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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](#)
- C1** Sch. 3: transfer of functions (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 29\(2\)\(b\)\(ii\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6, 9](#)); [S.I. 2017/1179, reg. 3\(g\)](#) (with transitional provisions and savings in [S.I. 2018/278, reg. 2, Sch.](#))

### PART I

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

##### *The application*

- [<sup>F27</sup> (1) An application for a harbour revision order must be accompanied by—
- (a) a draft of the proposed order,
  - (b) six copies (or such lesser number as the Secretary of State may specify) of any map which, if the order is made in the form of the draft, will be annexed to it, and
  - (c) such fee as the Secretary of State may determine.
- (2) The Secretary of State may specify the form in which, or means by which, any document mentioned in sub-paragraph (1) is to be provided (and may specify different forms or means for different documents).]

##### Textual Amendments

- F2** Sch. 3 para. 7 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(9)** (with [Sch. 6 paras. 2\(2\), 3\(3\)](#))

- [<sup>F38</sup> (1) If an applicant makes an EIA application, the applicant must—
- (a) supply the Secretary of State with an environmental statement, and
  - (b) if directed to do so by the Secretary of State, supply the Secretary of State with such number of copies of the statement as is specified in the direction.
- (2) In this Part of this Schedule, “environmental statement” means a statement which—

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- (a) is prepared by competent experts,
  - (b) includes the information which, taking into account current knowledge and methods of assessment, may reasonably be required by the Secretary of State to reach a reasoned conclusion under paragraph 18A(4) and in particular, the information specified in sub-paragraph (3),
  - (c) is based on the opinion given under paragraph 6(2)(c), and
  - (d) with a view to avoiding duplication of assessments, takes into account the results of any relevant environmental assessment which are reasonably available to the applicant.
- (3) The specified information is—
- (a) a description of the site, design, size and any other relevant features of the project,
  - (b) a description of the likely significant effects of the project on the environment,
  - (c) a description of any features of the project or measures envisaged to avoid, prevent or reduce and, if possible, offset any likely significant adverse effects of the project on the environment,
  - (d) a description of the reasonable alternatives studied by the applicant, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the likely effects of the project on the environment,
  - (e) a non-technical summary of the information mentioned in paragraphs (a) to (d), and
  - (f) any additional information [<sup>F4</sup>of a type] specified in Annex IV to the EIA Directive (information for the environmental impact assessment report) relevant to the specific characteristics of the project or type of project and to the environmental features likely to be affected.
- (4) The environmental statement must be accompanied by a statement from the applicant setting out the relevant expertise or qualifications of the experts who prepared the environmental statement.
- (5) The Secretary of State may specify the form in which, or means by which, an environmental statement, a statement under sub-paragraph (4) or a copy of an environmental statement, is to be provided (and may specify different forms or means for different documents).]

#### Textual Amendments

- F3** Sch. 3 paras. 8-8B substituted for Sch. 3 para. 8 (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(10)** (with Sch. 6 paras. 2(2), 3(3))
- F4** Words in Sch. 3 para. 8(3)(f) inserted (31.12.2020) by [The Harbours and Highways \(Environmental Impact Assessment\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/460\)](#), regs. 1, **2(4)(g)**

[<sup>F3</sup>8A. (1) The Secretary of State must, where necessary, direct an applicant who makes an EIA application to supply the Secretary of State with any information of a type specified in Annex IV to the EIA Directive which is not included in the environmental statement but which—

- (a) is directly relevant to the reaching of a reasoned conclusion, and

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- (b) having regard to current knowledge and methods of assessment, can reasonably be compiled by the applicant.
- (2) The applicant must supply the Secretary of State with such number of copies of the information as is specified in the direction.
- (3) For the purposes of sub-paragraph (1), it does not matter whether the information requested is specified in the opinion under paragraph 6(2)(c).
- (4) A direction under sub-paragraph (1) must specify the information to be supplied.
- (5) A direction under sub-paragraph (1) or (2) may specify the form in which, or means by which, the information is, or copies of the information are, to be provided (and may specify different forms or means for different documents).

#### Textual Amendments

- F3** Sch. 3 paras. 8-8B substituted for Sch. 3 para. 8 (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(10)** (with Sch. 6 paras. 2(2), 3(3))

#### Co-ordination of environmental impact assessment and other assessments

- 8B. If in respect of a project there is—
- (a) a requirement to carry out an environmental impact assessment, and
  - (b) a requirement to carry out an assessment under the law of any part of the United Kingdom giving effect to the Habitats Directive or the Wild Birds Directive,
- the Secretary of State must ensure that the assessments are co-ordinated.]

#### Textual Amendments

- F3** Sch. 3 paras. 8-8B substituted for Sch. 3 para. 8 (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(10)** (with Sch. 6 paras. 2(2), 3(3))

- [<sup>F59</sup> The Secretary of State must not consider an application for a harbour revision order unless the applicant—
- (a) pays any fee which is due under paragraph 7(1)(c),
  - (b) complies with any direction under paragraph 7(2),
  - (c) if the application is an EIA application—
    - (i) supplies an environmental statement, and
    - (ii) complies with any direction under paragraph 8A(1), and
  - (d) complies with any relevant requirements of paragraphs 10 to 14.]]

#### Textual Amendments

- F5** Sch. 3 para. 9 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(11)** (with Sch. 6 paras. 2(2), 3(3))

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