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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2001 (“the 2001 Regulations”) provided for the implementation in relation to drainage schemes, drainage works, canal schemes and marina works carried out by certain Northern Ireland Departments of the requirements of Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (O.J. No. L175, 5.7.85, p. 40) as amended by Council Directive [97/11/EC](#) (O.J. No. L73, 14.3.97, p. 5). These Regulations (which revoke and re-enact with amendments the 2001 Regulations) implement the further changes to Council Directive [85/337/EEC](#) made by Council Directive [2003/35/EC](#) (O.J. No. L156, 25.6.2003 p. 17).

The Regulations continue to require respectively the Department of Agriculture and Rural Development in the execution of certain drainage works and schemes under the Drainage (Northern Ireland) Order 1973 (“the Drainage Order”), and the Department of Culture, Arts and Leisure in the execution of certain canal schemes and marina works under Part III of the Water (Northern Ireland) Order 1999 to carry out an environmental impact assessment and on the basis of that assessment to decide whether or not to proceed with the works or schemes in question.

The principal changes are as follows:

1. The Regulations set out in a clearer fashion the basis upon which proposed drainage works or marina works or a proposed drainage or canal scheme may be exempted from the requirements of the Regulations. These provisions replace the previous cross-reference to the relevant provision in the Directive (regulation 3(5) to (8)).
2. The Regulations clarify which bodies the Departments are under a duty formally to consult with (regulation 6(2) and new Article 12A(5) of the Drainage Order).
3. The Regulations introduce into the processes for consultation about the environmental impact of the works or schemes a requirement for the Departments to make available to the public any additional information which comes to light after the stage in the process at which such information should have been formally publicised (in particular, regulation 11 and new Article 12E of the Drainage Order).
4. The Regulations set out in more detail the information to be provided to other EEA States and in public notices and provide for wider means of notifying the public of relevant information. These include the use of electronic means (regulations 6 to 11 and 13 and new Articles 12A to 12E and 12G of the Drainage Order).
5. The Regulations impose on the Departments a duty to formally record determinations made under the Regulations and to make them available to the public (regulation 14(10) and new Article 12H(10) of the Drainage Order).
6. The Regulations introduce a new general duty on the Departments to make information available to the public at large (regulation 15 and new Article 13A of the Drainage Order).