
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 59

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012

PART 6

Development likely to Affect Other EEA states

Development in Northern Ireland likely to have significant effects on the environment in another EEA state

22.—(1) Where—

- (a) it comes to the attention of the Department that proposed development in Northern Ireland is the subject of an EIA application and is likely to have significant effects on the environment in another EEA state; or
- (b) another EEA state likely to be significantly affected by such development so requests,

the Department shall—

- (i) publish a notice in the Belfast Gazette giving the address of the proposed development, stating that it is accompanied by an environmental statement and that it is likely to have significant effects on the environment of another EEA state and giving an address at which further information may be obtained;
- (ii) send to the EEA state as soon as possible and no later than the date of publication of the notice referred to in paragraph (i), the particulars mentioned in paragraph (2) and, if the Department thinks fit, the information referred to in paragraph (3); and
- (iii) give the EEA state a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide.

(2) The particulars referred to in paragraph (1)(ii) are—

- (a) a description of the development, together with any available information on its possible significant effect on the environment in another EEA state; and
- (b) information on the nature of the decision which may be taken.

(3) Where an EEA state indicates in accordance with paragraph (1)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Department shall send to that EEA state—

- (a) a copy of the application concerned;
- (b) a copy of any planning permission relating to the development;
- (c) a copy of any environmental statement in respect of the development to which that application relates; and
- (d) relevant information regarding the procedure under these Regulations,

unless that information has already been provided to the EEA state earlier in accordance with paragraph (1)(ii).

- (4) The Department shall also—
 - (a) arrange for the particulars and information referred to in paragraphs (2) and (3) and any further information and any other information to be made available, within a reasonable time, to the authorities referred to in Article 6.1 of the Directive and to the public concerned in the territory of the EEA state likely to be significantly affected; and
 - (b) ensure that those authorities and the public concerned are given an opportunity, before planning permission or subsequent consent for the development is granted, to forward to the Department, within a reasonable time, their opinion on the information supplied.
- (5) The Department shall in accordance with Article 7.4 of the Directive—
 - (a) enter into consultations with the EEA state concerned regarding, amongst other things, the potential significant effects of the development on the environment of that EEA state and the measures envisaged to reduce or eliminate such effects; and
 - (b) determine, in agreement with the other EEA state, a reasonable period of time for the duration of the consultation period.
- (6) Where a EEA state has been consulted in accordance with paragraph (3), on the determination of the application concerned, the Department shall inform the EEA state and shall forward to it a statement of—
 - (a) the content of the decision and any conditions attached to it;
 - (b) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public; and
 - (c) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development.

Projects in another EEA state likely to have significant transboundary effects

23.—(1) Where the Department receives from another EEA state pursuant to Article 7.1 or 7.2 of the Directive information which the EEA state has gathered from the developer of a proposed project in that EEA state which is likely to have significant effects on the environment in Northern Ireland, the Department shall, in accordance with Article 7.4 of the Directive—

- (a) enter into consultations with that EEA state regarding amongst other things the potential significant effects of the proposed project on the environment in Northern Ireland and the measures envisaged to reduce or eliminate such effects; and
 - (b) determine in agreement with that EEA state a reasonable period, before development consent for the project is granted, during which members of the public in Northern Ireland may submit to the competent authority in that EEA state representations pursuant to Article 7.3(b) of the Directive.
- (2) The Department, in so far as it is concerned, shall also—
- (a) arrange for the information referred to in paragraph (1) to be made available, within a reasonable time, both to the authorities in Northern Ireland which it considers are likely to be concerned by the project by reason of their specific environmental responsibilities, and to the public concerned in Northern Ireland;
 - (b) ensure that those authorities and the public concerned in Northern Ireland are given an opportunity before development consent for the project is granted, to forward to the competent authority in the relevant EEA state, within a reasonable time, their opinion on the information supplied; and

- (c) so far as it has received such information, notify those authorities and the public concerned of the content of any decision of the competent authority of the relevant EEA state; and in particular—
 - (i) any conditions attached to it;
 - (ii) the main reasons and considerations on which the decision was based including, if relevant, information about the participation of the public; and
 - (iii) a description of the main measures to avoid, reduce and, if possible, offset any major adverse effects that have been identified.