

SCHEDULE

APPLICATION BANDS AND MAXIMUM FEES (“CAPS”)

2.—(1) In paragraph 1, “specified activity” means any activity falling within item 1 (deposits within the UK marine licensing area etc), 7 (construction, alteration or improvement of works etc) or 8 (use of vehicle to remove substances etc) of section 66(1) of the Act, but does not include any such activity where it is—

- (a) to be carried out in the course of an Annex I project;
- (b) to be carried out in the course of an Annex II project, if it is likely because of its size, nature or location to have significant effects on the environment;
- (c) a plan or project likely (either alone or in combination with other plans or projects) to have a significant effect on a European site;
- (d) capable of affecting (other than insignificantly)—
 - (i) the protected features of an MCZ; or
 - (ii) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent;
- (e) likely to have a significant effect on a Ramsar site; or
- (f) an activity with respect to which an environmental impact assessment is required by virtue of regulation 5 (requirement of assessment by agreement) of the EIA Regulations.

(2) In paragraph 2(1)(a) and (b)—

- (a) “Annex I project” means a project of a type specified in Annex I to Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment⁽¹⁾; and
- (b) “Annex II project” means a project of a type specified in Annex II to that Directive.

(3) In paragraph 2(1)(c)—

“European site” means a European site within the meaning of regulation 8(1) of the Conservation of Habitats and Species Regulations 2010⁽²⁾ or a European offshore marine site within the meaning of regulation 15 of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007⁽³⁾; and

“plan or project” has the same meaning as in Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora⁽⁴⁾.

(4) In paragraph 2(1)(d)—

- (a) “an MCZ” means a marine conservation zone from time to time designated by an order made under section 116 of the Act; and
- (b) “protected feature” has the meaning given by section 147(1) of the Act.

(5) In paragraph 2(1)(e) “Ramsar site” means a site designated under paragraph 1 of Article 2 of the Ramsar Convention⁽⁵⁾ by the Secretary of State, the Scottish Ministers, the Welsh Ministers or, in Northern Ireland, the Department of the Environment⁽⁶⁾.

(1) OJ L 26, 28.1.2012, p.1.

(2) S.I. 2010/490; relevant amendments were made by S.I. 2012/1927.

(3) S.I. 2007/1842; relevant amendments were made by S.I. 2012/1928.

(4) OJ No. L 206, 22.7.1992, p.7, last amended by Council Directive 2013/17/EU (OJ No. L 158, 10.06.2013, p. 193).

(5) The Convention of Wetlands of International Importance especially as Waterfowl Habitat signed at Ramsar on 2nd February 1971, as amended by the Protocol known as the Paris Protocol done at Paris on 3rd December 1982 and the amendments known as the Regina Amendments adopted at the Extraordinary Conference of the Contracting Parties held at Regina, Saskatchewan, Canada, between 28th May and 3rd June 1987.

Status: This is the original version (as it was originally made).

(6) In paragraph 2(1)(f)—

- (a) “EIA Regulations” means the Marine Works (Environmental Impact Assessment) Regulations 2007(7); and
- (b) “environmental impact assessment” means an assessment under Part 3 of the EIA Regulations.

(6) The Department of the Environment is constituted for the purposes of the Northern Ireland Act 1998 (1998 c.47) by section 21 of that Act and is continued in existence by article 3(3) and (8) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I.1)) and Schedule 1 to that Order.

(7) S.I. 2007/1518; amended by S.I. 2011/735 and 1043.