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STATUTORY INSTRUMENTS

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**1999 No. 3445**

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

**PART II**

**—APPLICATIONS RELATING TO HARBOUR WORKS**

**Procedure for obtaining a prior opinion**

4.—(1) A person who is minded to make an application or give a notice of a description referred to in paragraph (a), (b), (c) or (d) of regulation 5(1) may ask the appropriate Authority to state in writing its opinion—

- (a) as to whether the application or notice would or would not relate in whole or in part to harbour works to which this Part applies; and
- (b) if the appropriate Authority 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 Authority 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 Authority 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 Authority shall give the opinion requested under paragraph (1) as soon as reasonably practicable.

(6) The appropriate Authority 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 Authority shall indicate the extent of the information set out in Schedule 1 which the person who requested the opinion would be

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required under regulation 5 to supply; in so doing the appropriate Authority shall take into account the extent to which it considers—

- (a) information to be relevant to its decision under regulation 10 and to the specific characteristics of the particular proposed harbour works and of the environmental features likely to be affected by the works, and
- (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.