
EXPLANATORY NOTE

(This note is not part of the Order)

This Order relates to the incidental flooding and coastal erosion works powers of the Environment Agency and local authorities under sections 38 and 39 respectively of the Flood and Water Management Act 2010 (c. 29). Those sections empower the Environment Agency and local authorities to carry out certain works in the interests of nature conservation, the preservation of cultural heritage or people's enjoyment of the environment or of cultural heritage.

This Order applies the relevant provisions of the Water Resources Act 1991 (c. 57) relating to compulsory purchase, powers of entry, and compensation to the exercise of the powers under sections 38 and 39.

It also modifies the application of those provisions for the purposes of section 38 so that—

- (a) the Environment Agency may not exercise the powers of compulsory purchase except for the purpose of enabling the United Kingdom to comply with its obligations under certain named EU Directives;
- (b) the Environment Agency and local authorities must give 7 days' notice before exercising the powers of entry in relation to agricultural land (except in an emergency).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Sustainable Places Division, Department for Environment and Sustainable Development, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.