EXPLANATORY MEMORANDUM TO

The Water Framework Directive (Priority Substances and Classification) (Amendment) Regulations (Northern Ireland) 2015

2015 No. 45

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment (the Department) 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. The Statutory Rule will make amendments to the Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011 to incorporate recommendations from the Water Framework Directive (WFD) UK Technical Advisory Group (UKTAG) in respect of biological, phosphorus and environmental standards and to reflect the results of the EU wide inter-calibration process. The Statutory Rule also contains standards in respect of shellfish waters.

2.2. The updated standards will be applied in the second cycle of river basin management planning to assess the status of water bodies and produce classifications.

3. Background

3.1. The Department proposes to introduce new and updated environmental standards for Northern Ireland's water environment through amendments to the Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011. These Regulations support the implementation of the Water Framework Directive (2000/60/EC) and transpose the Environmental Quality Standards Directive, also known as the Priority Substances Directive (2008/105/EC).

4. Consultation

4.1. The Department launched the consultation on the draft Water Framework Directive (Priority Substances and Classification) (Amendment) Regulations (Northern Ireland) 2014 on 7 July 2014 and it ran until 29 September 2014.

4.2. The public consultation gave stakeholders the chance to give their views on the proposals made by the Department and on the Department's assessment of the impact of the proposed amendments. One substantive response was received to the consultation and no objections to the proposed amendments were received.

5. Equality Impact

5.1. Under Section 75 of the Northern Ireland Act 1998, public authorities have a statutory duty to promote equality of opportunity. As a result of a screening exercise undertaken, it was considered that there were no significant implications for equality of opportunity and a full Equality Impact Assessment was not required.

6. Regulatory Impact

6.1. A partial Regulatory Impact Assessment was carried out as part of the consultation process. The main benefit of the Regulations will be to ensure that our understanding of the condition of the water environment is improved and subsequently the water environment will be protected without imposing unnecessary constraints on development or the implementation of costly measures without a strong confidence in the need for doing so. It is not considered that the proposed Regulations will have a significant financial impact for any sector.

7. Financial Implications

7.1. A partial Regulatory Impact Assessment was carried out as part of the consultation process. It is not considered that the proposed Regulations will have a significant financial impact for any sector.

8. Section 24 of the Northern Ireland Act 1998

8.1. These Regulations are deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The amendments contained within these Regulations are based on recommendations from the WFD UKTAG and the result of the EU wide intercalibration process. The amendments should help improve the Department's understanding of the condition of water bodies in Northern Ireland and the subsequent identification of measures to improve the condition of these water bodies. These Regulations will therefore assist the Department in fulfilling its obligation with regard to the transposition and implementation of the Water Framework Directive.

10. Parity or Replicatory Measure

10.1. Regulations to incoporate similar amendments in Scotland were made in August 2014. England and Wales will be making similar amendments to its equivalent legislation in 2015.

11. Additional Information

11.1. Not applicable.