
STATUTORY INSTRUMENTS

2017 No. 572

**The Infrastructure Planning (Environmental
Impact Assessment) Regulations 2017**

Development with significant transboundary effects

- 32.**—(1) This regulation applies where—
- (a) an event mentioned in regulation 6(2) occurs and the Secretary of State is of the view that the development is likely to have significant effects on the environment in [^{F1}an] EEA State;
 - (b) it otherwise comes to the attention of the Secretary of State that development proposed to be carried out in England, Wales or Scotland is the subject of an application for EIA development made under these Regulations and the Secretary of State is of the view that such development is likely to have significant effects on the environment in [^{F1}an] EEA State; or
 - (c) [^{F1}an] EEA State likely to be significantly affected by such development so requests.
- (2) Where this regulation applies, the Secretary of State must—
- (a) send to the EEA State as soon as possible and no later than the date of publication in The London Gazette referred to in sub-paragraph (b), the particulars required by paragraph (3) and, if the Secretary of State thinks fit, the information referred to in paragraph (4);
 - (b) publish the information mentioned in sub-paragraph (a) in a notice placed in—
 - (i) the London Gazette, in relation to all proposed development; and
 - (ii) the Edinburgh Gazette, in relation to development proposed to be carried out in Scotland,indicating the address where additional information is available; and
 - (c) give the EEA State a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide.
- (3) The particulars mentioned in paragraph (2)(a) are—
- (a) a description of the development, together with any available information on its possible significant effect on the environment in [^{F2}an] EEA State; and
 - (b) information on the nature of the decision which may be taken.
- (4) Where an EEA State indicates, in accordance with paragraph (2)(c), that it wishes to participate in the procedure for which these Regulations provide, the Secretary of State must as soon as possible send to that EEA State the following information—
- (a) a copy of the application concerned;
 - (b) details of the authority responsible for deciding the application;
 - (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,

but only to the extent that such information has not been provided to the EEA State earlier in accordance with paragraph (2)(a).

(5) The Secretary of State must also ensure that the EEA State concerned is given an opportunity, before development consent for the development is granted, to forward to the Secretary of State, within a reasonable time, the opinions of its public and of the authorities [^{F3}which the EEA State designated to be consulted about the project] on the information supplied.

(6) The Secretary of State must ^{F4}...—

- (a) enter into consultation 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 ^{F5}... EEA State a reasonable period of time for the duration of the consultation period.

(7) Where an EEA State has been consulted in accordance with paragraph (6), on the determination of the application concerned the Secretary of State must inform the EEA State of the decision and must forward to it a copy of the decision notice referred to in regulation 30.

Textual Amendments

- F1** Word in reg. 32(1) substituted (31.12.2020) by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **7(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in reg. 32(3) substituted (31.12.2020) by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **7(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 32(5) substituted (31.12.2020) by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **7(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 32(6) omitted (31.12.2020) by virtue of [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **7(6)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in reg. 32(6)(b) omitted (31.12.2020) by virtue of [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **7(6)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, Section 32.