
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 446

**Drainage (Environmental Assessment)
(Amendment) Regulations (Northern Ireland) 1998**

Part II

Drainage Works Generally

Preparation of an environmental statement

6. For regulation 5 there shall be substituted—

“Preparation of an environmental statement

5.—(1) The Department shall consider whether any proposed drainage works are likely to have significant effects on the environment and ought, therefore, to be made subject to an environmental statement.

(2) Where the Department considers that any proposed drainage works ought to be made subject to an environmental statement, it shall by notice published in the Belfast Gazette and at least two local newspapers—

- (a) announce that it is proposed that the works in question will be carried out;
- (b) describe briefly their nature, size and location; and
- (c) state that the Department proposes to make the works subject to an environmental statement.

(3) Where the Department considers that any proposed drainage works ought not to be made subject to an environmental statement, it shall by notice published in the Belfast Gazette and at least two local newspapers—

- (a) announce that it is proposed that the works in question will be carried out;
- (b) describe briefly their nature, size and location;
- (c) state that the Department does not propose to make the works subject to an environmental statement; and
- (d) state that any person may make representations to the Department in writing in relation to the likely environmental effects of the proposed works at the address specified in the notice within 28 days of the date of the publication of the notice in the Belfast Gazette.

(4) Where the Department publishes a notice in accordance with paragraph (2) or (3) it shall send a copy of that notice to—

- (a) the Drainage Council;
- (b) the district council of the district or, as the case may be, each district in which the proposed drainage works are situate; and

(c) any other person who appears to it to have an interest in the matter.

(5) Where the Department has stated pursuant to paragraph (2)(c) that it proposes to make any proposed drainage works subject to an environmental statement, it shall proceed to prepare such a statement.

(6) The Department shall consider any representations made in accordance with paragraph (3)(d) and if, having done so, it decides that any proposed drainage works ought to be made subject to an environmental statement, it shall so inform the persons who made those representations and proceed to prepare such a statement.

(7) Where the Department has stated in accordance with paragraph (3)(c) that it does not propose to make any proposed drainage works subject to an environmental statement and either—

(a) no representations made in accordance with paragraph (3)(d) are received in relation to those works within the time limit therein specified; or

(b) such representations are so received but the Department, after considering them, decides that the proposed works ought not to be made subject to an environmental statement,

it may proceed to undertake those works or do anything else referred to in regulation 4(1) in relation to them, without preparing such a statement.”.