

This Statutory Instrument has been made in consequence of a defect in S.I. 2005/1399 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2006 No. 618

LAND DRAINAGE, ENGLAND AND WALES

The Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2006

<i>Made</i> - - - -	<i>7th March 2006</i>
<i>Laid before Parliament</i>	<i>9th March 2006</i>
<i>Coming into force</i> - -	<i>30th March 2006</i>

The Secretary of State and the National Assembly for Wales have been designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment.

In exercise of the powers conferred by that section, they make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2006 and come into force on 30th March 2006.

Amendment of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999

2.—(1) The Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999^(c) are amended as follows.

(2) In regulation 5(3), (4) and (5), delete “(or the period of 28 days referred to in regulation 13B(3)(a) below, whichever is the greater)”.

(3) For regulation 13B^(d), substitute—

(a) The Secretary of State is so designated by virtue of S.I. 1988/785. The National Assembly for Wales is so designated by virtue of S.I. 2000/2812, in so far as such measures concern improvement works within the meaning in regulation 2(1) of the 1999 Regulations.

(b) 1972 c. 68. The enabling powers conferred by section 2(2) were extended by virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c. 51).

(c) S.I. 1999/1783, as amended by S.I. 2005/1399. References to “the Nature Conservancy Council for England” were amended by s.73(2) of the Countryside and Rights of Way Act 2000 (c.37).

(d) Regulation 13B was inserted by S.I. 2005/1399, regulation 4(6).

“Notices on the site of the proposed improvement works

13B.—(1) Where the site of the proposed improvement works is easily visible from a public highway, the requirements in regulations 5(1), 6(2), 10(1) to 10(3), 12(3), 12(6)(a) and 12(8) to place a notice in at least two newspapers may instead be satisfied by—

- (a) placing the notice in one such newspaper; and
- (b) on the date on which that notice is first published, posting on the site in one or more places a notice containing the information specified in the regulation in question.

(2) Any notice of the kind referred to in paragraph (1)(b) shall—

- (a) in relation to the information specified in regulation 5(1)(d), 10(2)(b) or 12(6)(a), specify as the period within which representations may be made the period of not less than 28 days from the date on which the notice is first posted;
- (b) be left in position for not less than seven consecutive days following the date on which the notice is first posted; and
- (c) be affixed firmly to some object on the site in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

(3) Where the requirements in regulation 5(1), 6(2), 10(1) to 10(3), 12(3), 12(6)(a) or 12(8) as regards the placing of a notice in at least two newspapers are satisfied by the alternative means specified in paragraph (1), any reference in these Regulations—

- (a) to a notice, being a notice published under or in accordance with any of those regulations, means the notice published under or in accordance with regulation 13B(1)(a); and
- (b) to publication of such a notice (however expressed) is a reference to publication of the notice under or in accordance with regulation 13B(1)(a).”.

Signed on behalf of the National Assembly for Wales,

7th March 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

2nd March 2006

Elliot Morley
Minister of State,
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (“the 1999 Regulations”), which apply to England and Wales.

Regulation 2 amends regulation 13B of the 1999 Regulations, which was inserted into the 1999 Regulations by the Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2005 (S.I. 2005/1399) (“the 2005 Regulations”). It amends regulation 13B by clarifying that drainage bodies may substitute for one of the notices required to be placed in at least two newspapers a notice on the site of the proposed improvement works.

A full Regulatory Impact Assessment has not been produced for this instrument as it has no impact on the costs of business. A full Regulatory Impact Assessment and a transposition note was prepared in connection with the amendments made to the 1999 Regulations by the 2005 Regulations, and has been placed in the library of each House of Parliament. Copies are obtainable from either Lucy Toman, Department for Environment, Food and Rural Affairs, Flood Management Division, Room 202, Foss House, Kings Pool, 1-2 Peasholme Green, York YO1 7PX (email: lucy.toman@defra.gsi.gov.uk) or Cedric Moon, Welsh Assembly Government, Environmental Protection Division, Cathays Park, Cardiff CF10 3NQ (email: cedric.moon@wales.gsi.gov.uk).

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**The Environmental Impact Assessment (Land Drainage
Improvement Works) (Amendment) Regulations 2006**

£3.00

ISBN 0-11-074193-5

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0311 3/2006 160311T 19585

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