
EXPLANATORY NOTE

(This note is not part of the Regulations)

Under Section 30 of, and Schedule 1 to, the Flood and Water Management Act 2010 (c. 29) (“the Act”), the Environment Agency, a local authority or an internal drainage board (the “Designating Authority”) may designate structures or environmental features that affect a flood or coastal erosion risk, though they may not necessarily have been designed or constructed for that purpose.

Once designated, the owner of the designated feature cannot alter, remove or replace it without consent. Paragraph 15 of Schedule 1 to the Act requires the Welsh Ministers to provide the right of appeal for people affected by the use of these designation powers by a Designating Authority.

These Regulations provide a right of appeal against—

- (a) designations and enforcement notices under Schedule 1 to the Act; and
- (b) related decisions made under paragraphs 6 and 9 of that Schedule.

They confer jurisdiction on the First-tier Tribunal to consider appeals made under these Regulations. They make provision for procedure and for the powers of the First-tier tribunal in determining the appeal.

Appeals under these Regulations and the process for bringing an appeal are also governed by the Tribunal Procedure (First-tier Tribunal)(General Regulatory Chamber) Rules 2009 (S.I.2009/1976).

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