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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 136**

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

**Decisions on applications**

**11.**—(1) Where the appropriate Department is satisfied that the developer has complied with its direction under regulation 5(9) or 6(10), with regulation 7 and with any direction under regulation 10(1) or (2), and it has received the report of any inquiry held under regulation 10(4), it shall reach a decision on the proposed harbour works, in accordance with paragraphs (2) and (3).

(2) Subject to paragraph (3), the appropriate Department shall –

- (a) consent to the carrying out of the proposed harbour works either unconditionally or subject to such conditions as it sees fit; or
- (b) refuse such consent.

(3) The appropriate Department shall not consent to the carrying out of the proposed harbour works unless it has taken into consideration the information supplied to it under regulation 5(9) or 6(10), any representations received pursuant to regulation 7(1) or (2), any opinion received pursuant to regulation 8(5), any consultations under regulation 8(6) or 10(3), and the report of any inquiry held under regulation 10(4); and it shall state in its decision that it has done so.

(4) The appropriate Department shall –

- (a) notify its decision and the reasons and considerations upon which it was based to the developer;
- (b) inform the public of the decision, by publishing a notice in a local newspaper circulating in the locality of the harbour where the harbour works are proposed to be carried out, or by such other means as are reasonable in the circumstances; and
- (c) make available for public inspection at all reasonable hours at a place near the location of the proposed works, the following information –
  - (i) the content of its decision whether or not to grant consent and any conditions attached to the decision;
  - (ii) the main reasons and considerations on which the decision is based;
  - (iii) a description, where necessary, of the main measures to prevent, reduce or offset the major adverse effects; and
  - (iv) where it consents to the carrying out of the proposed works, confirmation that any information, representations, opinions, consultations, or report of an inquiry referred to in paragraph (3) have been taken into consideration in reaching the decision.

(5) Any condition subject to which the appropriate Department has consented to harbour works –

- (a) shall (subject to sub-paragraph (c)) either remain in force for a specified period or remain in force without limit of time;
- (b) shall (in addition to binding the developer to whom the consent is given) bind, so far as is appropriate, any other person who for the time being owns, occupies, or enjoys any use of the harbour works which have been carried out;

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(c) may, if the appropriate Department thinks fit, be revoked by it.

(6) A consent under paragraph (2) may be granted so as to continue in force, unless renewed, only if the harbour works for which the consent is granted are begun or completed within such period as may be specified in the consent, and any renewal of a consent may be limited in the same way.