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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 394**

**Drainage (Environmental Impact Assessment)  
Regulations (Northern Ireland) 2001**

**Part I**

**Introductory and Application**

**Citation and commencement**

1. These Regulations may be cited as the Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2001 and shall come into operation on 26th November 2001.

**Interpretation**

2.—(1) In these Regulations—

“another EEA State” means an EEA State other than the United Kingdom;

“canal scheme” has the same meaning as in Article 42 of the Water Order(1);

“the Commission” means the Water Appeals Commission established under Article 7 of the Water and Sewerage Services (Northern Ireland) Order 1973(2);

“the Department” means—

(a) in relation to any canal schemes or marina works the Department of Culture, Arts and Leisure; and

(b) for all other purposes the Department of Agriculture and Rural Development;

“the Directive” means Council Directive [85/337/EEC](#)(3) on the assessment of the effects of certain public and private projects on the environment as amended by Council Directive [97/11/EC](#)(4);

“drainage” includes defences against water including sea water;

“drainage works” means any works carried out under the Drainage Order for the purpose of draining land or for preventing or mitigating flooding or erosion to which land is subject, and includes the construction, cleansing, scouring, deepening, widening, straightening or diverting of any watercourse or outfall for water, canalisation, the construction, installation or alteration of any pump, pump machinery or pump-house, the removal of any obstruction, natural or artificial, in any watercourse, and the construction, repair, raising, lowering, widening, straightening, altering or removal of any embankment, dam, barrier, sluice, weir, wall, culvert or groyne or of any structure or erection for the purpose of defence against, or relief from water;

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(1) S.I.1999/662 (N.I. 6)

(2) S.I. 1973/70 (N.I. 2)

(3) O.J. No. L175, 5.7.85, p. 40

(4) O.J. No. L73, 14.3.97, p. 5

“the Drainage Order” means the Drainage (Northern Ireland) Order 1973<sup>(5)</sup>;

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed in Brussels on 17th March 1993;

“environmental information” means information in the environmental statement and any other information provided in accordance with these Regulations in relation to an application or referral for a determination under regulation 6(5) or 14(4) relating to the likely environmental effects of the works which are the subject of the application or referral as the case may be;

“environmental statement” means a statement that includes—

- (a) such of the information referred to in Part I of Schedule 2A to the Drainage Order as is reasonably required to assess the environmental effects of any proposed works and which the Department can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but
- (b) at least the information referred to in Part II of Schedule 2A to the Drainage Order;

“local newspaper” means a newspaper circulating in the immediate locality of any proposed works;

“marina works” means works carried out in relation to a marina under Part III of the Water Order;

“proposed works” shall be construed in accordance with regulation 5; and

“the Water Order” means the Water (Northern Ireland) Order 1999.

(2) In these Regulations, “the Drainage Council”, “drainage scheme” and “watercourse” have the meanings respectively assigned to them by Article 2(2) of the Drainage Order.

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

(4) Expressions used in these Regulations and in the Directive have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(5) The Interpretation Act (Northern Ireland) 1954<sup>(6)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

### **Application**

3.—(1) Part II shall apply in relation to any drainage works other than works—

- (a) carried out in pursuance of or for the purposes of any scheme referred to in Article 30(1) of the Drainage Order;
- (b) carried out under a drainage scheme which was confirmed under Article 13 of the Drainage Order or treated by virtue of Article 8(1) or 9(1) of that Order as if they had been confirmed under Article 13 of that Order.

(2) Part II shall apply in relation to any marina works which were commenced after the coming into operation of these Regulations other than works carried out under a canal scheme.

(3) The amendments made to the Water Order by regulation 22 shall not have effect in relation to any canal scheme prepared before the coming into operation of these Regulations.

(4) Part II shall not apply in relation to any drainage works or marina works which the Department, in accordance with Article 2(3) of the Directive, directs are to be exempted from the said Part II.

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(5) S.I. 1973/69 (N.I. 1) as amended by S.R. 1991 No. 376 and S.R. 1998 No. 446

(6) 1954 c. 33 (N.I.)

(5) Part III shall not apply in relation to any drainage scheme or canal scheme which the Department, in accordance with Article 2(3) of the Directive, directs is to be exempted from the said Part III.

(6) No direction shall be made under paragraph (4) or (5) where the Department or any other Northern Ireland department is aware that the works or scheme in question would be likely to have significant effects on the environment of another EEA State.

(7) Where the Department makes a direction under paragraph (4) or (5) it shall publish in the Belfast Gazette and in at least two local newspapers a notice which briefly describes the proposed works, explains the effects of the direction and the reasons for it.