

**EXPLANATORY MEMORANDUM TO**  
**THE ENVIRONMENTAL IMPACT ASSESSMENT (LAND DRAINAGE IMPROVEMENT**  
**WORKS) (AMENDMENT) REGULATIONS 2006**

**2006 No. 618**

**1.** This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These Regulations amend the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (Statutory Instrument 1999 No. 1783) to rectify an error in the Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2005 (Statutory Instrument 2005 No. 1399)

**3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments**

3.1 On 12 October 2005, the Joint Committee on Statutory Instruments advised Defra of an ambiguity in the effect of Regulation 13(B)1 of SI2005 No. 1399. These Regulations rectify the error noted by the JCSI.

**4. Legislative Background**

4.1 SI2005 No.1399 amended SI1999 No.1783 to bring it into line with the amendments to the Environmental Impact Assessment Directive. A full legislative background, Transposition Note and Scrutiny History were included in the explanatory memorandum for SI2005 No.1399.

**5. Extent**

5.1 These Regulations apply to England and Wales.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 In addition to the legislative requirements outlined in section 4 above, SI2005 No.1399 also made a number of other updates and alterations to SI1999 No. 1783. These are described in full in the explanatory memorandum for SI2005 No. 1399.

7.3 In recognition of the need to ensure that public money is spent efficiently, and that the cost of advertising in local newspapers is of concern to some of the drainage bodies, SI2005 No.1399 should have provided drainage bodies with a choice:

- Public notices may be advertised in two local newspapers, as was already required, or
- Public notices may be displayed on the site, where such a notice can be placed so that it is clearly readable from a public highway, and also advertised in a single local newspaper.

This change was intended to bring the Regulations into line with the requirements for public notification of proposed works subject to planning permission, and was supported by stakeholders who responded to the public consultation.

However, a drafting error in SI2005 No.1399 would have allowed drainage bodies to have replaced both newspaper advertisements with site notices. This was not Defra's intention or the wish of stakeholders, and these Regulations seek to rectify that error.

The full consultation report is available on the Defra website at <http://www.defra.gov.uk/environ/fcd/consult/eiacons.htm>

## **8. Impact**

8.1 A Regulatory Impact Assessment was attached to the Explanatory Memorandum for SI2005 No. 1399. A further RIA was not required for these Regulations as they do not add to the cost of business.

## **9. Contact**

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