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## **The Environmental Impact Assessment (Land Drainage Improvement Works) (Amendment) Regulations 2017**

### **Department for Environment, Food and Rural Affairs**

**RPC rating: confirmed as a non-qualifying regulatory provision**

#### **Description of proposal**

The amendment regulations implement EU Directive 2014/52/EU, which amends EU Directive 2011/92/EU, and amend the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999, relating to environmental impact assessments (EIAs) covering land drainage works in England and Wales. The Department's impact assessment, sent in alongside the NQRP confirmation request document, lists the main changes to the regulations, such as inserting a definition of "environmental impact assessment" and making consequential amendments to the regulations to reflect this definition, and an exemption for projects serving national defence or response to civil emergencies as their sole purpose.

#### **Impacts of proposal**

The Department's assessment is that costs will be modest and arise only to public bodies (drainage bodies as both "developers" and "competent authorities"). It states that *"It is not possible to monetise the costs associated with this measure because the future pipeline of affected projects is not known. The changes do not affect businesses and there are zero costs to businesses"*.

#### **Quality of submission**

The Department's assessment is that transposition does not go beyond the requirements of the current EIA Directive and that, therefore, no gold plating is involved. The RPC can confirm the measure as a non-qualifying regulatory provision (NQRP) that will not be accounted for under the business impact target. It would have been helpful if the Department's NQRP confirmation request document had included the following:

- A brief description of the nature of the changes.
- An explanation why, if the changes "do not affect businesses", the Department considers that this is a regulatory provision under the Small Business, Enterprise and Employment Act.

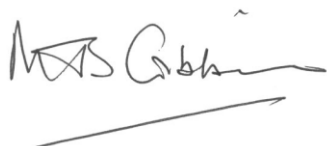
- An explanation of whether any additional costs to public bodies would be recoverable from business, e.g. through higher fees.

### Departmental assessment

Classification	Non-qualifying regulatory provision (EU)
Equivalent annual net direct cost to business (EANDCB)	Not applicable (low cost non-qualifying regulatory provision)

### RPC assessment

Classification	Non-qualifying regulatory provision (EU)
Small and micro business assessment	Not required (low-cost regulation)



**Michael Gibbons CBE**, Chairman