

EXPLANATORY NOTE

(This note is not part of the Order)

This Order relates to the incidental flooding and coastal erosion works powers of the Environment Agency and local authorities under sections 38 and 39 respectively of the Flood and Water Management Act 2010 (c. 29). Those sections empower the Environment Agency and local authorities to carry out certain works in the interests of nature conservation, the preservation of cultural heritage or people's enjoyment of the environment or of cultural heritage.

This Order applies the relevant provisions of the Water Resources Act 1991 (c. 57) relating to compulsory purchase, powers of entry, and compensation to the exercise of the powers under sections 38 and 39.

It also modifies the application of those provisions for the purposes of section 38 so that—

- (a) the Environment Agency may not exercise the powers of compulsory purchase except for the purpose of enabling the United Kingdom to comply with its obligations under certain named EU Directives;
- (b) the Environment Agency and local authorities must give 7 days' notice before exercising the powers of entry in relation to agricultural land (except in an emergency).

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

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Incidental Flooding and Coastal Erosion (Wales) Order 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 3(2)(b) words substituted by S.I. 2013/755 Sch. 5 para. 74(2)(a)
- art. 3(2)(c) words inserted by S.I. 2013/755 Sch. 5 para. 74(2)(b)
- art. 3(3) words inserted by S.I. 2013/755 Sch. 5 para. 74(3)
- art. 3(3) words substituted by S.I. 2013/755 Sch. 5 para. 73
- art. 3(3) words substituted by S.I. 2019/460 reg. 4(a)
- art. 3(4) word omitted by S.I. 2018/1216 reg. 10(c)
- art. 3(4)(a) substituted by S.I. 2019/460 reg. 4(b)
- art. 3(4)(b) words inserted by S.I. 2018/1216 reg. 10(a)
- art. 3(4)(c) words inserted by S.I. 2018/1216 reg. 10(b)
- art. 3(4)(d) words inserted by S.I. 2018/1216 reg. 10(d)
- art. 4(1)(a) words inserted by S.I. 2013/755 Sch. 5 para. 75(2)(a)
- art. 4(1)(c) words omitted by S.I. 2013/755 Sch. 5 para. 75(2)(b)(i)
- art. 4(1)(c)(i) words inserted by S.I. 2013/755 Sch. 5 para. 75(2)(b)(ii)
- art. 4(1)(c)(iii) words substituted by S.I. 2013/755 Sch. 5 para. 75(2)(b)(v)
- art. 4(1)(c)(ii) words substituted by S.I. 2013/755 Sch. 5 para. 75(2)(b)(iv)
- art. 4(2)(a) words inserted by S.I. 2013/755 Sch. 5 para. 75(3)(a)
- art. 4(2)(b) words inserted by S.I. 2013/755 Sch. 5 para. 75(3)(b)(i)
- art. 4(2)(b) words omitted by S.I. 2013/755 Sch. 5 para. 75(3)(b)(ii)
- art. 4(2)(c) words inserted by S.I. 2013/755 Sch. 5 para. 75(3)(c)
- art. 4(2)(d) word substituted by S.I. 2013/755 Sch. 5 para. 75(3)(e)
- art. 4(2)(e) word substituted by S.I. 2013/755 Sch. 5 para. 75(3)(f)
- art. 6(1)(a) words inserted by S.I. 2013/755 Sch. 5 para. 76(2)(a)(i)
- art. 6(1)(a)(ii) word omitted by S.I. 2013/755 Sch. 5 para. 76(2)(a)(ii)
- art. 6(1)(b) words inserted by S.I. 2013/755 Sch. 5 para. 76(2)(b)(i)
- art. 6(1)(b)(ii) word substituted by S.I. 2013/755 Sch. 5 para. 76(2)(b)(ii)
- art. 6(2)(a) words inserted by S.I. 2013/755 Sch. 5 para. 76(3)(a)
- art. 6(2)(b) words inserted by S.I. 2013/755 Sch. 5 para. 76(3)(b)
- art. 6(2)(d) words inserted by S.I. 2013/755 Sch. 5 para. 76(3)(c)
- art. 6(3)(f) words inserted by S.I. 2013/755 Sch. 5 para. 76(4)(a)(i)
- art. 6(3)(f) words omitted by S.I. 2013/755 Sch. 5 para. 76(4)(a)(ii)
- art. 8 words substituted by S.I. 2013/755 Sch. 5 para. 77

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 4(1)(c)(ia) inserted by S.I. 2013/755 Sch. 5 para. 75(2)(b)(iii)
- art. 4(1)(e) inserted by S.I. 2013/755 Sch. 5 para. 75(2)(c)
- art. 4(2)(ca) inserted by S.I. 2013/755 Sch. 5 para. 75(3)(d)
- art. 6(3)(fa) inserted by S.I. 2013/755 Sch. 5 para. 76(4)(b)