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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**

**Procedure for obtaining a prior opinion**

4.—(1) A developer who is minded to make an application for approval to carry out harbour works may ask the appropriate Department to state in writing its opinion –

- (a) as to whether the application would or would not relate in whole or in part to harbour works to which these Regulations apply; and
- (b) if the appropriate Department considers it would so relate and, assuming the criteria set out in paragraph (2) were satisfied, about the information to be supplied in the environmental statement.

(2) The criteria referred to in paragraph (1)(b) are that the proposed harbour works constitute a project falling within Annex I to the Directive, or within Annex II to the Directive and (taking into account the selection criteria) the appropriate Department determines that they would be likely to constitute a relevant project.

(3) A request under paragraph (1) shall be accompanied by –

- (a) a plan sufficient to identify the location of the proposed harbour works,
- (b) a brief description of the nature and purpose of the proposed harbour works and of their possible effects on the environment,
- (c) plans and sections showing the lines, situation and levels of the proposed harbour works, and
- (d) such other information or representations as the person making the request may wish to provide or make.

(4) The appropriate Department receiving a request under paragraph (1) shall, if it considers that it has not been provided with sufficient information to give an opinion on the questions raised, notify the person making the request of the particular points on which it requires further information.

(5) Subject to paragraph (6), the appropriate Department shall give the opinion requested under paragraph (1) as soon as reasonably practicable.

(6) The appropriate Department shall not give an opinion in response to a request under paragraph (1) until it has consulted the person who made the request and such bodies as appear to it to be likely to have an interest in the project by reason of their environmental responsibilities.

(7) In so far as the request relates to paragraph (1)(b), the appropriate Department shall indicate the extent of the information set out in Schedule 1 which the person who requested the opinion would be required under regulation 5 to supply; in so doing the appropriate Department shall take into account the extent to which it considers –

- (a) information to be relevant to its decision under regulation 11 and to the specific characteristics of the particular proposed harbour works and of the environmental features likely to be affected by the works, and

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- (b) that (having regard inter alia to current knowledge and methods of assessment) the person who requested the opinion may reasonably be required to compile the information.