
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in relation to certain marine works, [Directive 2014/52/EU](#) (“Directive 2014/52”) of the European Parliament and of the Council amending [Directive 2011/92/EU](#) (“Directive 2011/92”) on the assessment of the effects of certain public and private projects on the environment.

These Regulations extend to England and Wales and Northern Ireland. They extend to Scotland in relation to certain reserved matters in the Scottish inshore region. Accordingly, subject to certain exceptions mentioned in section 7A of the Food and Environment Protection Act 1985 (c. 48), they extend to: any activity relating to a matter which is a reserved matter by virtue of Section D2 (oil and gas) in Part 2 of Schedule 5 to the Scotland Act 1998 (c. 46) and which is an activity outside controlled waters (within the meaning of section 30A(1) of the Control of Pollution Act 1974 (c. 40)); any activity relating to a matter which is a reserved matter by virtue of paragraph 9 (defence) in Part 1 of that Schedule; and any activity falling within the subject matter of Part 6 (pollution) of the Merchant Shipping Act 1995 (c. 21). These Regulations also extend to the Scottish offshore region. The Scottish inshore region and the Scottish offshore region are, in each case, defined in section 322 of the Marine and Coastal Access Act 2009 (c. 23).

Regulations 3 to 32 contain amendments to the Marine Works (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1518). In summary:

- (a) the amendments to regulations 9 and 10 (in regulations 8 and 10 respectively), and new regulation 9A (inserted by regulation 9), make provision for a determination that an environmental impact assessment is not required in relation to certain regulated activity;
- (b) the amendments to regulation 12 (in regulation 12) set out the contents of an environmental statement and require the appropriate authority to ensure that it has, or has access to, sufficient expertise to examine the statement;
- (c) new regulation 15A (inserted by regulation 14) makes provision for the co-ordination of environmental impact assessments;
- (d) the amendments to regulation 16 (in regulation 15) provide for the manner in which the appropriate authority must publicise an application for regulatory approval and the environmental statement in respect of the project to which it relates;
- (e) regulation 18 is substituted (by regulation 17) to set out the information which must be provided to EEA States where it is likely that they will be significantly affected by projects in the United Kingdom;
- (f) new regulation 20A (inserted by regulation 20) sets out the procedures, including consultation, which must be followed where the appropriate authority receives information that a proposed project in an EEA State is likely to have significant effects on the environment in those areas of the United Kingdom to which the Marine Works (Environmental Impact Assessment) Regulations 2007 extend;
- (g) new regulation 21A (inserted by regulation 21) makes provision requiring the appropriate authority to consider an environmental statement and reach a conclusion about the likely significant effects on the environment of a project;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (h) regulation 22 is substituted (by regulation 22) to provide for the appropriate authority's EIA consent decision in respect of a project, for example setting out matters which must be included in the appropriate authority's consideration of that application;
- (i) regulation 23 is amended (by regulation 23) to provide for the information which must be included in the appropriate authority's written confirmation of the EIA consent decision and for the manner in which notice of that decision is published and made available for public inspection by the appropriate authority;
- (j) regulation 24 is amended (by regulation 24) to provide for the effect which the EIA consent decision has on the regulator's decision to grant or refuse regulatory approval for the regulated activity and to set out certain procedures in respect of the regulator's decision;
- (k) new regulation 24ZA (inserted by regulation 25) provides for the manner in which regulatory decisions must be notified and published;
- (l) new Schedules A1 and A2 (inserted by regulation 28) reflect the provisions of Annex I and Annex II to Directive 2011/92, respectively;
- (m) the substitution of Schedules 1 and 3 (made by regulations 29 and 31 respectively) and the amendments to Schedule 2 (made by regulation 30) reflect amendments made by Directive 2014/52 to Annexes to Directive 2011/92: amendments to Annexes III and IV, and the insertion of Annex II.A, respectively.

A full regulatory impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available from the Marine Planning and Licensing Team at the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3J and is also available alongside these Regulations on www.legislation.gov.uk. An Explanatory Memorandum and a transposition note are also available with these Regulations on www.legislation.gov.uk. Copies have been placed in the Libraries of both Houses of Parliament.