

WATER APPEALS COMMISSION FUNCTIONS (as at 27th October 2017)

The Commission now has 54 functions under various pieces of legislation.

1. **The Water Supplies and Sewerage Act (Northern Ireland) 1945 as amended by the Water and Sewerage Services (Northern Ireland) Order 2006:-**

 - (a) Determination of questions relating to proposals for providing water supplies to new houses [Section 4(1)].

2. **The Foyle Fisheries Act (Northern Ireland) 1952 as amended by the Foyle and Carlingford Fisheries (Northern Ireland) Order 2007**

 - (a) Determination of appeals against the refusal or conditional grant of consent to remove material from the bed of the freshwater portion of any river in the Londonderry Area or the Newry Area [Section 46(5)].

3. **The Fisheries Act (Northern Ireland) 1966 as amended by the Fisheries (Amendment) (Northern Ireland) Order 1991:-**

 - (a) Hearing and reporting on objections to the grant of fish culture licences [Section 11A(3)];
 - (b) Determination of appeals against the intention to refuse or conditionally grant fish culture licences [Section 11A(4)];
 - (c) Hearing and reporting on objections relating to applications for consent to discharge into a waterway of effluent or matter in connection with the operation of a fish farm [Section 11B(1)];
 - (d) Determination of appeals against proposals to amend, suspend or revoke a fish culture licence [Section 11C(3)];
 - (e) Determination of appeals against the refusal to grant an exemption from the requirement to construct a fish pass [Section 54(2A)];
 - (f) Determination of appeals against the refusal, conditional grant, revocation or variation of certificates exempting the occupier of a mill from requirements relating to sluices, waste gates or overfalls [Section 58(3D)];
 - (g) Determination of appeals against the refusal, conditional grant, revocation or variation of permits granting exemption from the obligation to set gratings in watercourses [Section 59(5A)];

- (h) Hearing and reporting on objections to the grant of shell-fish fishery licences [Section 132(2)(a)];
- (i) Determination of appeals against the intention to refuse or grant conditionally shell-fish fishery licences [Section 132(2)(c)];
- (j) Determination of appeals against the variation of shell-fish fishery licences [Section 133(5A)];
- (k) Hearing and reporting on objections to the grant of marine fish fishery licences and determination of appeals against the intention to refuse or grant conditionally such licences and against the variation of such licences [Section 137A(2)].

4. **The Drainage (Northern Ireland) Order 1973 as amended by the Water and Sewerage Services (Northern Ireland) Order 2006 and the Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017:-**

- (a) Making determinations as to whether proposed drainage schemes are likely to have significant effects on the environment [Article 12A(8)];
- (b) Giving opinions as to the information to be contained in environmental statements in respect of proposed drainage schemes [Article 12C(3)];
- (c) Making determinations as to whether proposed drainage schemes should proceed [Article 12H(10)];
- (d) Resolution of disputes concerning works or property vested in or under the control of a water or sewerage undertaker [Article 40A(3)].

5. **The Water (Northern Ireland) Order 1999 as amended by the Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2006, the Water and Sewerage Services (Miscellaneous Provisions) (Northern Ireland) Order 2006 and the Water and Sewerage Services (Northern Ireland) Order 2006:-**

- (a) Determination of appeals against notices relating to water quality objectives in respect of classified waters [Article 6(7)];
- (b) Hearing and reporting on representations in respect of applications for discharge consent [Article 7A(4) and Schedule 1];
- (c) Determination of appeals against notices prohibiting certain actions considered likely to result in pollution [Article 8(3)];

- (d) Determination of appeals against decisions relating to consent to discharge effluent into a waterway or underground stratum or against enforcement notices relating to alleged contraventions of such consents [Article 13];
- (e) Determination of appeals against emergency notices prohibiting the deposit or discharge of matter into a waterway or underground stratum [Article 15(3)];
- (f) Determination of appeals against notices requiring the carrying out of anti-pollution works and operations [Article 17(7)];
- (g) Hearing and reporting on objections to the making of orders conferring compulsory powers for executing works [Article 23(4) and Schedule 2];
- (h) Determination of appeals against directions requiring the giving of information as to abstractions from or discharges into waterways or underground strata [Article 28];
- (i) Determination of appeals against determinations that information is not commercially sensitive [Article 32(5)];
- (j) Making determinations and giving opinions relating to environmental impact assessment of canal schemes [Article 45(1) and Schedule 5];
- (k) Hearing and reporting on objections to the content of draft water management programmes [Article 57(3) and Schedule 6].

