
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 394

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

Part I

Introductory and Application

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;

“the Drainage Order” means the Drainage (Northern Ireland) Order 1973⁽⁵⁾;

“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;

(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

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

“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(6) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

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