 to replace out of date references to other legislation.
- 3.3. The existing reference to the Planning (Northern Ireland) Order 1991 is amended to the Planning Act (Northern Ireland) 2011.
- 3.4. The existing reference to Council Directive 96/82/EU is amended to Council Directive 2012/18/EU, on the control of major-accident hazards involving dangerous substances.
- 3.5. The existing reference to Council Directive 85/337/EEC is amended to Council Directive 2011/92/EU, on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU.
- 3.6. The existing reference to the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003 is amended to the Water

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

4. Consultation

4.1. As the Regulations only make technical amendments to replace out of date references to other legislation, consultation was not required.

5. Equality Impact

5.1. The Regulations only replace out of date references to other legislation. Therefore a review of compliance with section 75 of the Northern Ireland Act 1998 was not considered necessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not considered necessary as the Regulations do not impact on businesses, charities or voluntary bodies.

7. Financial Implications

7.1. Not applicable.

8. Section 24 of the Northern Ireland Act 1998

8.1. As the Regulations only make technical amendments to replace out of date references to other legislation and it is the view of the Department that the Regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Additional information may be obtained from Julie Ann Dutton at Department for Infrastructure (DfI), Water and Drainage Policy Division, Clarence Court, 10 - 18 Adelaide Street, Belfast BT2 8GB. Telephone: 028 9054 0836 or email: julie-ann.dutton@infrastructure-ni.gov.uk.