
WELSH STATUTORY INSTRUMENTS

2007 No. 2610

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

PART 2

RESTRICTIONS ON DREDGING

Restrictions on dredging

4. It is an offence for any person to carry out dredging except where the dredging —
- (a) falls within one of the cases described in regulation 5 (when these Regulations will apply in relation to the dredging only to the extent specified in that regulation in relation to the particular case); or
 - (b) is carried out under and in accordance with a permission granted under Part 4 of these Regulations.

Partial application of the regulations in particular cases

5.—(1) The cases mentioned in regulation 4(a) are those described in paragraphs (2), (6) and (7) of this regulation.

(2) The first case is where the Welsh Ministers receive from the Secretary of State a determination in writing —

- (a) that the dredging constitutes or forms part of a project serving national defence purposes; and
- (b) that in the opinion of the Secretary of State the application of these Regulations, except to the extent specified in paragraphs (4), (5), (6) or (7) of this regulation, as the case may be, would have an adverse effect on those purposes.

(3) Where paragraph (2) applies, the Welsh Ministers must determine whether the dredging would constitute a habitats project.

(4) Where paragraph (2) applies and the Welsh Ministers determine under paragraph (3) that the project would constitute a habitats project, only the following provisions of these Regulations apply—

- (a) Parts 1 and 2;
- (b) regulation 10;
- (c) regulations 13 and 14;
- (d) regulations 16 to 24 and Schedule 3;
- (e) regulations 25 to 30; and
- (f) regulation 32.

(5) Where paragraph (2) applies and the Welsh Ministers determine under paragraph (3) that the project would not constitute a habitats project, only the following provisions of these Regulations apply—

- (a) Parts 1 and 2;
- (b) regulation 26; and
- (c) regulation 30.

(6) The second case is where the Welsh Ministers have determined under regulation 6—

- (a) that the dredging does not constitute a relevant project; and
- (b) that the dredging does not constitute a habitats project;

and, in such a case, only the following provisions of these Regulations apply—

- (i) Parts 1 and 2,
- (ii) regulation 26, and
- (iii) regulation 30.

(7) Subject to paragraph (8), the third case is where the dredging continues to be carried out in accordance with a written agreement entered into by the owner before commencement, and in such a case only the following provisions of these Regulations apply—

- (a) Parts 1 and 2;
- (b) regulation 24 and Schedule 3;
- (c) regulation 26;
- (d) regulation 29; and
- (e) regulation 30.

(8) Where a written agreement entered into by the owner before commencement is varied on or after commencement, the dredging will only fall within the third case where the Welsh Ministers have determined, having regard to such of the selection criteria as are relevant, that dredging under the agreement as so varied does not constitute a relevant project (and Schedule 2 will have effect to specify the selection criteria for the purposes of these Regulations).