
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

The Aberdeen Harbour Revision Order 2016

PART 4

MISCELLANEOUS & GENERAL

Environmental requirements

28.—(1) The works shall not be commenced until the Ministers have, following consultation in accordance with paragraphs (4) to (7), approved in writing the CEMD for the works (amendments to which may be approved by the Ministers from time to time).

(2) The operation of the harbour facilities constituted by the works shall not be commenced until the Ministers have, following consultation in accordance with paragraphs (4) to (7), approved in writing the OEMD for the works (amendments to which may be approved by the Ministers from time to time).

(3) The approved OEMD shall supersede the CEMD with the latter then ceasing to have effect.

(4) Before approving the CEMD or the OEMD or any proposed amendment to them, the Ministers shall consult the following bodies in so far as each has an interest in the subject matter—

- (a) Aberdeen City Council;
- (b) the Scottish Environment Protection Agency;
- (c) Scottish Natural Heritage.

(5) The consultation responses of those bodies shall be without prejudice to the respective statutory rights and powers of the consultees.

(6) The period for responses to consultation under paragraph (4) shall be determined by the Ministers taking into account the extent to which they consider that they require advice on appropriate and necessary mitigation for construction and operational procedures, and the Ministers shall have regard to such responses before making any decision on whether to approve the CEMD or the OEMD (or any amendment to either document).

(7) Before making any decision on whether to approve the CEMD or the OEMD (or any amendment to either document) the Ministers shall allow the Board an opportunity to comment on any response received from a body consulted by the Ministers under paragraph (4) and shall have regard to any such comment.

(8) For the purpose of ensuring compliance with the obligations set out in the CEMD or OEMD, the following statutory bodies shall have the power to approve on behalf of the Ministers those matters delegated to each of them by the Ministers and upon which an application is submitted by or on behalf of the Board to them for approval under the CEMD or OEMD—

- (a) Aberdeen City Council;
- (b) the Scottish Environment Protection Agency.

(9) The Board shall, after receipt of intimation to the Board of the approval by the Ministers of the CEMD or OEMD or any amendment of the same, send each of the bodies referred to in paragraph (4) a copy of the CEMD or OEMD (or, as the case may be, the amended CEMD or OEMD) as approved.

(10) The Board shall ensure that the works are carried out and then operated as part of the harbour in accordance with the CEMD or the OEMD (or any amendment to either document) then in effect.