
STATUTORY INSTRUMENTS

2003 No. 164

The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003

PART IV

MODIFICATION OF PART II FOR PARTICULAR CASES

Called-in applications in relation to abstraction or impounding licences

13. The provisions of regulations 6(7) and 8 shall apply in relation to any called-in application within the meaning of section 42 of the 1991 Act (consideration of called-in applications) as if any reference in those provisions to the Agency were a reference to the appropriate Minister.

Variation of abstraction or impounding licence at instance of Agency or Secretary of State

14.—(1) Where proposals are formulated under section 52(1) of the 1991 Act (proposals for modification at the instance of the Agency or Secretary of State) for the variation of an abstraction or impounding licence, the Agency shall determine whether those proposals would amount to or form part of a relevant project; and in making that determination the Agency shall take into account such of the selection criteria set out in Schedule 1 as are relevant.

(2) The Agency shall give written notice of its determination to the licence holder and to the appropriate Minister.

(3) The appropriate Minister may review the determination of the Agency, by giving notice to the Agency not later than four weeks after the receipt of a notice under paragraph (2); and where he does so, having taken into account such of the selection criteria set out in Schedule 1 as are relevant, he shall by notice in writing given to the licence holder and the Agency—

- (a) uphold the determination of the Agency; or
- (b) substitute his own determination.

(4) The notice required by section 52(4) of the 1991 Act (notice of proposals formulated under that section)—

- (a) in the case of a review under paragraph (3), shall not be served before notice is given to the Agency under that paragraph; and
- (b) shall include notice of the determination under this regulation.

Modifications where regulation 14 applies

15.—(1) This regulation applies where it is determined under regulation 14 that the proposals would amount to or form part of a relevant project.

- (2) The Agency shall prepare an environmental statement in accordance with regulation 6(1).
- (3) Regulations 6(2) to (7), 7 and 8 shall not apply.

(4) Section 52(4) to (8) of the 1991 Act (notice of proposals under that section) shall apply as if the environmental statement were part of the proposals formulated by the Agency.

(5) The Agency shall, not later than the date of publication of the notice for the purposes of section 52(4) of the 1991 Act, send to the appropriate Minister and the consultation bodies a copy of the proposals and the environmental statement under cover of a letter stating that any representations on the proposals should be made in writing to the Agency within a period of twenty-eight days beginning on the date of that notice.

(6) The Agency or, as the case may be, the appropriate Minister shall not determine an application for, or for the variation of, an authorisation relating to a relevant project before the latest date allowed under these Regulations for making representations or concluding any consultation.

(7) In determining whether a licence should be varied, the Agency or, as the case may be, the appropriate Minister shall have regard to the environmental statement and any representations relating to the environmental effects of the project made to the Agency or the appropriate Minister within the period referred to in paragraph (5).

(8) Where a licence is varied in pursuance of proposals to which this regulation applies, the Agency shall, within twenty-eight days of the variation, publish in those newspapers in which a notice was published under section 52(4) of the 1991 Act a notice stating that the Agency has varied the licence, and stating a place where any person may inspect—

- (a) the document by which the determination was made;
- (b) written notice of the main reasons and considerations on which the determination is based; and where necessary
- (c) a description of the main measures to avoid, reduce and if possible offset the major adverse effects of the project.