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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 415**

**Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations (Northern Ireland) 1999**

**Development in Northern Ireland likely to have significant effects in another Member State**

14.—(1) Where—

- (a) it comes to the attention of the Department that development proposed to be carried out 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 Department shall—

- (i) send to the Member State as soon as possible and no later than its date of publication in the Belfast Gazette referred to in sub-paragraph (ii) the particulars mentioned in paragraph (2) and, if it thinks fit, the information referred to in paragraph (3); and
- (ii) publish the particulars mentioned in sub-paragraph (i) in a notice in the Belfast Gazette, with an indication of where further 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 transboundary impact; 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 Department 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 Department 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 a fish culture licence for the development is granted, to forward to the Department, within a reasonable time, their opinion on the information supplied.

(5) The Department shall in accordance with Article 7(4) of the Directive—

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- (a) enter into consultations with the Member State concerned regarding, inter alia, the potential transboundary effects of the development 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 Department 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.