
STATUTORY INSTRUMENTS

2017 No. 588

The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017

Substitution of regulation 22

22. For regulation 22 (the EIA consent decision) substitute—

“The EIA consent decision

22.—(1) In reaching its EIA consent decision, the appropriate authority must have regard to the relevant legislation and must consider—

- (a) the application;
- (b) its conclusion under regulation 21A(2) (including whether the conclusion is up to date);
- (c) whether monitoring of the significant adverse environmental effects of the regulated activity is appropriate and, if so—
 - (i) whether (in order to avoid duplication) existing monitoring arrangements in accordance with an obligation under the law of any part of the United Kingdom can be relied on; and
 - (ii) whether conditions need to be attached to the regulatory approval;
- (d) if monitoring is considered to be appropriate, whether conditions need to be attached to the regulatory approval to make provision for potential remedial action; and
- (e) whether any other conditions need to be attached to the regulatory approval with respect to the likely significant effects of the project.

(2) The appropriate authority must not, following its consideration under regulation paragraph (1)(c), attach conditions to a regulatory approval in respect of a regulated activity unless it is satisfied that the type of parameters to be monitored and the duration of monitoring are proportionate to the nature, location and size of the regulated activity and the significance of its effect on the environment.

(3) The appropriate authority must not make a decision under paragraphs (1) and (2) unless it is satisfied that any conclusion under regulation 21A(2) in respect of the regulated activity is up to date (and a conclusion is taken to be up to date if, in the opinion of the appropriate authority, it addresses the likely significant environmental effects of the project).

(4) Taking into account the nature and complexity of the application and the regulated activity, the appropriate authority must reach its EIA consent decision within a reasonable period of time beginning with the date on which it is given all the information it is required to consider under regulation 21A(1).”