

Managing Flood Risk in Northern Ireland

August 2009



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

Transposition of the EU Floods Directive into domestic law

On 7th August 2009 the Rivers Agency published draft Regulations “The Draft Water Environment (Flood Directive) Regulations (Northern Ireland) 2009” alongside a “Consultation document on the Transposition of the EU Floods Directive” which aim to implement the requirements of the Directive on the assessment and management of flood risk in Northern Ireland. This is in response to the European Directive on the Assessment and Management of Flood Risks (2007/60/EC) “the Directive”, which came into force on 26 November 2007. The Department of Agriculture and Rural Development was appointed as the competent authority in Northern Ireland to implement the Directive. The Rivers Agency, as an Executive Agency of DARD responsible for drainage and flood defence in Northern Ireland, is taking the lead role in Northern Ireland for transposing the Directive into domestic law.

The purpose of the Directive is to establish a framework for the assessment of flood risk and to reduce the adverse consequences of flooding on human health, the environment, cultural heritage and economic activity in the European Community.

The Directive acknowledges the effect of widespread flooding throughout Europe over recent years and the impact that the effects of climate change have had on our water environment. The Directive aims to help Member States establish a system whereby they can identify areas of “potential significant flood risk” that either currently exist or can be reasonably foreseen in the future.

The Directive requires Member States to implement the provisions of the Directive into domestic law by 25 November 2009. Should a Member State fail to comply with the implementation timescale then infraction proceedings may be taken against the relevant government for non-compliance.

The Consultation document recognises that the previous method of responding to flooding through construction of defences in vulnerable areas is no longer effective or economically efficient. Instead, flood risk should be managed in a more sustainable and affordable manner that is not focused solely on engineering solutions.

The main requirements contained within the Directive and transposed to the draft Regulations are to:

1. Undertake a Preliminary Flood Risk Assessment of all river basins and coastal zones in the north of Ireland by December 2011 in order to identify areas that are at a potential risk of significant flooding;
2. Produce detailed Flood Hazard Maps and Flood Risk Maps for those areas that are identified as being at a potential significant flooding risk by December 2013;
3. Produce Flood Risk Management Plans that focus specifically on ‘prevention, protection and preparedness’ of those areas at significant risk by December 2015;
4. Co-ordinate efforts and co-operate with the relevant authorities in the South of Ireland in relation to implementation of the provisions for international catchments (river basins);

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5. Encourage the active involvement of interested parties in the production of Flood Risk Management Plans and co-ordinate this with the involvement of interested parties in the Water Framework Directive; and
6. Make the Preliminary Flood Risk Assessment, Flood Hazard Maps, Flood Risk Maps and the Flood Risk Management Plans available to the public.

The Rivers Agency, acting on behalf of DARD, will be responsible for the Preliminary Flood Risk Assessments of each of the River Basin Districts and in cases involving international river basins, will have to ensure the exchange of relevant information with the competent authority in the south of Ireland. The Rivers Agency will also be responsible for producing the Flood Hazard and Risk Maps.

The draft Regulations place a statutory duty on all Departments in the north of Ireland, each district council and Northern Ireland Water Ltd to exercise their relevant functions in such a way that complies with the requirements of the Directive. Therefore, development of the Flood Risk Management Plans will require cooperation and contribution from all the above-mentioned bodies.

The consultation period closes on 2 October 2009. It is anticipated that the Regulations will be made by the 25 November 2009 as required by the Directive.

Should you have any queries in relation to the Draft Regulations please contact Karen Blair, Maria O'Loan or Claire McNally.

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