6. **The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (Northern Ireland) 2003 No. 319:-**

- (a) Determination of appeals against notices requiring the carrying out of works or the taking of precautions or other steps for preventing pollution of waterways [Regulation 10].

7. **The Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 No. 482 as amended by the Water Abstraction and Impoundment (Licensing) (Amendment) Regulations (Northern Ireland) 2007:-**

- (a) Hearing and reporting on representations in respect of applications for licences for water abstraction or impoundment or for the modification or transfer of such licences [Regulation 17];
- (b) Determination of appeals against decisions on applications for licences for, and notices in relation to, water abstraction or impoundment [Regulation 29].

8. **The Water and Sewerage Services (Northern Ireland) Order 2006:-**

- (a) Confirmation of notices relating to the wholesomeness and sufficiency of private water supplies [Article 120];
- (b) Determination of appeals against notices modifying or revoking notices relating to the wholesomeness and sufficiency of private water supplies [Article 121(7)];
- (c) Resolution of questions concerning the use of road drains as sewers and vice versa [Article 172(5)];
- (d) Holding local inquiries in relation to functions of the Department for Regional Development [Article 303(2)].

9. **The Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations (Northern Ireland) 2007 No. 23:-**

- (a) Determination of appeals against opinions that environmental assessment would not be required for proposed fish farming in marine waters [Regulation 4(10)].

10. **The Groundwater Regulations (Northern Ireland) 2009 No. 254:-**

- (a) Determination of appeals in relation to authorisations of discharges of hazardous substances or non-hazardous pollutants [Regulation 23].
- (b) Determination of appeals against notices to prevent or control the input of hazardous substances or non-hazardous pollutants [Regulation 26].

11. **Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010 No. 412:-**

- (a) Determination of appeals against notices to minimise pollution risks in transitional cases [Regulation 9].

12. **The Marine Licensing (Appeals) Regulations (Northern Ireland) 2011 No. 80:-**

- (a) Determination of appeals against marine licensing decisions and enforcement notices [Regulation 4].

13. **The Marine Licensing (Civil Sanctions) Order (Northern Ireland) 2011 No. 81:-**

- (a) Determination of appeals against fixed monetary penalties [Article 12];

- (b) Determination of appeals against variable monetary penalties [Article 20];
- (c) Determination of appeals against enforcement cost recovery notices [Article 22].

14. **The Nitrates Action Programme Regulations (Northern Ireland) 2014 No. 307:-**

- (a) Determination of appeals against decisions concerning limits on land application of nitrogen fertiliser [Regulation 9(6)];
- (b) Determination of appeals against the refusal of applications to derogate from the limit on land application of livestock manure [Regulation 12(3)(d)];
- (c) Determination of appeals against the refusal of applications to store poultry litter in a field heap [Regulation 18(3)(d)];
- (d) Determination of appeals against notices requiring works, precautions or steps to minimise the significant risk of pollution or to prevent, remedy, or prevent the continuation or repetition of, breaches of the Regulations [Regulation 28(4)].

15. **The Phosphorous (Use in Agriculture) Regulations (Northern Ireland) 2014 No. 308:-**

- (a) Determination of appeals against notices requiring works, information, precautions or steps to prevent, remedy, or prevent the continuation or repetition of, breaches of the Regulations [Regulation 10].

16. **The Marine Conservation (Fixed Monetary Penalties) Order (Northern Ireland) 2015 No. 279:-**

- (a) Determination of appeals against fixed monetary penalties for contravening bylaws relating to Marine Conservation Zones [Regulation 11].

17. **The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 No. 85:-**

- (a) Making determinations as to whether water management projects for agriculture require environmental impact assessment [Regulation 6(9)].

18. **The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 No. 88:-**

- (a) Making determinations as to whether proposed drainage works are likely to have significant effects on the environment [Regulation 8(5)];
- (b) Giving opinions as to the information to be contained in environmental statements in respect of proposed drainage works [Regulation 11(1)];
- (c) Determinations as to whether proposed drainage works should proceed [Regulation 16(8)].

19. **The Private Water Supplies Regulations (Northern Ireland) 2017 No. 211:-**

- (a) Determination of appeals against notices prohibiting the supply of water or restricting its use [Regulation 20].