
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 136

The Harbour Works (Environmental Impact Assessment) Regulations (Northern Ireland) 2003

Transboundary cases and involvement of other EEA States

- 8.—(1) This regulation applies where –
- (a) harbour works are proposed to be carried out in Northern Ireland,
 - (b) it appears to the appropriate Department that the harbour works constitute a project falling within Annex I or Annex II to the Directive, and in the case of a project falling within Annex II it determines that (taking into account the selection criteria) they would constitute a relevant project, and
 - (c) (i) it comes to the attention of the appropriate Department that the project is likely to have significant effects on the environment in another EEA State; or
(ii) another EEA State likely to be significantly affected by the project so requests.
- (2) The appropriate Department shall –
- (a) publish in the Belfast Gazette the particulars mentioned in paragraph (3) in a notice with an indication of where further information is available;
 - (b) send to the other EEA State as soon as possible, and no later than the date of publication of that notice, the particulars mentioned in paragraph (3) and, if it thinks fit, the information mentioned in paragraph (4); and
 - (c) give the other EEA State a reasonable time in which to indicate whether it wishes to be consulted in accordance with paragraph (6).
- (3) The particulars referred to in paragraph (2)(a) and (b) are –
- (a) a description of the project, together with any available information on its possible significant effect on the environment in another EEA State; and
 - (b) information about the nature of the decision which may be taken under these Regulations.
- (4) The information to be sent to an EEA State which indicates, in accordance with paragraph 2(c), that it wishes to be consulted in accordance with paragraph (6) is –
- (a) a copy of the application referred to in regulation 5(1) or 6(1) which has been made;
 - (b) a copy of the environmental statement in respect of the works to which that application relates; and
 - (c) information regarding the procedure under these Regulations;
- but only to the extent that such information has not already been provided to the EEA State in accordance with paragraph (2)(b).
- (5) The appropriate Department shall also –
- (a) arrange for the information referred to in paragraphs (3) and (4) to be made available, within a reasonable time, to the authorities likely to have an interest in the project by reason of their environmental responsibilities, and the public concerned, in the territory of the EEA State concerned; and

- (b) ensure that those authorities and the public concerned are given a reasonable opportunity, before consent for the works is granted, to forward to the appropriate Department within a reasonable time, their opinion on the information supplied.
- (6) The appropriate Department shall –
- (a) consult the EEA State concerned about the project generally and, in particular, about the potential significant effects of the project on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and
 - (b) endeavour to agree with that EEA State a reasonable period of time for the duration of the consultation period.
- (7) Where an EEA State has been consulted in accordance with paragraph (6), on the determination of the application concerned the appropriate Department shall inform the EEA State of the decision and shall forward to it a statement giving –
- (a) the content of the decision whether or not to grant consent and any conditions attached to the decision;
 - (b) the main reasons and consideration on which the decision is based;
 - (c) a description, where necessary, of the main measures to prevent, reduce or offset the major adverse effects; and
 - (d) confirmation that any information, representations, opinions, consultations and report of an inquiry have been taken into consideration in accordance with regulation 11(3) in reaching the decision.