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STATUTORY INSTRUMENTS

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**2017 No. 588**

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

**Amendment of regulation 24**

**24.**—(1) Regulation 24 (effect of EIA consent decision on application and regulatory decision) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Where the appropriate authority has given EIA consent in respect of a regulated activity, the regulator may proceed to deal with the application and take its regulatory decision in accordance with the relevant legislation.”.

(3) After paragraph (1), insert—

“(1A) When the regulator proceeds to deal with the application and take its regulatory decision in accordance with paragraph (1), the regulator must have regard to the written confirmation of the EIA consent decision and in particular to any conditions, including any mitigating or monitoring measures, attached to that decision pursuant to regulation 22(1) (c) to (e).

(1B) Where the regulator decides to grant regulatory approval, the regulator must incorporate in the regulatory decision—

- (a) the conclusion reached by the appropriate authority in accordance with regulation 21A(2);
- (b) any conditions, including any mitigating or monitoring measures, attached to the regulatory decision; and
- (c) a statement including—
  - (i) the main reasons and considerations on which the regulatory decision is based including, if relevant, information about the participation of the public; and
  - (ii) a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results (in particular, in circumstances where regulation 18 applies, the comments received from an EEA State pursuant to consultation under that regulation) have been incorporated or otherwise addressed.

(1C) Where the regulator decides to refuse regulatory approval, the regulator must state the main reasons for the refusal.

(1D) The regulator must be satisfied that the information incorporated in the EIA consent decision, under regulation 23(2), is up to date at the time that the regulatory decision is taken, but that information must be taken to be up to date if, in the opinion of the regulator, it addresses the significant effects that are likely to arise as a result of the project proposed.

(1E) The regulatory decision must be taken within a period of time which—

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- (a) is reasonable, taking into account the nature and complexity of the regulated activity; and
- (b) begins with the date on which the EIA consent decision is published.”.