



STATUTORY INSTRUMENTS.

**S.I. No. 495 of 2015**



EUROPEAN COMMUNITIES (ASSESSMENT AND MANAGEMENT OF  
FLOOD RISKS) (AMENDMENT) REGULATIONS 2015

## EUROPEAN COMMUNITIES (ASSESSMENT AND MANAGEMENT OF FLOOD RISKS) (AMENDMENT) REGULATIONS 2015

I, BRENDAN HOWLIN, Minister for Public Expenditure and Reform, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No.27 of 1972), and for the purpose of giving further effect to Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 establishing a framework for Community action in the field of assessment and management of flood risk, hereby makes the following regulations:

*Citation, collective citation and construction*

1. (1) These Regulations may be cited as the European Communities (Assessment and Management of Flood Risks) (Amendment) Regulations 2015.

(2) The Principal Regulations and these Regulations may be cited together as the European Communities (Assessment and Management of Flood Risks) Regulations 2010 and 2015.

(3) The Principal Regulations and these Regulations shall be construed together as one.

*Definition*

2. In these Regulations “Principal Regulations” means the European Communities (Assessment and Management of Flood Risks) Regulations 2010 (S.I. No.122 of 2010).

*Construction of certain references in Principal Regulations*

3. A reference in the Principal Regulations to a section or subsection, or a paragraph of a subsection, unless the reference is to a provision of an Act of the Oireachtas or other statute, shall be construed as a reference to, respectively—

- (a) a Regulation,
- (b) a paragraph of a Regulation, or
- (c) a subparagraph of a paragraph.

*Objections to flood hazard maps*

4. The Principal Regulations are amended by substituting the following for Regulation 13:

“13. (1) Any person who is the owner, occupier or user of the land shown on flood hazard maps as falling within the scenarios set out in Regulation 11(3)(a), (b) or (c) may, within one month of the appearance of the notice

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 10th November, 2015.*

in Iris Oifigiúil, lodge an objection with the Commissioners to the inclusion of such land or portion of lands in any of these categories, stating the reasons why the person considers it unreasonable to conclude that the land in question could be flooded according to the relevant scenarios set out in Regulation 11(3)(a), (b) and (c).

(2) The Commissioners shall consider any such objection so lodged and may decide to amend or confirm the inclusion of the land in question in the flood hazard map, giving reasons for such decision.

(3) The Commissioners may determine the procedures in accordance with which the lodging and processing, and the deciding by them of, an objection referred in paragraphs (1) and (2) shall be done. Any procedures so determined by the Commissioners shall be published by them.

(4) The owner, occupier or user of the land, may, not later than 30 days after the day on which the decision referred to in paragraph (2) is given, appeal against that decision by serving a notice on the Commissioners in that behalf.

(5) The appeal shall be referred to, and determined by, a person or persons of appropriate expertise and experience who shall be nominated by the President for the time being of Engineers Ireland on the application of the Commissioners.

(6) The Commissioners may determine the procedures in accordance with which the service of the notice under paragraph (4), the processing of the appeal concerned and the determination of the appeal by the one or more persons nominated under paragraph (5) shall be done. Any procedures so determined by the Commissioners shall be published by them.”.

*Sending of flood risk management plans to county councils*

5. The Principal Regulations are amended by substituting the following subparagraph for subparagraph (c) of Regulation 18(2):

“(c) may, at any time within such period as is considered appropriate by the Commissioners, being not less than 3 months after the date of the publication in the Iris Oifigiúil pursuant to paragraph (1) of the notice relating to such plan, send to the Commissioners all such observations in relation to such plan as the county council or, as the case may be, other local authority shall think proper.”.

*Amendment of First Schedule to Principal Regulations*

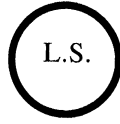
6. The First Schedule to the Principal Regulations is amended—

(a) in Parts 1 and 2, by adding, after paragraph 4 in each case, the following:

“5. Irish Water.”, and

(b) in Part 3, by adding, after paragraph 8, the following:

“9. Irish Water.”.



GIVEN under my Official Seal,  
5 November 2015.

BRENDAN HOWLIN,  
Minister for Public Expenditure and Reform.

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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