
STATUTORY INSTRUMENTS

1999 No. 293

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

PART VIII

DEVELOPMENT WITH SIGNIFICANT TRANSBOUNDARY EFFECTS

Development in England and Wales likely to have significant effects in another Member State

27.—(1) Where—

- (a) it comes to the attention of the Secretary of State that development proposed to be carried out in England or Wales is the subject of an EIA application and is likely to have significant effects on the environment in another Member State; or
- (b) another Member State likely to be significantly affected by such development so requests,

the Secretary of State shall—

- (i) send to the Member State as soon as possible and no later than their date of publication in The London Gazette referred to in sub-paragraph (ii) below, the particulars mentioned in paragraph (2) and, if he thinks fit, the information referred to in paragraph (3); and
- (ii) publish the information in sub-paragraph (i) above in a notice placed in The London Gazette indicating the address where additional information is available; and
- (iii) give the Member 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)(i) are—

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

(3) Where a Member State indicates, in accordance with paragraph (1)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Secretary of State shall as soon as possible send to that Member State the following information—

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

but only to the extent that such information has not been provided to the Member State earlier in accordance with paragraph (1)(i).

(4) The Secretary of State, insofar as he is concerned, shall also—

- (a) arrange for the particulars and information referred to in paragraphs (2) and (3) to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of

- the Directive and the public concerned in the territory of the Member State likely to be significantly affected; and
- (b) ensure that those authorities and the public concerned are given an opportunity, before planning permission for the development is granted, to forward to the Secretary of State, within a reasonable time, their opinion on the information supplied.
- (5) The Secretary of State shall in accordance with Article 7(4) of the Directive—
- (a) enter into consultations with the Member State concerned regarding, inter alia, the potential significant effects of the development on the environment of that Member State and the measures envisaged to reduce or eliminate such effects; and
 - (b) determine in agreement with the other Member State a reasonable period of time for the duration of the consultation period.
- (6) Where a Member State has been consulted in accordance with paragraph (5), on the determination of the application concerned the Secretary of State shall inform the Member State of the decision 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; 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 Member State likely to have significant transboundary effects

28.—(1) Where the Secretary of State receives from another Member State pursuant to Article 7(2) of the Directive information which that Member State has gathered from the developer of a proposed project in that Member State which is likely to have significant effects on the environment in England and Wales, the Secretary of State shall, in accordance with Article 7(4) of the Directive:

- (a) enter into consultations with that Member State regarding, inter alia, the potential significant effects of the proposed project on the environment in England and Wales and the measures envisaged to reduce or eliminate such effects; and
 - (b) determine in agreement with that Member State a reasonable period, before development consent for the project is granted, during which members of the public in England and Wales may submit to the competent authority in that Member State representations pursuant to Article 7(3)(b) of the Directive.
- (2) The Secretary of State, insofar as he 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 England and Wales which he considers are likely to be concerned by the project by reason of their specific environmental responsibilities, and to the public concerned in England and Wales; and
 - (b) ensure that those authorities and the public concerned in England and Wales are given an opportunity, before development consent for the project is granted, to forward to the competent authority in the relevant Member State, within a reasonable time, their opinion on the information supplied.