
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 88

The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

PART 1

INTRODUCTORY AND APPLICATION

Interpretation

2.—(1) In these Regulations—

“additional information” in any case where an environmental statement has been prepared in respect of proposed drainage works means any information relating to the statement which is not contained in it;

“another EEA State” means an EEA State other than the United Kingdom;

“the Commission” means the Water Appeals Commission as described in Articles 292 and 293 of the Water and Sewerage Services (Northern Ireland) Order 2006⁽¹⁾;

“the consultation bodies” shall be construed in accordance with regulation 8(2);

“the Department” means the Department for Infrastructure;

“the Directive” means [Directive 2011/92/EU](#)⁽²⁾ of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment as amended by [Directive 2014/52/EU](#)⁽³⁾ of the European Parliament and of the Council;

“drainage” includes defences against water including seawater;

“drainage works” means—

(a) 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; or

(b) any changes made to or extension of such works;

“the Drainage Order” means the Drainage (Northern Ireland) Order 1973⁽⁴⁾;

(1) [S.I. 2006 No. 3336 \(N.I. 21\)](#)

(2) [2011/92/EU \(OJ L 26, 28.1.2012, p. 1–21\)](#)

(3) [2014/52/EU \(OJ L 124, 25.4.2014, p. 1–18\)](#)

(4) [1973 No.69 \(N.I. 1\)](#)

“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 the 17th March 1993;

“environmental statement” means a statement that includes such of the information referred to in Schedule 2A to the Drainage Order, as is reasonably required to assess the environmental effects of any proposed drainage works and which the Department can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile;

“general advertisement” means publication of a notice—

- (a) in the Belfast Gazette; and
- (b) on the website maintained by the Department;

“local advertisement” means a notice in one or more newspapers, circulating in the immediate locality of any proposed works;

“public“ means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;

“public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures of the Department. For the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest; and

“Union legislation” means any enactment in the domestic law of Northern Ireland giving effect to an EU obligation.

(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, unless otherwise provided for.

(5) The Interpretation Act (Northern Ireland) 1954(5) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.