
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive 2014/52/EU (“Directive 2014/52”) of the European Parliament and of the Council amending Directive 2011/92/EU (“the EIA Directive”) on the assessment of the effects of certain public and private projects on the environment in respect of land drainage works in England and Wales.

Regulations 3 to 21 make amendments to the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 (“the 1999 Regulations”). In summary:

- (a) new regulations 3A and 3B (as inserted by regulation 5) make provision for a direction that the 1999 Regulations do not apply to specific improvement works;
- (b) new regulation 3C (as inserted by regulation 5) makes provision for the coordination of environmental assessments;
- (c) new regulation 7 (as substituted by regulation 9) makes provision with respect to the preparation of an environmental statement by a drainage body;
- (d) the amendments to regulation 10 (in regulation 11) make provision for any environmental statement and related information to be placed on a website;
- (e) the omission of regulation 11 and Schedule 3 (by regulations 12 and 21 respectively) relate to the fact that improvement works in England and Wales could not have any significant effects on the environment of another EEA State;
- (f) new regulations 12 and 12A (as substituted by regulation 13) restate, and make amendments to, provisions in the existing regulation 12 relating to the drainage body considering the environmental statement, reaching a conclusion about the likely significant effects on the environment of the improvement works and determining whether the improvement works should proceed;
- (g) new regulations 12B and 12C (as inserted by regulation 13) restate, and make amendments to provisions, in the existing regulation 12 relating to the appropriate Authority considering the environmental statement, reaching a conclusion about the likely significant effects on the environment of the improvement works and determining whether the improvement works should proceed;
- (h) new regulation 12D (as inserted by regulation 13) makes provision about attaching conditions to a determination that improvement works may proceed;
- (i) new Schedules 1 and 2 (as substituted by regulations 19 and 20 respectively) reflect amendments made by Directive 2014/52 to Annexes IV and III of the EIA Directive respectively;
- (j) new Schedule 2A (as inserted by regulation 20) reflects new Schedule II.A of Directive 2014/52;
- (k) the omission of Schedule 4 (by regulation 21) reflects the fact that the environmental factors referred to in Article 3(1) of the EIA Directive (which were amended by Directive 2014/52) are now stated in regulations 12(2) and 12A(3).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum and a transposition note are available

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with these Regulations on www.legislation.gov.uk. Copies have also been placed in the Libraries of both Houses of Parliament.