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STATUTORY INSTRUMENTS

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**2009 No. 2258**

**ENVIRONMENTAL PROTECTION,  
ENGLAND AND WALES**

**The Marine Works (Environmental Impact Assessment)  
(Amendment)(England and Wales) Regulations 2009**

<i>Made</i>	- - - -	<i>12th August 2009</i>
<i>Laid before Parliament</i>		<i>25th August 2009</i>
<i>Coming into force</i>	- -	<i>1st October 2009</i>

The Secretary of State is designated<sup>(1)</sup> for the purpose of making Regulations under section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the environment.

In accordance with section 56(1) of the Finance Act 1973<sup>(3)</sup>, the Treasury consent to the making of these Regulations.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, and by section 56 of the Finance Act 1973.

**Title, commencement and extent**

1.—(1) These Regulations may be cited as the Marine Works (Environmental Impact Assessment)(Amendment)(England and Wales) Regulations 2009 and come into force on 1st October 2009.

(2) These Regulations extend to England and Wales only.

**Amendment to the Marine Works (Environmental Impact Assessment) Regulations 2007**

2. In regulation 2(1) of the Marine Works (Environmental Impact Assessment) Regulations 2007<sup>(4)</sup>—

- (a) in the definition of “appropriate authority”, for sub-paragraph (b)(iii) substitute “as regards harbour works in Wales relating to fishery harbours or carried out for the purposes of extracting minerals by dredging, the Welsh Ministers; and”;

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(1) [S.I. 2008/301](#).  
(2) [1972 c.68](#).  
(3) [1973 c.51](#).  
(4) [S.I. 2007/1518](#).

(b) in the definition of “harbour works”, for the words “in the making” substitute “involving the making”.

10th August 2009

*Huw Irranca-Davies*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

We consent

12th August 2009

*Dave Watts*  
*Steve Mc Cabe*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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## EXPLANATORY NOTE

*(This note is not part of the Regulations )*

These Regulations amend the Marine Works (Environmental Impact Assessment) Regulations 2007 (“the principal Regulations”). The principal Regulations implement, in relation to certain marine works, Directive [2003/35/EC](#) of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives [85/337/EEC](#) and [96/61/EC](#) (OJ L 156, 25.6.2003, p.17) and Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (OJ L 175, 5.7.1985, p. 40), as last amended by Directive [2003/35/EC](#).

These Regulations, which extend to England and Wales only, clarify that, for the purposes of the principal Regulations, “harbour works” include works involving the making of modifications to an existing harbour, such as the extraction of minerals by dredging in harbours, where the making of modifications to the harbour is not the purpose of the works.

These Regulations also provide that the Welsh Ministers are the appropriate authority as regards harbour works in Wales carried out for the purposes of extraction of minerals by dredging. The effect of this is that the Welsh Ministers have the function of issuing environmental impact assessment consents for the extraction of minerals by dredging in harbours.

A transposition note setting out how the amendments made in these Regulations transpose the provisions of Directive [85/337/EEC](#) and a full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector are annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website. Copies are available from the Marine Strategy and Evidence Division, Department for Environment, Food and Rural Affairs, Nobel House 17 Smith Square, London SW1P 3JR.