
STATUTORY INSTRUMENTS

2017 No. 588

The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017

Substitution of regulation 18

17. For regulation 18 (provision of information to affected EEA States) substitute—

“Provision of information to affected EEA States

18.—(1) The appropriate authority must as soon as possible comply with paragraph (2) where—

- (a) it comes to the attention of the appropriate authority that a proposed project is the subject of an environmental impact assessment 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 the project so requests.

(2) The appropriate authority must—

- (a) send to the EEA State the particulars mentioned in paragraph (3) and such of the information referred to in paragraph (5) as is relevant;
- (b) publish, or direct the applicant to publish, those particulars in a notice placed in the relevant Gazette 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 referred to in paragraph (2)(a) are—

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

(4) The appropriate authority must send these particulars, and such of the information referred to in paragraph (5) as is relevant, to the authorities of the EEA State—

- (a) as soon as possible; and
- (b) in any event, no later than the date on which the particulars are published in the relevant Gazette.

(5) The information referred to in paragraph (2)(a) is—

- (a) a copy of the application for regulatory approval;
- (b) a copy of the environmental statement in respect of the project to which that application relates;
- (c) a copy of any further information provided by the applicant pursuant to a notification under regulation 14(1); and

(d) any relevant information regarding the procedure under these Regulations including an explanation of the decisions that the regulator can make in relation to the application.

(6) Where a EEA State indicates, in accordance with paragraph (2)(c), that it wishes to participate in the procedure for which these Regulations provide, the appropriate authority must, as soon as possible, send to that EEA State the following information—

- (a) any information provided by the applicant;
- (b) the results of any relevant EU environmental assessment which are reasonably available to the appropriate authority; and
- (c) such of the selection criteria set out in Schedule 1(1) as are relevant to the project.

(7) Paragraphs (2) and (6) do not require the disclosure of any excluded information.

(8) Neither the regulator nor the appropriate authority need deal further with, or exercise any functions under these Regulations in relation to, the application, and the regulator must not reach its regulatory decision, until the period for consultation under regulation 20 has expired.

(9) In this regulation, “the relevant Gazette” means—

- (a) in relation to projects in the English inshore region or the English offshore region, the London Gazette;
- (b) in relation to projects in the Welsh inshore region or the Welsh offshore region, the London Gazette;
- (c) in relation to projects in the Northern Ireland inshore region or the Northern Ireland offshore region, the Belfast Gazette;
- (d) in relation to projects in the Scottish inshore region or the Scottish offshore region, the Edinburgh Gazette.

(10) In paragraph (9), the expressions—

- (a) English inshore region,
- (b) English offshore region,
- (c) Northern Ireland inshore region,
- (d) Northern Ireland offshore region,
- (e) Welsh inshore region, and
- (f) Welsh offshore region,

have the meanings given by section 322 of the 2009 Act.”.