

## SCHEDULE

Article 5

### Consequential amendments (marine licensing)

#### **The Urban Waste Water Treatment (England and Wales) Regulations 1994**

1.—(1) The Urban Waste Water Treatment (England and Wales) Regulations 1994<sup>(1)</sup> are amended as follows.

(2) For regulation 9 (dumping of sludge from ships), substitute—

“9. In exercising its functions under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009, the appropriate licensing authority (within the meaning of section 113 of that Act) must ensure that the dumping of sludge from ships to surface waters is not permitted.”.

(3) In regulation 11 (monitoring)—

- (a) in sub-paragraphs (b) and (d) of paragraph (1), in each case omit “(other than by means of dumping from ships)”;
- (b) omit paragraph (2);
- (c) in paragraph (3)—
  - (i) omit “and the licensing authority”,
  - (ii) for “them” substitute “it”,
  - (iii) omit “or (2)”.

#### **The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003**

2.—(1) The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003<sup>(2)</sup> are amended as follows.

(2) In Schedule 2 (enactments in relation to which duties in regulation 3 apply)—

- (a) omit paragraph 3;
- (b) after paragraph 7 insert—

“7A. Part 4 of the Marine and Coastal Access Act 2009 (marine licensing).”.

#### **The Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004**

3.—(1) The Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004<sup>(3)</sup> are amended as follows.

(2) In Schedule 2 (relevant functions), after paragraph 7 insert—

“7A. The Marine and Coastal Access Act 2009.”

#### **The Scarweather Sands Offshore Wind Farm Order 2004**

4.—(1) The Scarweather Sands Offshore Wind Farm Order 2004<sup>(4)</sup> is amended as follows.

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(1) [S.I. 1994/2841](#); regulation 11 was amended by paragraph 233(1) of Schedule 22 to the Environment Act 1995 (c. 25). There are other amendments not relevant to this instrument.

(2) [S.I. 2003/3242](#), to which there are amendments not relevant to this instrument.

(3) [S.I. 2004/99](#), to which there are amendments not relevant to this instrument.

(4) [S.I. 2004/3054 \(W.263\)](#).

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- (2) In article 10 (abatement of works abandoned or decayed), in paragraph (3)—
- (a) in the English text after the word “imposed” to the end, substitute—  
“in a marine licence granted under Part 4 of the Marine and Coastal Access Act 2009.”;
- (b) in the Welsh text after the word “osodwyd” to the end, substitute—  
“mewn trwydded forol a roddwyd o dan Ran 4 o Ddeddf y Môr a Mynediad i’r Arfordir 2009.”.

### **The Hazardous Waste (England and Wales) Regulations 2005**

- 5.—(1) The Hazardous Waste (England and Wales) Regulations 2005(5) are amended as follows.
- (2) In regulation 5(1) (general interpretation), for the definition of “waste permit” substitute—  
““waste permit” means a marine licence under Part 4 of the Marine and Coastal Access Act 2009 or an environmental permit.”.

### **The Hazardous Waste (Wales) Regulations 2005**

- 6.—(1) The Hazardous Waste (Wales) Regulations 2005(6) are amended as follows.
- (2) In regulation 5(1) (general interpretation), for the definition of “waste permit” (“trwydded gwastraff”)—
- (a) in the English text substitute—  
““waste permit” (“trwydded gwastraff”) means a marine licence under Part 4 of the Marine and Coastal Access Act 2009 or an environmental permit.”;
- (b) in the Welsh text substitute—  
“ystyr “trwydded gwastraff” (“waste permit”) yw trwydded forol o dan Ran 4 o Ddeddf y Môr a Mynediad i’r Arfordir 2009 neu drwydded amgylcheddol;”.

### **The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006**

- 7.—(1) The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(7) are amended as follows.
- (2) For sub-paragraph (b) of rule 7(8) (requirement for environmental statement and screening decisions) and 8(4) (scoping opinion) in each case substitute—  
“(b) where the proposals relate to a project within tidal waters and would require a licence under Part 4 of the Marine and Coastal Access Act 2009, the appropriate licensing authority within the meaning of section 113 of that Act;”.

### **The London Gateway Port Harbour Empowerment Order 2008**

- 8.—(1) The London Gateway Port Harbour Empowerment Order 2008(8) is amended as follows.
- (2) In article 13 (power to dredge), for paragraph (4)(b) substitute—  
“(b) in accordance with any marine licence granted under Part 4 of the Marine and Coastal Access Act 2009.”.

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(5) [S.I. 2005/894](#). A relevant amendment was made by the Environmental Permitting (England and Wales) Regulations ([S.I. 2010/675](#)), Schedule 26, paragraph 23(2)(d).

(6) [S.I. 2005/1806 \(W.138\)](#); a relevant amendment was made to the English text by paragraph 25 of Schedule 26 to [S.I. 2010/675](#).

(7) [S.I. 2006/1466](#).

(8) [S.I. 2008/1261](#).

### **The Environmental Damage (Prevention and Remediation) Regulations 2009**

9.—(1) The Environmental Damage (Prevention and Remediation) Regulations 2009<sup>(9)</sup> are amended as follows.

(2) In Schedule 3 (permits, etc), for paragraph 1(b) substitute—

“(b) a marine licence granted under Part 4 of the Marine and Coastal Access Act 2009;

### **The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009**

10.—(1) The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009<sup>(10)</sup> are amended as follows—

(2) In Schedule 3 (permits, etc), for paragraph 1(b)—

(a) in the English text substitute—

“(b) a marine licence granted under Part 4 of the Marine and Coastal Access Act 2009;

(b) in the Welsh text substitute—

“(b) trwydded forol a roddir o dan Ran 4 o Ddeddf y Môr a Mynediad i’r Arfordir 2009;”.

### **The Harwich Parkeston Quay Harbour Revision Order 2010**

11.—(1) The Harwich Parkeston Quay Harbour Revision Order 2010<sup>(11)</sup> is amended as follows.

(2) In article 6 (power to dredge), for paragraph (3)(b) substitute—

“(b) Part 4 of the Marine and Coastal Access Act 2009.”.

### **The Infrastructure Planning (Decisions) Regulations 2010**

12.—(1) The Infrastructure Planning (Decisions) Regulations 2010<sup>(12)</sup> are amended as follows.

(2) After regulation 3, insert—

#### **“Deemed consents under the Marine and Coastal Access Act 2009**

**3A.** This regulation applies in relation to an application where the decision-maker is considering whether to include in an order granting development consent a provision deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009<sup>(13)</sup>, by virtue of section 149A of the Act<sup>(14)</sup>.

(2) When deciding an application to which this regulation applies, the decision-maker must have regard to—

(a) the need to protect the environment,

(b) the need to protect human health, and

(c) the need to prevent interference with legitimate uses of the sea.”.

<sup>(9)</sup> S.I. 2009/153, to which there are amendments not relevant to this instrument.

<sup>(10)</sup> S.I. 2009/995 (W.81).

<sup>(11)</sup> S.I. 2010/626.

<sup>(12)</sup> S.I. 2010/305.

<sup>(13)</sup> 2009 c. 23.

<sup>(14)</sup> Section 149A of the Planning Act 1998 (c. 29) was inserted by paragraph 4(1) and (2) of Schedule 8 to the Marine and Coastal Access Act 2009.

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(3) Omit regulations 4 (deemed consents under section 34 of the Coast Protection Act 1949<sup>(15)</sup>) and 5 (deemed licences under the Food and Environment Protection Act 1985<sup>(16)</sup>).

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<sup>(15)</sup> 1949 c. 74.  
<sup>(16)</sup> 1985 c. 48.