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By email only

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Classification:	Project related		
Enclosures:	PB1552-RHD-ZZ-XX-RP-Z-0003.PDF		

Dear Harbour Orders Team

**Harbours Act 1964 (“the 1964 Act”)
Proposed Dover Harbour Revision Order - Outer Wave Screen
Notice of intention to submit an application for a Harbour Revision Order (HRO) under the requirements of Schedule 3 of the 1964 Act**

Introduction

We act on behalf of Dover Harbour Board (DHB) in connection with its intended application for a HRO under Section 14 of the 1964 Act to authorise proposed works at the Port of Dover.

This letter and attachments form notice of DHB’s intention to make that application in accordance with paragraph 3 of Schedule 3 to the 1964 Act.

Background and the Proposed Scheme

DHB is the Statutory Harbour Authority (SHA) for the Port of Dover.

DHB intends to construct an Outer Wave Screen (the proposed scheme) within the Outer Harbour at the Port of Dover. The works required to construct the proposed scheme comprise the construction of a detached, piled wave screen of approximately 70m in length at the entrance to the new marina within Dover Harbour. The proposed wave screen will be approximately 20m west of the existing breakwater at the marina entrance, aligned in a NW-SE direction, and is designed to protect the marina from wave energy reflected from the north-eastern corner of the harbour at high water.

Further details of these works and a plan of their location are included in the enclosed EIA Screening Report.

Notice under paragraph 3 of Schedule 3 to the 1964 Act

Under paragraph 3(1) of Schedule 3 to the 1964 Act a person may not make an application for a harbour revision order which directly or indirectly authorises any project unless the applicant has given notice of the intention to make the application to the Marine Management Organisation (MMO) and the MMO has responded under paragraph 5 or 6 of Schedule 3.

Paragraph 5 of Schedule 3 requires the MMO to inform the applicant of its decision in a case where the proposed application is considered to relate to a project which does not require an environmental impact assessment (EIA).

Paragraph 6 of Schedule 3 requires the MMO to inform the applicant of its decision in a case where the application is considered to relate to a project which requires an EIA. In such cases, the MMO is required to give an opinion as to the information required to be supplied in the environmental statement required to accompany the application under paragraph 8 of Schedule 3.

It is DHB's intention to apply to the MMO for a HRO under Section 14 of the 1964 Act to authorise the construction of the proposed scheme. As the proposed HRO would authorise a 'project', DHB must submit notice of their intention to make the application to the MMO under Paragraph 3, Schedule 3 of the HA 1964. This letter represents such notification from DHB as proposed applicant to the MMO.

Directive 2011/92/EU, as amended by Directive 2014/52/EU (the 'EIA Directive') is implemented by Schedule 3 of the 1964 Act in respect of applications for Harbour Orders. An EIA is required for all projects which fall under Annex I of the EIA Directive, and also those projects (known as 'relevant projects') which fall under Annex II of the EIA Directive and the following criteria are met:

- The area of the works is > 1ha;
- Any part of the works will be undertaken in a sensitive area; or
- The Secretary of State believes that the project falls within Annex II.

An EIA Screening Report has been attached with this notification to assist the MMO in making a screening decision as respect the requirement for an EIA of the proposed scheme to be subject of the proposed HRO.

A Marine Licence granted under the requirements of Part 4 of the Marine and Coastal Access Act 2009 will also be required to construct the proposed scheme. DHB therefore also requests an EIA screening opinion from the MMO under the requirements of the Marine Works (Environmental Impact Assessment) Regulations 2007 (MWRs). It is expected however that the MMO will be able to implement Regulation 10(1)(b) of the MWRs which allows the MMO to defer to its own EIA screening opinion made under the requirements of the 1964 Act.

Should you require any further clarification regarding our request please do not hesitate to contact me directly.

Yours sincerely

For and on behalf of HaskoningDHV UK Ltd



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Principal Environmental Consultant
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