The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003

PART I
GENERAL

Citation, commencement and extent
1.—(1) These Regulations may be cited as the Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 and shall come into force on 1st April 2003.

(2) These Regulations extend to England and Wales only.

Interpretation
2. In these Regulations, expressions which are used in the EIA Directive have the same meaning as in that Directive, and—

“the 1991 Act” means the Water Resources Act 1991(1);
“abstraction or impounding licence” means a licence under Chapter II of Part II of the 1991 Act;
“the Agency” means the Environment Agency;
“appropriate Minister” means—
(a) in relation to a project in Wales where the Secretary of State has not exercised her functions under paragraph 6 of Schedule 3 to the Government of Wales Act 1998(2), the National Assembly for Wales;
(b) in any other case, the Secretary of State;
“authorisation” means—
(i) an abstraction or impounding licence, or
(ii) a consent under Part III of these Regulations;
“consultation bodies” means—
(a) the local planning authority within the meaning of Part I of the Town and Country Planning Act 1990(3) within whose area the project is to be carried out;
(b) in relation to a project to be carried out in England, the Countryside Agency, English Nature and English Heritage; and

(1) 1991 c. 57.
(2) 1998 c. 38.
(3) 1990 c. 8.
in relation to a project to be carried out in Wales, the Countryside Council for Wales and the National Assembly for Wales in its exercise of functions in the field of ancient monuments and historic buildings; “the EIA Directive” means Council Directive 85/337/EEC, as amended by Council Directive 97/11/EC; and “relevant project” has the meaning given by regulation 3.

Requirement for an environmental impact assessment

3.—(1) An environmental impact assessment shall be carried out in accordance with these Regulations in relation to a relevant project.

(2) A project is a relevant project if—
(a) it is a water management project for agriculture, including an irrigation project;
(b) in the case of a project involving water abstraction, the amounts abstracted exceed 20 cubic metres in any period of 24 hours; and
(c) it would be likely to have significant effects on the environment by virtue inter alia of its nature, size or location.

(3) A project is not a relevant project if it involves—
(a) development within the meaning of section 55 of the Town and Country Planning Act 1990, or
(b) improvement works within the meaning of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999.

(5) S.I.1999/1783.