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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3

#### PROCEDURE FOR MAKING HARBOUR REVISION AND EMPOWERMENT ORDERS

##### Textual Amendments

**F1** Sch. 3 substituted (1.2.2000) by [The Harbour Works \(Environmental Impact Assessment\) Regulations 1999 \(S.I. 1999/3445\)](#), reg. 15(4), **Sch. 3**

##### Modifications etc. (not altering text)

**C1** Sch. 3 modified (1.4.2001) by 2000 c. 38, s. 37, **Sch. 5 para. 1(2)(j)** (with s. 106); S.I. 2001/869, **art.2**

### PART I

#### ORDERS MADE ON APPLICATION TO THE SECRETARY OF STATE

##### *Consultation*

- [<sup>F2</sup>15 (1) The Secretary of State, before determining an application, must—
- (a) consult such bodies that are likely to have an interest in the application by reason of their environmental responsibilities or local or regional competencies as the Secretary of State thinks appropriate, and
  - (b) send the information listed in sub-paragraph (2) to the bodies consulted.
- (2) The information is—
- (a) the environmental statement supplied under paragraph 8(1)(a);
  - (b) any information supplied in pursuance of a direction under paragraph 8A(1);
  - (c) any information about the project falling within paragraph 10ZB(1)(b).]

##### Textual Amendments

**F2** Sch. 3 para. 15 substituted (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 1 para. 8(15)** (with Sch. 6 paras. 2(2), 3(3))

- 16 (1) This paragraph applies where—
- (a) an application for a harbour revision order relates to a project which is proposed to be carried out in Great Britain,
  - [<sup>F3</sup>(b) the application is an EIA application,] and
  - (c) it comes to the attention of the Secretary of State that the project is likely to have significant effects on the environment in another EEA State, or another EEA State requests particulars of the project.

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- (2) The Secretary of State shall—
- (a) publish in the Gazette the particulars mentioned in sub-paragraph (3) in a notice with an indication of where further information is available,
  - (b) serve on the other EEA State as soon as possible and no later than the date of publication of that notice, the particulars mentioned in sub-paragraph (3) and, if he thinks fit, the information mentioned in sub-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 sub-paragraph (6).
- (3) The particulars referred to in sub-paragraph (2)(a) and (b) are—
- (a) a description of the project, together with any available information on its possible significant effects on the environment in the other EEA State; and
  - (b) information about the nature of the decision which may be taken under this Part.
- (4) The information to be served on an EEA State which indicates, in accordance with sub-paragraph (2)(c), that it wishes to be consulted in accordance with sub-paragraph (6) is—
- (a) a copy of the application,
  - [<sup>F4</sup>(b) the environmental statement supplied to the Secretary of State under paragraph 8(1)(a);
  - (ba) any information supplied in pursuance of a direction under paragraph 8A(1);
  - (bb) any information falling within paragraph 10ZB(1)(b);] and
  - (c) information regarding the procedure under this Part,
- but only to the extent that such information has not already been provided to the EEA State in accordance with [<sup>F5</sup>sub-paragraph (2)(b)].
- (5) The Secretary of State shall also—
- (a) arrange for the information referred to in sub-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 [<sup>F6</sup>or local or regional competencies], 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 he decides whether to make the harbour revision order in relation to the project, to send to the Secretary of State their opinion on the information.
- (6) The Secretary of State 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 the 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 sub-paragraph (6), on the determination of the application the Secretary of State shall inform the EEA State of the decision and send it a statement giving—
- (a) the content of the decision whether or not to make the order and any conditions attached to the decision;

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- (b) the main reasons and considerations on which the decision is based;
- (ba) [<sup>F7</sup>details of what provision was made for public participation in the making of the decision;]  
  
[<sup>F8</sup>details of what provision was made for public participation in the making of the decision;][<sup>F9</sup>and]
- [<sup>F10</sup>(bb) a summary of —
  - (i) the results of any consultations under paragraph 15 in connection with the application,
  - (ii) any objections made to the application and not withdrawn,
  - (iii) any representations made in relation to the environmental statement for the project or in relation to any information in accordance with a notice published under paragraph 10 or 10A, and
  - (iv) how the information mentioned in paragraphs (i) to (iii) above and any opinion given under sub-paragraph (5)(b) have been taken into account in reaching the decision.]
- <sup>F11</sup>(c) .....
- <sup>F12</sup>(d) .....]

#### Textual Amendments

- F3** Sch. 3 para. 16(1)(b) substituted (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 1 para. 8(16)(a)** (with Sch. 6 paras. 2(2), 3(3))
- F4** Sch. 3 para. 16(4)(b)-(bb) substituted for Sch. 3 para. 16(4)(b) (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 1 para. 8(16)(b)** (with Sch. 6 paras. 2(2), 3(3))
- F5** Words in Sch. 3 para. 16(4) substituted (2.10.2000) by [S.I. 2000/2391](#), **reg. 2(d)**
- F6** Words in Sch. 3 para. 16(5)(a) inserted (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 1 para. 8(16)(c)** (with Sch. 6 paras. 2(2), 3(3))
- F7** Sch. 3 para. 16(7)(ba) inserted (S.) (14.5.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 25(5)(f)(ii)**, 30(3) (with s. 30(5))
- F8** Sch. 3 para. 16(7)(ba) inserted (E.W.) (10.3.2009) by [The Harbour Works \(Environmental Impact Assessment\) \(Amendment\) \(England and Wales\) Regulations 2009 \(S.I. 2009/269\)](#), regs. 1(1), **8** (with reg. 1(2))
- F9** Word in Sch. 3 para. 16(7)(ba) inserted (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 1 para. 8(16)(d)(i)** (with Sch. 6 paras. 2(2), 3(3))
- F10** Sch. 3 para. 16(7)(bb) inserted (5.12.2017) by [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 1 para. 8(16)(d)(ii)** (with Sch. 6 paras. 2(2), 3(3))
- F11** Sch. 3 para. 16(7)(c) omitted (5.12.2017) by virtue of [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 1 para. 8(16)(d)(iii)** (with Sch. 6 paras. 2(2), 3(3))
- F12** Sch. 3 para. 16(7)(d) omitted (5.12.2017) by virtue of [The Environmental Impact Assessment \(Miscellaneous Amendments Relating to Harbours, Highways and Transport\) Regulations 2017 \(S.I. 2017/1070\)](#), reg. 1(1), **Sch. 1 para. 8(16)(d)(iii)** (with Sch. 6 paras. 2(2), 3(3))

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