

SCHEDULE 5

Saving and transitional provisions

PART 2

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999 as modified

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

18.—(1) Where—

- (a) it comes to the attention of the council or, as the case may be, the Department that proposed development 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 council or, as the case may be, 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 council or, as the case may be, 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 a EEA state indicates in accordance with paragraph (1)(iii), that it wishes to participate in the procedure for which these regulations provide, the council or, as the case may be, the Department shall send to that EEA state—

- (a) a copy of the application concerned;
- (aa) a copy of any planning permission relating to the development;
- (b) a copy of any environmental statement in respect of the development to which that application relates; and
- (c) 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 council or, as the case may be, 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

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- (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 council or, as the case may be, the Department, within a reasonable time, their opinion on the information supplied.
- (5) The council or, as the case may be, the Department shall in accordance with Article 7.4 of the Directive—
- (a) enter into consultations with the EEA state concerned regarding, inter alia, 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 council or, as the case may be, 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 thereto;
 - (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.