STATUTORY RULES OF NORTHERN IRELAND

2007 No. 312

EUROPEAN COMMUNITIES
HARBOURS, DOCKS, ETC.

The Harbour Works (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) 2007

Made - - - -	*29th June 2007*
Coming into operation	*6th August 2007*

The Department for Regional Development(**1**) and the Department of Agriculture and Rural Development(**2**), acting jointly, make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**3**).

The Departments are Departments designated for the purposes of section 2(2) of the European Communities Act 1972(**4**) in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Harbour Works (Environmental Impact Assessment) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 6th August 2007.

(2) The Interpretation Act (Northern Ireland 1954(**5**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Harbour Works (Environmental Impact Assessment) Regulations (Northern Ireland) 2003

2. The Harbour Works (Environmental Impact Assessment) Regulations (Northern Ireland) 2003(**6**) shall be amended in accordance with regulations 3 to 10.

3. In regulation 2(1) (interpretation)—

(**1**) S.I. 1999/283 (N.I. 1) Article 3(1)
(**2**) S.I. 1999/283 (N.I. 1) Article 3(4)
(**3**) 1972 c. 68
(**4**) S.I. 1988/785
(**5**) 1954 c. 33 (N.I.)
(**6**) S.R. 2003 No. 136

(a) after the definition of "Annex II" insert—

" "any other information" means any other information relating to the environmental statement;

"any particular person" includes any non-governmental organisation promoting environmental protection;";

(b) in the definition of "the Directive", after "97/11/EC" insert, " and further amended by Council Directive 2003/35/EC(**7**) in relation to public participation"; and

(c) after the definition of "harbour works" insert—

" "by local advertisement", in relation to a notice, means—

(a) publication of the notice in at least one newspaper in the locality of the harbour where the harbour works are proposed to be carried out; and

(b) where the appropriate Department maintains a website for the purpose of advertisement of applications, by publication of the notice on the website;".

4. In regulation 7 (publicity where an environmental statement is submitted)—

(a) in paragraph (1)—

(i) for the words "in a local newspaper circulating in the locality of the harbour where the harbour works are proposed to be carried out" substitute "by local advertisement";

(ii) in sub paragraph (b) delete the word "and" and after the words "approval was applied for" insert "and indicating the nature of the possible decisions to be made in relation to that application";

(iii) in sub paragraph (e) after the words " inspected, and the" insert, "times and the"; and

(iv) in sub paragraph (g) after the words "should do so in writing," insert " to the appropriate Department or at an email address nominated by the appropriate Department" , and omit the words ", to the appropriate Department";

(b) after paragraph (4) insert the following paragraphs—

"(5) The appropriate Department shall inform any particular person whom it considers is or is likely to be affected by, or has an interest in, the proposed harbour works, by sending them a notice containing the information specified in paragraph (1) and the address of the relevant office of the appropriate Department.

(6) The appropriate Department shall make available to the public concerned any other information which is relevant to a case to which this regulation applies but which only becomes available after the publication of the advertisements under paragraph(1).".

5. In regulation 8 (transboundary cases and involvement of other EEA States)—

(a) in paragraph 5(a) after the words "referred to in paragraphs (3) and (4)" insert ", any further information requested by the appropriate Department and any other information submitted by the applicant"; and

(b) in paragraph (7)(b) after the words "decision is based" insert, "including if relevant, information about the public participation process".

6. In regulation 9 (projects in another EEA state likely to have significant transboundary effects) after paragraph (2) insert—

(**7**) O.J. No. L156 25.6.03