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WELSH STATUTORY INSTRUMENTS

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**2007 No. 2610**

The Environmental Impact Assessment and  
Natural Habitats (Extraction of Minerals by  
Marine Dredging) (Wales) Regulations 2007

**PART 5**

TRANSFER AND VARIATION OF PERMISSIONS

**Variation of permission on application: other cases**

**20.**—(1) Where the Welsh Ministers determine under regulation 18(3) that a variation would not constitute a relevant project or a habitats project, this regulation applies—

- (a) to the application in respect of that variation; and
- (b) to any subsequent application in respect of the same variation which is submitted to the Welsh Ministers within 12 months of the date of the determination.

(2) Where reasonably necessary, the Welsh Ministers may request the applicant to supply further information within such period and in such form as may reasonably be specified.

(3) Where the applicant fails, within such period as the Welsh Ministers have specified, or such further period as the Welsh Ministers may allow, to comply with any request of the Welsh Ministers under paragraph (2), the variation application will be deemed to be withdrawn and the fee will be refunded, provided that, at the date of withdrawal, the Welsh Ministers have not complied with the requirements of paragraph (4).

(4) The Welsh Ministers must send —

- (a) a copy of the variation application and of any further information provided under paragraph (2); and
- (b) a statement that representations may be made to the Welsh Ministers regarding the application, and of the address in Wales to which representations may be sent, and of the period within which representations may be made, which will be not less than eight weeks beginning with the date on which the statement is sent,

to the persons referred to in paragraph (5).

(5) The persons mentioned in paragraph (4) are—

- (a) the appropriate consultation bodies;
- (b) the owner (if the owner is not the applicant); and
- (c) any other person (including any non-governmental organisation promoting environmental protection in Welsh waters) who is likely to have an interest in the application or who the Welsh Ministers consider is likely to be affected by the application.

(6) Before deciding whether to grant or refuse a variation application to which this regulation applies, the Welsh Ministers may give the opportunity of making representations (whether in person or in writing) to a person appointed by the Welsh Ministers for that purpose, the applicant, the owner

(if the owner is not the applicant) and any other person whom the Welsh Ministers consider should be given such an opportunity.

(7) In deciding whether to grant or refuse a variation application to which this regulation applies, the Welsh Ministers must take into consideration —

- (a) the information provided in the variation application;
- (b) any further information supplied under paragraph (2) and any other information submitted by the applicant;
- (c) any relevant representations made in response to the copies of the application supplied under paragraph (4);
- (d) the report of any person appointed under paragraph (6); and
- (e) any published policy of the Welsh Ministers in relation to the extraction of minerals by marine dredging.

(8) The Welsh Ministers may decide the variation application by either granting or refusing permission for the variation.

(9) A grant of permission for the variation may be subject to such conditions as the Welsh Ministers consider appropriate, including —

- (a) conditions intended to implement any policy taken into account under paragraph (7)(e) which contains regional limits on the tonnage of minerals which may be dredged, and
- (b) conditions as to the fees, determined in accordance with regulation 25, to be paid in respect of the Welsh Ministers' expenses incurred in interpreting and assessing the results of any monitoring of compliance with the conditions attached to the permission carried out in accordance with such conditions.

(10) The Welsh Ministers must send notice of the decision under paragraph (8) to the persons referred to in paragraph (5), and the notice must state —

- (a) the main reasons for the decision;
- (b) the main considerations on which the decision is based including, if relevant, information about the public participation process;
- (c) where permission is granted —
  - (i) any conditions imposed under paragraph (9), and
  - (ii) where applicable, the main measures to be taken to avoid, reduce and, if possible, offset any major adverse effects; and
- (d) that the decision may be challenged and the procedures for doing so.