
STATUTORY INSTRUMENTS

2007 No. 1067

The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007

PART 4

PERMISSIONS FOR DREDGING

Applications for permission

10.—(1) An application for permission to carry out dredging shall—

- (a) be made to the regulator;
- (b) contain such information as the regulator may reasonably require;
- (c) unless the dredging falls within one of the cases described in paragraphs (2) and (3), include an environmental statement;
- (d) where paragraph (2) applies, and the Secretary of State's determination relates to part only of the dredging, include an environmental statement in respect of any part of the dredging to which the determination does not apply; and
- (e) be accompanied by a fee determined in accordance with regulation 25.

(2) The first case is where the Secretary of State has determined under regulation 5(2) that the dredging constitutes or forms part of a project serving national defence purposes, and that in the opinion of the Secretary of State the application of these Regulations would have an adverse effect on those purposes.

(3) The second case is where the regulator has, within 12 months prior to the date of the application, determined in response to an application under regulation 6(1)(a) that the dredging does not constitute a relevant project.

(4) The regulator may require the applicant to supply such number of copies of the application as may reasonably be required, within such period as may reasonably be specified.

(5) Where the applicant fails, within such period as the regulator has specified, or such further period as the regulator may allow, to comply with any requirement of this regulation, the application shall be deemed to be withdrawn at the end of such period, and the fee shall be refunded if the regulator has not yet published a notice under regulation 12(1).

(6) An application under this regulation may be withdrawn at any time by notice to the regulator, and the fee shall be refunded if, at the time when the regulator receives the notice of withdrawal, the regulator has not yet published a notice under regulation 12(1).

(7) Where the regulator receives an application under this regulation in respect of dredging in Northern Ireland which may constitute or form part of a project serving national defence purposes, the regulator shall provide a copy of that application to the Secretary of State.