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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 88**

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

**PART 2**

**DRAINAGE WORKS**

**Determinations following consideration of drainage works under regulation 7**

8.—(1) Where, pursuant to regulation 7, the Department having taken into account, so far as relevant, the criteria set out in Schedule 2B to the Drainage Order and the available results of other environmental assessments required under [F<sup>1</sup>retained EU law] (other than legislation implementing the requirements of the Directive), determines that the proposed drainage works are not likely to have significant effects on the environment, it shall, by general and local advertisement—

- (a) state that it proposes to carry out the drainage works in question;
- (b) describe briefly the nature, size and location of the proposed drainage works;
- (c) state that it does not propose to prepare an environmental statement in respect of the drainage works, and the main reasons why with reference to the relevant criteria in Schedule 2B to the Drainage Order;
- (d) state any features of the project and/or measures envisaged to avoid or prevent any significant adverse effects on the environment;
- (e) state that any person may make representations to the Department in writing in relation to the likely environmental effects of the proposed drainage works at an address specified in the notice within 30 days of the date of the publication of the notice in the Belfast Gazette; and
- (f) describe what other information relating to the environmental effects of the proposed drainage works is available and give details of where it can be obtained.

(2) Where the Department publishes a notice in accordance with paragraph (1) in relation to any proposed drainage works it shall, on or before the date of the publication of the notice in the Belfast Gazette, send a copy of that notice to each of the consultation bodies, that is to say—

- (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 situated;
- (c) any other public authority, statutory body or organisation which exercises statutory functions, or is otherwise designated by any statutory provision as having responsibilities, relating to the environment; and
- (d) any other person who appears to it to have an interest in the matter including, where appropriate, [F<sup>2</sup>an EEA State] .

(3) Where, within the period specified in paragraph (1)(e), no representations have been made to the effect that the proposed drainage works are likely to have significant effects on the environment, the Department may proceed to carry out those drainage works.

(4) Where, following the period specified in paragraph (1)(e), the Department considers (whether in the light of any representations or otherwise) that the proposed drainage works are likely to have significant effects on the environment, it shall make a determination accordingly, within a period, not exceeding 90 days.

(5) Where, within the period specified in paragraph (1)(e), any representations have been made to the effect that the proposed drainage works are likely to have significant effects on the environment and, notwithstanding those representations, the Department considers that the drainage works are not likely to have significant effects on the environment, it shall apply to the Commission for a determination of whether the drainage works are likely to have significant effects on the environment and shall provide the Commission with all the relevant information and copies of all relevant documents in its possession.

(6) Where the Commission considers that the information and the copy documents provided in accordance with paragraph (5) do not provide sufficient information to enable it to make a determination for the purposes of that paragraph, it shall notify the Department in writing of the matters on which further information is required and may make a written request to the Department for such information as the Department may be able to provide on the matters raised.

(7) Where an application is made to the Commission under paragraph (5) in relation to any proposed drainage works the Commission shall, taking into account the selection criteria in Schedule 2B to the Drainage Order, and the available results of preliminary verifications and assessments of the effects on the environment carried out pursuant to [F3retained EU law] (other than legislation implementing the requirements of the Directive), determine within a reasonable time, whether the proposed drainage works are likely to have significant effects on the environment and shall inform the Department, and any person who made representations under paragraph (1)(e) in relation to the drainage works, of its determination.

(8) Where an application is made to the Commission under paragraph (5) in relation to any proposed drainage works, the Commission shall, prior to making a determination for the purposes of that paragraph, afford the Department and any person who made representations under paragraph (1)(e) in relation to the proposed drainage works, the opportunity of appearing before and being heard by the Commission.

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| <b>F1</b> | Words in reg. 8(1) substituted (31.12.2020) by <a href="#">The Drainage (Environmental Impact Assessment) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/31)</a> , regs. 1(1), <b>3(5)(a)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F2</b> | Words in reg. 8(2)(d) substituted (31.12.2020) by <a href="#">The Drainage (Environmental Impact Assessment) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/31)</a> , regs. 1(1), <b>3(3)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F3</b> | Words in reg. 8(7) substituted (31.12.2020) by <a href="#">The Drainage (Environmental Impact Assessment) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/31)</a> , regs. 1(1), <b>3(5)(b)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |

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**Commencement Information**

- I1** Reg. 8 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 8.