
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 5

TRANSFER AND VARIATION OF PERMISSIONS

Variation of permission on application: other cases

20.—(1) Where the regulator determines under regulation 18(3) that a variation would not constitute a relevant project, or a habitats project, this regulation applies—

- (a) to the application in respect of that variation; and
- (b) to any subsequent application in respect of the same variation which is submitted to the regulator within 12 months of the date of the determination.

(2) Where reasonably necessary, the regulator may request the applicant to supply further information within such period and in such form as may reasonably be specified.

(3) 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allow, to comply with any request of the regulator under paragraph(2), the variation application shall be deemed to be withdrawn and the fee shall be refunded, provided that, at the date of withdrawal, the regulator has not complied with the requirements of paragraph (4).

(4) The regulator shall send—

- (a) a copy of the variation application and of any further information provided under paragraph (2); and
- (b) a statement that representations may be made to the regulator regarding the application, and of the address in the United Kingdom to which representations may be sent, and of the period within which representations may be made, which shall be not less than 8 weeks beginning with the date on which the statement is sent;

to the persons referred to in paragraph (5).

(5) The persons mentioned in paragraph (4) are—

- (a) the appropriate consultation bodies;
- (b) the owner (if the owner is not the applicant); and
- (c) any other person (including any non-governmental organisation promoting environmental protection in marine waters) who is likely to have an interest in the application or who the regulator considers is likely to be affected by the application.

(6) Before deciding whether to grant or refuse a variation application to which this regulation applies, the regulator may give the opportunity of making representations (whether in person or in writing) to a person appointed by the regulator for that purpose, to the applicant, the owner (if the

owner is not the applicant) and any other person whom the regulator considers should be given such an opportunity.

(7) In deciding whether to grant or refuse a variation application to which this regulation applies, the regulator shall take into consideration—

- (a) the information provided in the variation application;
- (b) any further information supplied under paragraph (2) and any other information submitted by the applicant;
- (c) any relevant representations made in response to the copies of the application supplied under paragraph (4);
- (d) the report of any person appointed under paragraph (6); and
- (e) any published policy of the Secretary of State or a Northern Ireland Department⁽¹⁾, whichever is applicable, in relation to the extraction of minerals by marine dredging either generally or in the region concerned.

(8) The regulator may decide the variation application by either granting or refusing permission for the variation.

(9) A grant of permission for the variation may be subject to such conditions as the regulator considers appropriate, including—

- (a) conditions intended to implement any policy taken into account under paragraph (7)(e) which contains regional limits on the tonnage of minerals which may be dredged; and
- (b) conditions as to the fees, determined in accordance with regulation 25, to be paid in respect of the regulator's expenses incurred in interpreting and assessing the results of any monitoring of compliance with the conditions attached to the permission carried out in accordance with such conditions.

(10) The regulator shall send notice of the decision under paragraph (8) to the persons referred to in paragraph (5), and the notice shall state—

- (a) the main reasons for the decision;
- (b) the main considerations on which the decision is based including, if relevant, information about the public participation process;
- (c) where permission is granted—
 - (i) any conditions imposed under paragraph (9); and
 - (ii) where applicable, the main measures to be taken to avoid, reduce and, if possible, offset any major adverse effects; and
- (d) that the decision may be challenged and the procedures for doing so.

(1) A Northern Ireland Department means a Northern Ireland Department as specified by section 21 of the Northern Ireland Act 1998 (1998 c. 47).