STATUTORY RULES OF NORTHERN IRELAND

1998 No. 446

DRAINAGE

Drainage (Environmental Assessment) (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*17th December 1998*
Coming into operation	*29th January 1999*

The Department of Agriculture, being a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred upon it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Part I

Introductory and Application

Citation and commencement

1. These Regulations may be cited as the Drainage (Environmental Assessment) (Amendment) Regulations (Northern Ireland) 1998 and shall come into operation on 29th January 1999.

Interpretation

2.—(1) In these Regulations, "the Drainage Order" means the Drainage (Northern Ireland) Order 1973(**3**).

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Application

3.—(1) Part II shall not apply to any drainage works–

(**1**) S.I.1988/785
(**2**) 1972 c. 68
(**3**) S.I. 1973/69 (N.I. 1) as amended by S.R. 1991 No. 376
(**4**) 1954 c. 33 (N.I.)

(a) commenced before 29th January 1999;

(b) the proposals for which have been announced in accordance with regulation 5(1) of the Drainage (Environmental Assessment) Regulations (Northern Ireland) 1991(**5**) before 29th January 1999;

(c) carried out pursuant to any scheme under Article 30(1) of the Drainage Order which was prepared before 29th January 1999;

(d) carried out pursuant to an agreement or arrangement with a person outside Northern Ireland which was entered into by the Department under Article 30(2) of the Drainage Order for the purposes of a scheme under paragraph (1) of that Article before 29th January 1999; or

(e) carried out under a drainage scheme, whether prepared before or after 29th January 1999, which was confirmed under Article 13 of the Drainage Order before 29th January 1999 or treated by virtue of Article 8(1) or 9(1) of that Order as if they had been so carried out.

(2) Part III shall not apply to any drainage scheme prepared before 29th January 1999.

Part II

Drainage Works Generally

Amendment of the Drainage (Environmental Assessment) Regulations (Northern Ireland) 1991

4. The Drainage (Environmental Assessment) Regulations (Northern Ireland) 1991 shall be amended in accordance with regulations 5 to 13.

Interpretation

5. In regulation 2–

(a) in paragraph (1), before the definition of "the Department" there shall be inserted–

> ""another member State" means a member State other than the United Kingdom;"; and

(b) after paragraph (3) there shall be inserted–

> "(3A) In these Regulations, any reference to significant effects on the environment includes a reference to such effects on the environment in another member State.".

Preparation of an environmental statement

6. For regulation 5 there shall be substituted–

"**Preparation of an environmental statement**

5.—(1) The Department shall consider whether any proposed drainage works are likely to have significant effects on the environment and ought, therefore, to be made subject to an environmental statement.

(2) Where the Department considers that any proposed drainage works ought to be made subject to an environmental statement, it shall by notice published in the Belfast Gazette and at least two local newspapers–

(**5**) S.R. 1991 No. 376

(a) announce that it is proposed that the works in question will be carried out;

(b) describe briefly their nature, size and location; and

(c) state that the Department proposes to make the works subject to an environmental statement.

(3) Where the Department considers that any proposed drainage works ought not to be made subject to an environmental statement, it shall by notice published in the Belfast Gazette and at least two local newspapers–

(a) announce that it is proposed that the works in question will be carried out;

(b) describe briefly their nature, size and location;

(c) state that the Department does not propose to make the works subject to an environmental statement; and

(d) state that any person may make representations to the Department in writing in relation to the likely environmental effects of the proposed works at the address specified in the notice within 28 days of the date of the publication of the notice in the Belfast Gazette.

(4) Where the Department publishes a notice in accordance with paragraph (2) or (3) it shall send a copy of that notice to–

(a) the Drainage Council;

(b) the district council of the district or, as the case may be, each district in which the proposed drainage works are situate; and

(c) any other person who appears to it to have an interest in the matter.

(5) Where the Department has stated pursuant to paragraph (2)(*c*) that it proposes to make any proposed drainage works subject to an environmental statement, it shall proceed to prepare such a statement.

(6) The Department shall consider any representations made in accordance with paragraph (3)(*d*) and if, having done so, it decides that any proposed drainage works ought to be made subject to an environmental statement, it shall so inform the persons who made those representations and proceed to prepare such a statement.

