

---

STATUTORY INSTRUMENTS

---

**1999 No. 3445**

**The Harbour Works (Environmental  
Impact Assessment) Regulations 1999**

**PART II**

**—APPLICATIONS RELATING TO HARBOUR WORKS**

**Harbour works carried out without a decision**

**11.**—(1) If a developer carries out harbour works to which it appears to the appropriate Authority that this Part applies and which have not been the subject of a decision under regulation 5(3) or (7), 6(5) or (9), 10(2) or this regulation—

- (a) the appropriate Authority shall serve notice in writing on the developer requiring him:
  - (i) if appropriate, to cease carrying out the harbour works forthwith; and
  - (ii) to supply the appropriate Authority with such of the information referred to in regulation 6(4) as it may specify and within such period as it may specify; and
- (b) the provisions of regulations 6(5) to (11), 7 to 10, and 12 to 14 shall apply subject to the modifications set out in paragraph (2), whether or not an application or notice referred to in paragraph (a), (b), (c) or (d) of regulation 5(1) is made or given.

(2) The modifications referred to in paragraph (1)(b) are:

- (a) for “proposed harbour works”, wherever these words occur, there shall be substituted “harbour works”;
- (b) for “are proposed to be”, wherever these words occur, there shall be substituted “have been”;
- (c) where an application or notice referred to in paragraph (a), (b), (c) or (d) of regulation 5(1) is not made or given, regulation 7(1)(b) and 8(4)(a) shall be omitted; and
- (d) in regulation 6(11), after “in such form” there shall be inserted “and within such period”.

(3) If the developer no longer owns, occupies or enjoys any use of the harbour works which have been carried out when the appropriate Authority decides to serve a notice under paragraph (1) the notice may be served on any other person who for the time being owns, occupies or enjoys any use of the harbour works, and the references to the developer in paragraphs (1), (4) and (5) shall have effect as a reference to the person on whom the notice is served.

(4) If a developer fails to supply the appropriate Authority with such of the information referred to in regulation 6(4) as is specified in a notice served under paragraph (1) within the period specified therein, the appropriate Authority shall make such investigations as it considers necessary to enable it to determine whether the harbour works constitute a project falling within Annex I or II to the Directive, and in the case of a project falling within Annex II to the Directive whether (taking into account the selection criteria) the harbour works constitute a relevant project.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

(5) Where regulation 6(11) applies as modified by paragraph (2)(d), and the developer fails to comply with the appropriate Authority's direction, the appropriate Authority shall refuse consent in respect of the harbour works.