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STATUTORY INSTRUMENTS

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**2007 No. 1518**

**The Marine Works (Environmental  
Impact Assessment) Regulations 2007**

**[<sup>F1</sup>PART 2**

**REGULATED ACTIVITY IN RELATION TO WHICH AN  
ENVIRONMENTAL IMPACT ASSESSMENT IS (OR MAY BE) REQUIRED**

**[<sup>F1</sup>[<sup>F2</sup>Further provisions in relation to Article 2(4) of the EIA Directive**

**10A.**—(1) The Marine Management Organisation may not make a determination under regulation 10(1)(a)(i) unless the Secretary of State has given a direction under paragraph (2).

(2) The Secretary of State may direct that an environmental impact assessment is not required in relation to any regulated activity that is to be carried out in the course of [<sup>F3</sup>a Schedule A1] project or [<sup>F4</sup>a Schedule A2] project, if the Secretary of State is satisfied that—

- (a) the Marine Management Organisation is the appropriate authority having the function of determining whether an environmental impact assessment is required in relation to the regulated activity;
- (b) a direction that an environmental impact assessment is not required for the regulated activity can be justified in accordance with Article 2(4) of the EIA Directive (exemption for exceptional cases); and
- (c) the regulated activity would not be likely to have significant effects on the environment of [<sup>F5</sup>an EEA State].

(3) As soon as practicable after making any such direction, the Secretary of State must send a copy of the direction to—

- (a) the Marine Management Organisation;
- (b) where the Marine Management Organisation is not also the regulator, the regulator; and
- (c) any relevant authority.

(4) The Natural Resources Body for Wales may not make a determination under regulation 10(1)(a)(i) unless the Welsh Ministers have given a direction under paragraph (5).

(5) The Welsh Ministers may direct that an environmental impact assessment is not required in relation to any regulated activity that is to be carried out in the course of [<sup>F6</sup>a Schedule A1] project or [<sup>F7</sup>a Schedule A2] project, if the Welsh Ministers are satisfied that—

- (a) the Natural Resources Body for Wales is the appropriate authority having the function of determining whether an environmental impact assessment is required in relation to the regulated activity;
- (b) a direction that an environmental impact assessment is not required for the regulated activity can be justified in accordance with Article 2(4) of the EIA Directive (exemption for exceptional cases); and

- (c) the regulated activity would not be likely to have significant effects on the environment of [<sup>F8</sup>an EEA State].
- (6) As soon as practicable after making any such direction, the Welsh Ministers must send a copy of the direction to—
- (a) the Natural Resources Body for Wales;
  - (b) where the Natural Resources Body for Wales is not also the regulator, the regulator; and
  - (c) any relevant authority.
- (7) The Natural Resources Body for Wales must provide the Welsh Ministers with such information as they require to comply with the obligations referred to in regulation 10(3).]
- [<sup>F9</sup>(8) For the purpose of this regulation, Article 2(4) of the EIA Directive is to be read as if—
- (a) in the first sub-paragraph, the words “Without prejudice to Article 7,” were omitted;
  - (b) “Member States”, in both places where it occurs, were read as “appropriate authority”;
  - (b) in the second sub-paragraph, point (c) were omitted;
  - (c) the third and fourth sub-paragraphs were omitted.]]

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| <b>F1</b> | Regulations revoked (S.) (16.5.2017) by <a href="#">The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (S.S.I. 2017/115)</a> , <b>reg. 42(a)</b> (with regs. 1(2), 40, 41)  |
| <b>F2</b> | Reg. 10A substituted (27.3.2015) by <a href="#">The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2015 (S.I. 2015/446)</a> , regs. 1, <b>6</b>   |
| <b>F3</b> | Words in <a href="#">reg. 10A(2)</a> substituted (16.5.2017) by <a href="#">The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588)</a> , regs. 1(1), <b>11(a)</b> (with reg. 34)   |
| <b>F4</b> | Words in <a href="#">reg. 10A(2)</a> substituted (16.5.2017) by <a href="#">The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588)</a> , regs. 1(1), <b>11(b)</b> (with reg. 34)   |
| <b>F5</b> | Words in <a href="#">reg. 10A(2)(c)</a> substituted (31.12.2020) by <a href="#">The Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/25)</a> , regs. 1(1), <b>6(4)(a)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F6</b> | Words in <a href="#">reg. 10A(5)</a> substituted (16.5.2017) by <a href="#">The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588)</a> , regs. 1(1), <b>11(a)</b> (with reg. 34)   |
| <b>F7</b> | Words in <a href="#">reg. 10A(5)</a> substituted (16.5.2017) by <a href="#">The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (S.I. 2017/588)</a> , regs. 1(1), <b>11(b)</b> (with reg. 34)   |
| <b>F8</b> | Words in <a href="#">reg. 10A(5)(c)</a> substituted (31.12.2020) by <a href="#">The Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/25)</a> , regs. 1(1), <b>6(4)(a)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F9</b> | <a href="#">Reg. 10A(8)</a> inserted (31.12.2020) by <a href="#">The Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/25)</a> , regs. 1(1), <b>6(4)(b)</b> ; 2020 c. 1, Sch. 5 para. 1(1)                |

**Changes to legislation:**

There are currently no known outstanding effects for the The Marine Works (Environmental Impact Assessment) Regulations 2007, Section 10A.