
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Flood and Water Management Act 2010 (“the Act”). Article 2 specifies provisions of the Act that come into force on 1 August 2012. These make provision for the designation of features for the purposes of flood and coastal erosion risk management. Under section 30 of, and Schedule 1 to, the Flood and Water Management Act 2010 (c. 29) (“the Act”), the Environment Agency, local authorities 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 over responsibility for the designation in accordance with Schedule 1 to the Act (the “Responsible Authority”). Under Schedule 1 the Responsible Authority also has powers to cancel a designation, grant, vary or withdraw consent (other than in response to an application) and issue enforcement notices in respect of designated features.

An impact assessment of the effect the provisions commenced by this Order will have on the costs of business and the voluntary sector has been produced, and copies are available from the website of the Department for Environment, Food and Rural Affairs at www.defra.gov.uk. It is published alongside this instrument at www.legislation.gov.uk.