
WELSH STATUTORY INSTRUMENTS

2012 No. 1692 (W.218)

**COAST PROTECTION, WALES
ENVIRONMENTAL PROTECTION, WALES
FLOOD RISK MANAGEMENT, WALES**

The Designation of Features (Notices) (Wales) Regulations 2012

<i>Made</i>	- - - -	<i>28 June 2012</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>29 June 2012</i>
<i>Coming into force</i>	- -	<i>20 July 2012</i>

The Welsh Ministers, in relation to designations of structures or features in Wales, in exercise of the powers conferred by sections 30 and 48(2) of, and paragraph 16 of Schedule 1 to, the Flood and Water Management Act 2010⁽¹⁾, make the following Regulations.

Title, commencement and application

1.—(1) The Title of these Regulations is the Designation of Features (Notices) (Wales) Regulations 2012 and they come into force on 20 July 2012.

(2) These Regulations apply in relation to designations of structures or features in Wales.

Notices relating to consent to alter, remove or replace designated structures or features

2.—(1) A notice issued under paragraph 6(3)(b) (notices given otherwise than on application by owner) of Schedule 1 to the Flood and Water Management Act 2010 must specify the date on which it is proposed the notice shall have effect, which, subject to paragraph (2), must be a date not less than 28 days after the date on which the notice is issued.

(2) The date required to be specified under paragraph (1) may be less than 28 days if the responsible authority considers it necessary in an emergency.

(1) 2010 c. 29. Paragraph 16 of Schedule 1 to the Flood and Water Management Act 2010 confers powers on “the Minister” and paragraph 17 of Schedule 1 to that Act defines “the Minister” for the purposes of that Schedule.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

28 June 2012

John Griffiths
Minister for Environment and Sustainable
Development, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under Section 30 of, and Schedule 1 to, the Flood and Water Management Act 2010 (c. 29) (“the Act”), the Environment Agency, lead local flood authority or an internal drainage board may designate structures or environmental features that affect a flood or coastal erosion risk, though they may not necessarily have been designed or constructed for that purpose.

Once designated, the owner of the designated feature cannot alter, remove or replace it without consent from the relevant authority, being either the authority which designated the feature or the authority who has since taken responsibility for the designation in accordance with Schedule 1 to the Act (the “Responsible Authority”). Paragraph 6(3)(b) of Schedule 1 to the Act gives power to the Responsible Authority to issue a consent to alter, remove or replace a designated structure or feature (or a variation or withdrawal of such a consent) other than in response to an application by an owner (a “paragraph 6(3)(b) notice”). Paragraph 16 of Schedule 1 to the Act gives the Welsh Ministers the power to make provision about the form, content and method of service of a notice under Schedule 1 to the Act.

These Regulations provide a requirement for all paragraph 6(3)(b) notices to specify a minimum notice period before they have effect and an exception to this requirement. The specified notice period is 28 days after the date on which the notice is issued although a Responsible Authority may specify a shorter notice period if it considers it necessary in an emergency.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.