
WELSH STATUTORY INSTRUMENTS

2007 No. 2610

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

PART 5

TRANSFER AND VARIATION OF PERMISSIONS

Revocation, suspension or variation of permission otherwise than on application

- 21.**—(1) This regulation applies where—
- (a) a significant breach has occurred of any condition attached to the permission or to a transfer of the permission; or
 - (b) in any other case the Welsh Ministers consider it appropriate to exercise the powers conferred by this regulation, in order to protect the environment from significant adverse effects caused by the dredging authorised by the permission.
- (2) Where this regulation applies, the Welsh Ministers may—
- (a) revoke the permission; or
 - (b) permanently vary it in whole or in part.
- (3) Before revoking or permanently varying a permission under paragraph (2)—
- (a) the Welsh Ministers must serve notice of the proposed revocation or variation—
 - (i) on the persons listed in paragraph (4), and
 - (ii) in accordance with the provisions of paragraph (5);and
 - (b) the Welsh Ministers may request the owner or the holder of the permission, or of the part of the permission affected, as the case may be, to provide by a specified date, such additional information as may be required, in order that the Welsh Ministers may establish the extent to which the proposed revocation or variation is likely to be effective to protect the environment from any significant adverse effects which would otherwise be caused by the dredging authorised by the permission (“the additional information”).
- (4) The persons mentioned in paragraph (3)(a)(i) are—
- (a) the owner and any holder of the permission or the part affected, as the case may be;
 - (b) the appropriate consultation bodies; and
 - (c) any other person (including any non-governmental organisation promoting environmental protection in Welsh waters) who is likely to have an interest in the application or whom the Welsh Ministers consider is likely to be affected by the revocation or variation.
- (5) The notice served under paragraph (3)(a) must —

- (a) inform the recipients of the date when the proposed revocation or variation is intended to take effect under regulation 22;
 - (b) specify a period, being not less than 28 days from the date of the notice (“the specified period”), within which representations may be made about the proposed revocation or variation; and
 - (c) inform the recipients of the consequences of failing to comply with a request for additional information made under paragraph (3)(b), as provided for in paragraph (8).
- (6) The Welsh Ministers must publish a copy of the notice served under paragraph (3)(a) by public advertisement.
- (7) Where the Welsh Ministers consider that it is necessary for the dredging to cease or the permission to be varied as soon as possible —
- (a) the permission will be suspended or the proposed variation, as the case may be, will take effect (for the time being and pending the Welsh Ministers' decision under paragraph (11)) from the date on which notice in accordance with paragraph (3)(a) is served on—
 - (i) the holder of the permission, if any, or,
 - (ii) if there is none, the owner; and
 - (b) the notice served under paragraph 3(a) must inform the recipients of the decision under this paragraph and must state —
 - (i) the main reasons for the decision;
 - (ii) the main considerations on which the decision is based; and
 - (iii) that the decision may be challenged and the procedures for doing so.
- (8) Where the Welsh Ministers request additional information under paragraph (3)(b), but the additional information is not provided by the date specified or within such further period as the Welsh Ministers may allow, and the permission has not been suspended under paragraph (7), the permission will be suspended.
- (9) Where a permission has been suspended under paragraph (8) —
- (a) if the additional information is provided to the Welsh Ministers' satisfaction within six months of the suspension, the suspension will cease and the permission will continue in effect;
 - (b) if the additional information is not so provided, the permission must be revoked by the Welsh Ministers and the Welsh Ministers must send notice of the revocation to the persons listed in paragraph (4).
- (10) If, within the specified period, a person on whom notice has been served under paragraph (3) (a), or a person who has made representations in response to the advertisement published under paragraph (6), so requests, the Welsh Ministers may give—
- (a) to that person; and
 - (b) to any other person on whom notice was served under paragraph (3)(a), or who has made representations in response to the advertisement published under paragraph (6),
- an opportunity to make representations (whether in person or in writing) to a person appointed by the Welsh Ministers for that purpose.
- (11) The Welsh Ministers must decide whether to revoke the permission or vary it permanently having regard, in particular, to—
- (a) any representations made in response to a notice served under paragraph (3)(a) or an advertisement published under paragraph (6); and
 - (b) if applicable, the report of any person appointed under paragraph (10).

(12) The Welsh Ministers must serve notice of the decision under paragraph (11) on any person on whom notice was served under paragraph (3)(a) and on any person who made representations in response to the advertisement published under paragraph (6); and the notice must 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; and
- (c) that the decision may be challenged and the procedures for doing so.