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## STATUTORY INSTRUMENTS

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### 2017 No. 583

## The Water Resources (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2017

### New regulations 3A to 3C

#### 5. After regulation 3 insert—

##### “Defence and civil emergencies

**3A.**—(1) The Secretary of State may direct that a relevant project, or a project which may be a relevant project, is exempt where—

- (a) the project has national defence as its sole purpose; and
- (b) the Secretary of State considers that an environmental impact assessment in respect of the project would have an adverse effect on the fulfilment of that purpose.

(2) The appropriate Minister may direct that a relevant project, or a project which may be a relevant project, is exempt where—

- (a) the project has the response to a civil emergency as its sole purpose; and
- (b) the appropriate Minister considers that an environmental impact assessment in respect of the project would have an adverse effect on the fulfilment of that purpose.

(3) Following a direction under paragraph (1) or (2), the person who gave the direction must send notice in writing of the direction to the relevant appropriate authority.

(4) Following a direction under paragraph (1) in respect of a project in Wales, the Secretary of State must send notice in writing of the direction to the Welsh Ministers.

##### Exceptional circumstances

**3B.**—(1) The appropriate Minister may direct that a relevant project, or a project which may be a relevant project, is exempt where the circumstances are exceptional and the appropriate Minister considers that—

- (a) an environmental impact assessment would have an adverse effect on the fulfilment of the project’s purpose; and
- (b) the objectives of the EIA Directive will be met even though such an assessment is not carried out.

(2) Where the appropriate Minister gives a direction that a relevant project, or a project which may be a relevant project, is exempt under paragraph (1), the appropriate Minister must—

- (a) consider whether another form of assessment of the likely significant effects on the environment of the project is appropriate; and
- (b) make available to the public concerned—

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Resources (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (i) the direction including an explanation of the reasons for it; and
- (ii) the information obtained under any other assessment referred to in subparagraph (a).

### Coordination

**3C.** Where, in respect of a relevant project, there is a requirement to carry out an environmental impact assessment and a requirement to carry out an assessment under regulation 21 or 61 of the Conservation of Habitats and Species Regulations 2010<sup>(1)</sup>, the appropriate Minister must, where appropriate, ensure that the environmental impact assessment and the other assessment, or assessments, are coordinated.”.

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#### Commencement Information

**II** Reg. 5 in force at 16.5.2017, see [reg. 1\(1\)](#)

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<sup>(1)</sup> [S.I. 2010/490](#), to which there are amendments not relevant to these Regulations.

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**Changes and effects yet to be applied to :**

- Regulations revoked by [2023 c. 28 Sch. 1 Pt. 1](#)