

# Welsh Statutory Instrument 2003 No. 1847 (W.197)

## The Coast Protection (Notices) (Wales) Regulations 2003

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### STATUTORY INSTRUMENTS

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**2003 No. 1847 (W.197)**

### **COAST PROTECTION, WALES**

The Coast Protection (Notices) (Wales) Regulations 2003

*Made*

*16th July 2003*

*Coming into force*

*31st July 2003*

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon "the Minister" by section 5(1), (2) and (3) and section 44 of the Coast Protection Act 1949<sup>[1]</sup>, and now exercisable by the National Assembly in relation to Wales<sup>[2]</sup>, hereby makes the following Regulations:

### **Citation, commencement and application**

1. - (1) These Regulations may be cited as the Coast Protection (Notices) (Wales) Regulations 2003 and come into force on the 31st July 2003.

(2) These Regulations apply to Wales.

### **Interpretation**

2. In these Regulations -

"the Act" ("*y Ddeddf*") means the Coast Protection Act 1949;

"electronic communication" ("*cyfathrebiad electronig*") has the meaning assigned to that term in section 15(1) of the Electronic Communications Act 2000[3];

"local authority" ("*awdurdod lleol*") means, in relation to Wales, a county or county borough council, or, in relation to England, a county, district or borough council;

"notice of a proposal to carry out coast protection work" ("*hysbysiad o gynllun i wneud gwaith diogelu'r arfordir*") means a notice which a coast protection authority is required to publish under section 5(1) of the Act.

### **Form of notice of a proposal to carry out coast protection work**

3. A notice of a proposal to carry out coast protection work must be in the bilingual form set out in the Schedule to these Regulations or in a form substantially to the same effect.

### **Service of a notice of a proposal to carry out coast protection work**

4. A copy of a notice of a proposal to carry out coast protection work must, as well as being served on the bodies specified in section 5(1) of the Act, be served on:

- (a) any local authority whose area is likely to be affected by the work to which the notice relates;
- (b) any harbour authority, navigation authority, conservancy authority, or local fisheries committee whose area includes the area where the work to which the notice relates is to be carried out or is otherwise likely to be affected by that work;
- (c) the Countryside Council for Wales;
- (d) if the work to which the notice relates is likely to affect any part of England or of the sea adjacent to England, English Nature, the Historic Buildings and Monuments Commission for England and the Countryside Agency; and
- (e) any other person who has an interest in any land on which the work to which the notice relates is to be carried out, or which is likely to be affected by the work, unless the identity of that person is not known to, and cannot reasonably be ascertained by, the coast protection authority.

### **Notice of objection**

5. - (1) A notice of objection under section 5(3) of the Act to a proposal to carry out coast protection work of which notice has been published under

section 5(1) of the Act must be in writing and copies must be served on the National Assembly and on the coast protection authority within such period as is specified in the notice published under section 5(1), which period must not be less than 28 days after the publication of that notice.

(2) A notice of objection under section 5(3) of the Act must state the grounds of the objection.

(3) The copy of the notice of objection required by paragraph (1) to be served on the National Assembly must be addressed to the Environmental Protection Division, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

(4) The copy of the notice of objection required by paragraph (1) to be served on the coast protection authority must be addressed to the Chief Executive of that authority at its principal office.

#### **Use of electronic communication**

6. - (1) Any document to which this regulation applies may, in addition to any other method of service authorised by the Act, be served by means of electronic communication and any reference in these Regulations to writing, however expressed, in relation to such a document, is to be construed as including a reference to a form capable of being stored on a computer, transmitted to and from a computer, and read by means of a computer.

(2) This regulation applies to:

- (a) any copy of a notice of objection under section 5(3) of the Act; and
- (b) any copy of a notice of a proposal to carry out coast protection work, if the person on whom it is required to be served agrees to accept service of that document by electronic means.

#### **Revocation**

7. The Coast Protection (Notices) Regulations 1950<sup>[4]</sup> are hereby revoked in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>[5]</sup>

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

16th July 2003

### **SCHEDULE**

Regulation 3

FORM OF NOTICE OF PROPOSED COAST PROTECTION WORK

## Coast Protection Act 1949

### Notice of Proposed Coast Protection Work

The [*insert name of Council*] Council, acting in its capacity as coast protection authority, hereby gives notice under section 5(1) of the above Act that it proposes 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 estimated cost*].

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

[*\*delete as necessary*]

Any person may object to the proposed work by serving on the National Assembly for Wales and on the Council, no later than [*specify a date not less than 28 days after the date of publication of the notice*], notice of objection to the proposal.

Any notice of objection to the proposal must state the grounds of the objection and may be delivered by hand, sent by pre-paid post or sent by fax or e-mail, so as to be received no later than the date specified above, to the Environmental Protection Division, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ [*insert current fax number and e-mail address which may be obtained from the Environmental Protection Division, Welsh Assembly Government*] and to the Chief Executive of the [*insert name of Council*] Council, [*insert address, current fax number and e-mail address of the Council*].

[*Insert name of proper officer of the Council*]

[*Insert date of notice*]

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### EXPLANATORY NOTE

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

These Regulations make provision, in relation to Wales, with respect to notices of proposals to carry out coast protection work published by coast protection authorities under section 5(1) of the Coast Protection Act 1949 ("the Act"), and notices of objection to such work served under section 5(3) of the Act. They replace the Coast Protection (Notices) Regulations 1950.

Regulation 3 and the Schedule prescribe the form of the notice which the coast protection authority is required to publish.

Regulation 4 requires a notice of a proposal to carry out coast protection work, which section 5(1) requires to be published and served on the Environment

Agency and on any relevant internal drainage board, also to be served on certain other statutory bodies and parties whose interests are likely to be affected by the proposed work.

Regulation 5 makes provision in relation to the content and service of notices of objection to a proposal under section 5(3).

Regulation 6 authorises the service of notices by electronic communication.

Regulation 7 revokes, in relation to Wales, the Coast Protection (Notices) Regulations 1950 (which have already been revoked in relation to England by the Coast Protection (Notices) (England) Regulations 2002).

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*Notes:*

[1] 1949 c.74. Section 5(1) was amended by the Water Act 1989 (c.15), section 190(1) and Schedule 25, paragraph 1 and by the Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I. 1996/593), regulation 2 and Schedule 1.[back](#)

[2] The powers of "the Minister" under section 5 of the Act were transferred to the National Assembly for Wales, so far as exercisable in relation to Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1.[back](#)

[3] 2000 c.7.[back](#)

[4] S.I. 1950/124, which has already been revoked, in relation to England, by S.I. 2002/1278.[back](#)

[5] 1998 c.38.[back](#)

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ISBN 0 11090763 9

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