
STATUTORY INSTRUMENTS

1995 No. 2195

LAND DRAINAGE

The Land Drainage Improvement Works (Assessment of Environmental Effects) (Amendment) Regulations 1995

Made - - - - *17th August 1995*
Laid before Parliament *31st August 1995*
Coming into force - - *21st September 1995*

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, acting jointly, being Ministers 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 them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Land Drainage Improvement Works (Assessment of Environmental Effects) (Amendment) Regulations 1995 and shall come into force on 21st September 1995.

Amendment of The Land Drainage Improvement Works (Assessment of Environmental Effects) Regulations 1988

2. The Land Drainage Improvement Works (Assessment of Environmental Effects) Regulations 1988⁽³⁾ “the principal Regulations”) shall be amended in accordance with regulations 3 to 7 below.

Interpretation

3. In regulation 2(1)—

(a) after the definition of “the appropriate Minister” there shall be inserted the following definition—

““consultation bodies” means—

(1) S.I.1988/785.
(2) 1972 c. 68.
(3) SI. 1988/1217.

- (a) in relation to any improvement works which are to be carried out in England, the Nature Conservancy Council for England and the Countryside Commission;
 - (b) in relation to any improvement works which are to be carried out in Wales, the Countryside Council for Wales; and
 - (c) any other public authority, statutory body or organisation which, in the opinion of the drainage body proposing them, has an interest in any proposed improvement works;”;
- (b) after the definition of “the Court” there shall be inserted the following definition—
 ““district” includes metropolitan district”;
- (c) for the definition of “drainage body” there shall be substituted the following definition—
 ““drainage body” means—
- (a) the National Rivers Authority;
 - (b) an internal drainage board;
 - (c) the council of a county, a district or a London borough, the Common Council of the City of London or the Council of the Isles of Scilly; and
 - (d) on or after 1st April 1996, the council of a county borough;”;
- (d) in the definition of “watercourse”, for the words “(other than public sewers within the meaning of the Public Health Act 1936” there shall be substituted the words “(other than public sewers within the meaning of section 219(1) of the Water Industry Act 1991”(4).

Requirement for environmental statement

4. For regulation 3 there shall be substituted the following regulation—

“3.—(1) No drainage body shall carry out any improvement works unless they have first completed the procedure prescribed by these Regulations.

(2) Where a drainage body propose to carry out any improvement works they shall consider whether, by reason inter alia of their nature, size or location, the proposed works are likely to have significant effects on the environment and ought therefore to be made the subject of an environmental statement.

(3) Where, pursuant to paragraph (2) above, a drainage body considers that any improvement works which they propose to carry out ought to be made the subject of an environmental statement, they shall, by notice in at least two local newspapers—

- (a) announce that they propose to carry out the improvement works in question;
- (b) describe briefly the nature, size and location of the proposed improvement works; and
- (c) state that they intend to prepare an environmental statement in respect of the proposed improvement works.

(4) Where, pursuant to paragraph (2) above, a drainage body considers that any improvement works which they propose to carry out ought not to be made the subject of an environmental statement, they shall, by notice in at least two local newspapers—

- (a) announce that they propose to carry out the improvement works in question;
- (b) describe briefly the nature, size and location of the proposed improvement works;

- (c) state that they do not intend to prepare an environmental statement in respect of the proposed improvement works; and
 - (d) give notice that any person or body who wishes to do so should make representations to them in writing in relation to the likely environmental effects of the proposed improvement works at an address specified in the notice within 28 days of the date of publication of the notice.
- (5) Where a drainage body publishes a notice pursuant to paragraph (3) or (4) above, they shall send a copy of that notice to the consultation bodies.
- (6) Where paragraph (4) above applies and no representations made in accordance with paragraph (4)(d) above are received in relation to proposed improvement works within the time specified, the drainage body may proceed to carry out those works without preparing an environmental statement.”.

Preparation of environmental statement

5. In regulation 4—
- (a) in paragraph (1), for the words “regulation 3(2)(c)” there shall be substituted the words “regulation 3(3)(c”;
 - (b) in paragraph (2), for the words “regulation 3(2)(d)” there shall be substituted the words “regulation 3(4)(d”.

Publicity for environmental statements

6. In regulation 5—
- (a) for sub-paragraph (b) there shall be substituted the following sub-paragraph—
 - “(b) at the same time as the notice is published, supply copies of it to the consultation bodies;”;
 - (b) in sub-paragraph (c) the word “interested” shall be deleted.

Consent to improvement works

7. In regulation 8—
- (a) in each of paragraphs (1) and (3) the words “and comments” shall be deleted;
 - (b) after paragraph (2) there shall be inserted the following paragraph—
 - “(2A) Where, pursuant to paragraph (2) above, a drainage body decides to proceed with the works, they shall inform in writing those persons or bodies who made representations in accordance with regulation 5(a), of their decision, of the reasons and considerations upon which it was based, and that in making it they have considered the matters specified in paragraph (1) above.”;
 - (c) after paragraph (4) there shall be inserted the following paragraph—
 - “(4A) Where, in accordance with paragraph (4) above, the appropriate Minister requests further information from a drainage body, the drainage body shall, before providing that information—
 - (a) by notice in at least two local newspapers announce that the information is available, including details of the time and place where copies of it may be inspected by members of the public at all reasonable times and stating that any person or body who wishes to make representations in relation to that information should make them in writing to the drainage body at the address specified in the notice within 28 days of the date of the publication of the notice;

- (b) at the same time as the notice is published, supply copies of it to the consultation bodies; and
- (c) provide copies of the further information on request to members of the public.”;
- (d) in paragraph (5)—
 - (i) for sub-paragraph (a) there shall be substituted the following sub-paragraph—
 - “(a) considering any proposal, statement and representations referred to him under paragraph (3) above, any information provided pursuant to paragraph (4) above and any representations made pursuant to paragraph (4A) above and;”;
 - (ii) for the words “and shall inform the drainage body and those persons or bodies who made representations of his decision and the reasons and considerations upon which it was based” there shall be substituted the words “and shall inform in writing the drainage body and those persons or bodies who made representations in accordance with regulation 5(a), of his decision, the reasons and considerations upon which it was based, and that in making it he has considered the matters specified in sub-paragraph (a) above”.

Saving

8. The amendments made by these Regulations shall not apply in relation to improvement works the proposals for which have been announced, pursuant to regulation 3(2) of the principal Regulations, before the coming into force of these Regulations.

16th August 1995

Tim Boswell
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Wales

17th August 1995

Gwilym Jones
Parliamentary Under-Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Land Drainage Improvement Works (Assessment of Environmental Effects) Regulations 1988 “the principal Regulations”), which implement in England and Wales, in relation to the projects to which they apply, Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (OJNo. L175, 5.7.85, p.40).

In addition to minor and drafting amendments, the Regulations made the following changes of substance to the principal Regulations—

- (a) the procedures to be followed by a drainage body where it considers that an environmental statement should, or alternatively should not, be prepared in respect of proposed improvement works, are modified (regulation 4);
- (b) where a drainage body is required to provide further information to the appropriate Minister, (as defined in regulation 2(1) of the principal Regulations) with a view to his deciding whether to consent to proposed works, the drainage body is required to comply with the same requirements as to publicity and consultation as apply in relation to the preparation of an environmental statement (regulation 7);
- (c) when notifying its decision as to whether proposed works should be carried out, a drainage body is required to confirm in writing that it has considered the proposals, the environmental statement and any representations made in respect thereof. A similar requirement is imposed on the appropriate Minister (regulation 7).