

SCHEDULE 3

Regulation 13

Review of decisions and consents

1. The Department shall as soon as reasonably practicable make an appropriate assessment of the implications for the European site of the project permitted by the decision or consent in view of that site's conservation objectives for the purpose of determining whether the project will adversely affect the integrity of the site.

2. For the purposes of the assessment the Department:—

- (a) may require any person interested in the relevant land to supply such information as it may reasonably think necessary;
- (b) shall consult the consultation bodies and have regard to any representations made by them within such reasonable time as it may specify; and
- (c) may, if it considers this to be appropriate, consult members of the public.

3. Unless, following the assessment, the Department is satisfied that the project permitted by the decision or consent will not adversely affect the integrity of the European site, and regulation 12(7) does not apply, it shall, in the case of a decision, revoke that decision and, in the case of a consent, either revoke that consent or make such modifications to the consent as shall appear to it to be necessary to ensure that the project will not adversely affect the integrity of the European site and it shall notify the decision to all persons who appear to it to have an interest in the relevant land.

4. Subject to paragraph 5, a revocation or modification of a decision or a consent in pursuance of which works have been commenced or completed shall not affect so much of those works as have already been carried out.

5. If, where a project which is subject to a decision made under paragraph 3 has commenced, it appears to the Department to be necessary to safeguard the integrity of the European site, it may by notice require the person responsible for carrying out such works or any person interested in the relevant land to carry out such works of reinstatement as may be reasonable in the circumstances and any person who carries out works in compliance with such a requirement shall be entitled, on making a claim in accordance with paragraph 8, to recover from the Department compensation in respect of any expenses reasonably incurred by him in that behalf.

6. Regulation 14 shall apply to a decision made in accordance with paragraphs 3 or 5.

7. If, following a decision under paragraph 3, a person has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, he shall be entitled to be paid compensation on submitting a claim in accordance with paragraph 8.

8. A claim for compensation payable under paragraph 5 or 7 shall be submitted to the Department within six weeks of notification of the decision in respect of which compensation is payable and shall be accompanied by such evidence as the Department may reasonably require.

9. Any dispute as to the amount of compensation payable under paragraphs 5 or 7 may be referred to the Lands Tribunal within six years of the date of notification of the decision in respect of which compensation is payable.

10. Nothing in this regulation shall affect anything done in pursuance of a decision or consent before the date the site became a European site.