(7) Where the Department has stated in accordance with paragraph (3)(*c*) that it does not propose to make any proposed drainage works subject to an environmental statement and either–

(a) no representations made in accordance with paragraph (3)(*d*) are received in relation to those works within the time limit therein specified; or

(b) such representations are so received but the Department, after considering them, decides that the proposed works ought not to be made subject to an environmental statement,

it may proceed to undertake those works or do anything else referred to in regulation 4(1) in relation to them, without preparing such a statement.".

Publicity for an environmental statement

7. For regulation 6 there shall be substituted–

"**Publicity for an environmental statement**

6. Where the Department has prepared an environmental statement in relation to any proposed drainage works, it shall–

(a) by notice published in the Belfast Gazette and at least two local newspapers announce the preparation of the statement and state that any person who wishes to make representations in relation to the likely environmental effects of the works to which the statement relates should make them in writing to the Department at the address specified in the notice within 28 days of the date of the publication of the notice in the Belfast Gazette;

(b) make available for inspection at an office of the Department or at some other convenient place, for a period of at least 28 days following the date of the publication of the notice in the Belfast Gazette, the details of the proposed drainage works and the environmental statement relating thereto, and ensure that a reasonable number of copies of the statement are made available;

(c) state in the notice referred to in sub-paragraph (*a*), the address and the times at which copies of the environmental statement may be inspected or obtained and, if a charge is to be made for a copy thereof under regulation 8(*a*), the amount of the charge; and

(d) at the same time as the notice referred to in sub-paragraph (*a*) is published supply copies of the statement to–

(i) the Drainage Council;

(ii) the district council of the district or, as the case may be, each district in which the proposed drainage works are situate; and

(iii) any other person who appears to it to have an interest in the matter.".

Consultation with other persons

8. For regulation 7 there shall be substituted–

"**Consultation with other persons**

7.—(1) Where in accordance with regulation 6(*d*)(i) to (iii) the Department sends any person a copy of an environmental statement it shall consult with that person about the statement and the likely environmental effects of the drainage works to which it relates.

(2) Where under paragraph (1) the Department consults with any person about an environmental statement, it shall give that person not less than 28 days notice beginning with the day on which it sends a copy of the environmental statement to him, that it proposes to consider the statement and shall not do so until after the expiration of that period.".

Charges

9. For regulation 8 there shall be substituted–

"**Charges**

8. A reasonable charge reflecting printing and distribution costs may be made to any person for–

(a) any copy, in excess of one, of the whole or any part of an environmental statement supplied to that person in accordance with regulation 6(*d*)(i) to (iii); or

(b) any copy, in excess of one, of the whole or any part of any further information supplied to that person in accordance with regulation 9(5)(*a*) to (*c*).".

Provision of information

10. For regulation 9 there shall be substituted–

"**Provision of information**

9.—(1) Subject to paragraph (6), where the Department proposes to prepare an environmental statement in accordance with this Part, it may enter into consultations with any person to determine whether that person has in his possession any information which the Department considers relevant to the preparation of the statement, and that person shall make any such information which he has available to the Department.

(2) Where the Department has prepared an environmental statement in relation to any drainage works and made that statement available in accordance with regulation 6 it may determine that further information is relevant to any matter which is required to be, or may be, dealt with in the statement.

(3) Subject to paragraph (6), the Department may enter into consultations with any person to determine whether that person has in his possession any further information which the Department considers relevant to the environmental statement and that person shall make any such further information which he has available to the Department.

(4) Where, pursuant to paragraph (3), the Department obtains any further information it shall–

(a) by notice published in the Belfast Gazette and at least two local newspapers announce that the further information is available, and give details of the time and place where a copy of that further information may be inspected or obtained and, if a charge is to be made for a copy thereof under regulation 8, the amount of the charge; and

(b) state that any person who wishes to make representations in relation to that further information should make them in writing to the Department at the address specified in the notice within 28 days of the date of the publication of the notice in the Belfast Gazette.

(5) At the same time as the notice referred to in paragraph (4) is published, the Department shall supply copies of the further information to–

(a) the Drainage Council;

(b) the district council of the district or, as the case may be, each district in which the proposed drainage works are situate; and

(c) any other person who appears to it to have an interest in the matter.

(6) Nothing in paragraph (1) or (3) shall require the disclosure by any person of confidential information.

(7) A reasonable charge reflecting the cost of making information available in accordance with paragraph (1) or (3) may be made to the Department by any person making it available.".

Drainage works likely to have a significant effect on the environment in another member State

11. After regulation 9 there shall be inserted the following regulation–