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STATUTORY INSTRUMENTS

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**2011 No. 1824**

**The Town and Country Planning (Environmental  
Impact Assessment) Regulations 2011**

**PART 11**

**Development with Significant Transboundary Effects**

**Development in England likely to have significant effects in another EEA State**

**53.**—(1) Where—

- (a) it comes to the attention of the Secretary of State that development proposed to be carried out in England 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 Secretary of State shall—

- (i) send to the EEA 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 relevant, 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 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)(b)(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 EEA State indicates, in accordance with paragraph (1)(b)(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 EEA State the following information—

- (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,

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

(4) The Secretary of State 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 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 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 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 (5), on the determination of the application concerned the Secretary of State shall inform the EEA State of the decision 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.