
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 88

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

PART 3

DRAINAGE SCHEMES

Confirmation of drainage schemes

22. For Articles 13 and 13A substitute—

“Confirmation of drainage schemes

13.—(1) Where the Department has made a direction under Article 12ZA, it may, after the expiration of 30 days from the publication of the matters mentioned in Article 12ZA(2) and, after considering any observations on the proposed drainage scheme that have been sent to it, and after holding such enquiry (if any) as the Department considers necessary, by order confirm the scheme in whole or in part, either without modifications or with such modifications as the Department thinks fits.

(2) Where—

- (a) the Department has determined in accordance with Article 12A(4) that the works specified in the proposed scheme are not likely to have significant effects on the environment; and
- (b) no representations made in accordance with Article 12A(4)(e) are received in relation to those works within the time limit therein specified,

it may, within 30 days of the expiration of the time limit referred to in Article 12A(4)(e) and, after considering any representations sent to it under Article 12A(4)(h) and after holding such inquiry, if any, as it considers necessary, by order confirm the scheme in whole or in part, either without modifications or with such modifications as the Department thinks fit.

(3) Subject to paragraph (4), where the Department has prepared an environmental statement in relation to the works specified in a drainage scheme it may, after the expiration of 30 days from the expiration of the period of notice referred to in Article 12D(2)(b) and after holding such an inquiry, if any, as it considers necessary, the Department may by order confirm the scheme in whole or in part, either without modifications or with such modifications as the Drainage Council thinks fit.

(4) Where the Department has prepared an environmental statement in relation to the works specified in the drainage scheme it shall not, under paragraph (3) confirm the scheme unless it has first taken into consideration—

- (a) the environmental statement and any additional information;
- (b) the works specified in the drainage scheme;

- (c) any representations sent to it under Article 12A(3)(c), 12A(4)(e) and (h), Article 12B(2)(c) and (g) or Article 12D or made by an EEA State in pursuance of Article 12G;
 - (d) the direct and indirect effect of the works on the environmental factors specified in Schedule 2C; and
 - (e) the determination made by the Drainage Council under Article 12H(3) or, as the case may be, any consent or refusal of consent given by the Commission under Article 12H(10)(c) and any conditions attached to such consent.
- (5) Where having taken into consideration the matters specified in paragraph (4) the Department decides to confirm a scheme in accordance with paragraph (3) it shall—
- (a) inform in writing any person who, or EEA State which, made representations in accordance with Article 12A(3)(c), 12A(4)(e) and (h), Article 12B(2)(c) and (g), Article 12D or Article 12G of its decision and any reasons and considerations upon which it was based and that in making it the Department has taken into consideration the matters specified in paragraph (4); and
 - (b) by general and local advertisement, announce its decision and the considerations on which it was based and state that in making it the Department has taken into consideration the matters specified in paragraph (4).
- (6) In this Article, modification includes a variation, addition or exception.

Public Participation

13A. The Department shall, in relation to any works specified in a drainage scheme, make available to the public—

- (a) at the time that the notice in the Belfast Gazette relating to those works is published under Article 12A(4), all information that is relevant to them;
- (b) any other information which is relevant to a decision under Article 13 and which only becomes available after the time that the public was given notice in accordance with Article 12A(4), whether as a result of a request from the Commission under Article 12A(9) or otherwise; and
- (c) any further information which is relevant to the assessment under Article 12H(2) and which only became available after the time that the notice in the Belfast Gazette relating to those works was published under Article 12B(2).”.

Commencement Information

II Reg. 22 in operation at 16.5.2017, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, Section 22.