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STATUTORY INSTRUMENTS

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**2005 No. 1399**

**The Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2005**

**Public participation**

3.—(1) The 1999 Regulations shall be amended as follows.

(2) In regulation 5 (Requirements where a drainage body consider improvement works are not likely to have significant effects on the environment)—

(a) in sub-paragraph (1)(c), delete “and”;

(b) at the end of sub-paragraph (1)(d), insert “; and”; and

(c) after sub-paragraph (1)(d) insert —

“(e) describe what additional information concerning the improvement works is available, and where it can be obtained.”.

(3) In regulation 6 (Notification of determination that improvement works are likely to have significant effects on the environment), amend paragraph (2) as follows —

(a) in sub-paragraph (a), at the beginning insert “inform the public of the need for a determination of whether the improvement works should proceed, and”;

(b) at the end of sub-paragraph (b), insert “; and”; and

(c) after sub-paragraph (b) insert—

“(c) give details of the drainage body responsible for taking the decision as to whether to carry out the improvement works, from whom relevant information can be obtained and to which comments or questions can be submitted, and details of the time by which comments or questions must be submitted;

(d) give an indication of the availability of the information gathered;

(e) give details of times and places where, and the means by which, the relevant information will be made available.”.

(4) In regulation 12 (Determination of whether improvement works should proceed)—

(a) for paragraph (7)(c)(ii) substitute—

“(ii) the main reasons and considerations upon which this determination was based, including information about the public participation process; and”; and

(b) after paragraph (8) insert—

“(9) In relation to any determination made by itself or by the appropriate Authority in accordance with this regulation, the drainage body shall maintain a record of, and make available to the public on request, the following information—

(a) the content of the decision and any conditions attached thereto;

(b) the main reasons and considerations on which the decision is based, including information about representations received in the course of the public participation process; and

- (c) a description, where necessary, of the main measures to avoid and reduce the major adverse effects.”.
- (5) in regulation 13 (charges), amend paragraph (1) as follows —
  - (a) in sub-paragraph (a)(ii), after “regulation 12(6)(b)”, insert “or regulation 13A”; and
  - (b) in sub-paragraph (b)(ii), after “regulation 12(6)(c)”, insert “or regulation 13A”.
- (6) After regulation 13 insert —

**“Public participation**

- 13A.**—(1) The drainage body shall make available to the public —
- (a) at the time that the notice under regulation 5(1) is published, all relevant information that is relevant to the improvement works;
  - (b) any further information which is relevant to the determination under regulation 12(7) above, and which only becomes available after the time that the public was given notice in accordance with regulation 5(1)(d), whether as a result of a request from the appropriate Authority under regulation 5(6) above or otherwise; and
  - (c) any further information which is relevant to the assessment under regulation 12(1) above, and which becomes available after the time that the public notice was published in accordance with regulation 6(2) above.”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2005, Section 3.