

# Statutory Instrument 2002 No. 1278

## The Coast Protection (Notices) (England) Regulations 2002

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### STATUTORY INSTRUMENTS

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## 2002 No. 1278

### COAST PROTECTION, ENGLAND

#### The Coast Protection (Notices) (England) Regulations 2002

<i>Made</i>	<i>8th May 2002</i>
<i>Laid before Parliament</i>	<i>8th May 2002</i>
<i>Coming into force</i>	<i>1st June 2002</i>

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred on her by sections 5(1), (2) and (3) and 44 of the Coast Protection Act 1949<sup>[1]</sup> hereby makes the following Regulations:

#### **Citation, extent, commencement and interpretation**

1. - (1) These Regulations may be cited as the Coast Protection (Notices) (England) Regulations 2002, shall, subject to regulation 3, extend only to England and shall come into force on 1st June 2002.

(2) In these Regulations "the Act" means the Coast Protection Act 1949.

#### **Form of notice of proposal for coast protection work**

2. The notice of a proposal by a coast protection authority to carry out coast protection work, other than work of maintenance and repair, under section 5(1)<sup>[2]</sup> of the Act shall be in the form set out in the Schedule to these Regulations or in a form substantially to the

same effect.

### **Service of notice of proposal for coast protection work**

3. Where a notice has been published by a coast protection authority in one or more local newspapers under section 5(1) of the Act, the authority shall, at the same time as it serves notice on the Environment Agency[3] and any internal drainage board in whose district any of the work is to be carried out as required by that section, serve a like notice on:

(a) every county, district and borough council, the Common Council of the City of London and the Council of the Isles of Scilly in England and every county and county borough council in Wales upon whose area of jurisdiction the proposed work may have an impact and on any harbour authority within whose area of jurisdiction any of the work is to be carried out;

(b) English Nature[4], the Historic Buildings and Monuments Commission for England[5] and the Countryside Agency[6]; and

(c) every other navigation authority, harbour authority, conservancy authority, local fisheries committee and person known by the coast protection authority to have an interest in any land on which any of the work is to be carried out or which that authority considers likely to be affected by the work.

### **Service of notice of objection to proposal**

4. - (1) A notice of objection under section 5(3) of the Act must be served within 28 days of publication of the notice of the proposal in question under section 5(1) of the Act, must be in writing and must contain a statement of the grounds of objection.

(2) "Writing" in paragraph (1) above shall include an electronic communication within the meaning of the Electronic Communications Act 2000[7].

(3) A notice of objection under section 5(3) of the Act may be served by delivering it to the Secretary of State at the Department for Environment, Food and Rural Affairs, Flood Management, Ergon House, 17 Smith Square, London SW1P 3JR and to the Chief Executive of the coast protection authority at its principal office or, in either case, by sending it in a pre-paid letter to the addresses specified in this paragraph.

### **Revocation**

5. The Coast Protection (Notices) Regulations 1950[8] are hereby revoked.

*Elliott Morley*

Parliamentary Under-Secretary Department for Environment, Food and Rural Affairs

8th May 2002

## SCHEDULE

Regulation 2

### FORM OF NOTICE OF PROPOSED COAST PROTECTION WORK

Coast Protection Act 1949

## Notice of Proposed Coast Protection Work

The Council, acting in their capacity as coast protection authority, hereby give notice under section 5(1) of the above Act that they propose to carry out coast protection work at [*insert location of work*].

The work will consist of [*describe proposed work*].

The estimated cost of the work is £ [*specify cost*].

Details of the work proposed [as well as copies of the relevant shoreline management plan]\* [and maps of local flood risk areas]\* can be inspected at [*insert address and times during which inspection can take place*].

[\**Delete as necessary*]

Any person may no later than [*specify the date 28 days after the day of publication of notice*] serve a notice of objection to the proposal on the Secretary of State and on the Council.

Any such notice must contain a statement of the grounds of objection and must be delivered to or sent by post, fax or e-mail to the Secretary of State and to the Chief Executive of the Council. Notices to be posted may be addressed to the Secretary of State at the Department for Environment, Food and Rural Affairs, Flood Management, Ergon House, 17 Smith Square, London SW1P 3JRS and to the Chief Executive at [*insert address of principal office*]\*\*.

[\*\**Include fax and e-mail addresses where available. The current fax and e-mail addresses for the Secretary of State may be obtained from DEFRA.*]

Signature

(insert name of proper officer of the Council and date of signing)

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace the Coast Protection (Notices) Regulations 1950 in England. They prescribe a form of notice for coast protection authorities to give of proposed coast protection work under section 5 of the Coast Protection Act 1949. They also set out the requirements for service of such notices on statutory bodies and other interested parties and for the service of notices of objection.

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*Notes:*

[1] 1949 c. 74. The functions of the Minister of Agriculture, Fisheries and Food under section 5, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672). That Minister's remaining functions

were transferred to the Secretary of State by article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (SI 2002/794).[back](#)

[2] Section 5(1) was amended by the Water Act 1989 (c. 15), section 190(1) and Schedule 25, paragraph 11(2).[back](#)

[3] References to the Environment Agency were substituted for references to the National Rivers Authority by regulation 2 of and Schedule 1 to the Environment Act 1995 (Consequential Amendments) Regulations 1996 (SI 1996/593).[back](#)

[4] See section 128 of the Environmental Protection Act 1990 (c. 43) and section 73 of the Countryside and Rights of Way Act 2000 (c. 37).[back](#)

[5] The Historic Buildings and Monuments Commission for England is the statutory name for English Heritage. *See* section 32 of the National Heritage Act 1983 (c. 47).[back](#)

[6] *See* section 1(1) of the National Parks and Access to the Countryside Act 1949 (c. 97), as substituted by section 130 and paragraph 1 of Schedule 8 to the Environmental Protection Act 1990 (amended by article 3(d) of and Schedule 1 to the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (SI 1999/416)).[back](#)

[7] 2000 c. 7.[back](#)

[8] SI 1950/124.[back](#)

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