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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 83**

**The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017**

**PART 8**

**Development with Significant Transboundary Effects**

**Development in Northern Ireland likely to have significant effects on the environment in another EEA State**

**29.**—(1) Where a council becomes aware that an EIA application made to it is in respect of proposed development which is likely to have significant effects on the environment in another EEA State, the council shall immediately send to the Department a copy of the application and environmental statement and any documents submitted with the application.

(2) Where—

- (a) it comes to the attention of the Department that proposed development in Northern Ireland 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 Department shall—
  - (i) publish a notice in the Belfast Gazette giving the address of the proposed development, stating that it is accompanied by an environmental statement and that it is likely to have significant effects on the environment of another EEA State and giving an address at which additional information may be obtained;
  - (ii) send to the EEA State as soon as possible and no later than the date of publication of the notice referred to in sub-paragraph (b)(i), the particulars mentioned in paragraph (3) and, if relevant, the information referred to in paragraph (4); 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.

(3) The particulars referred to in paragraph (2)(b)(ii) are—

- (a) a description of the development, together with any available information on its possible significant effect on the environment in another 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)(b)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Department shall send to that EEA State—

- (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;
- (d) details of the authority responsible for deciding the application; and
- (e) relevant information regarding the procedure under these Regulations,

unless that information has already been provided to the EEA State earlier in accordance with paragraph (2)(b)(ii).

(5) The Department shall also ensure that the EEA State concerned is given an opportunity, before planning permission or subsequent consent for the development is granted, to forward to the Department, within a reasonable time, the opinions of its public and of the authorities referred to in Article 6.1 of the Directive on the information supplied.

(6) The Department shall—

- (a) enter into consultation with the EEA State concerned regarding, amongst other things, 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.

(7) Where an EEA State has been consulted in accordance with paragraph (6), on the determination of the application concerned, the Department shall inform the EEA State of the decision and shall forward to it the information referred to in regulation 26(2).

### **Projects in another EEA State likely to have significant transboundary effects**

**30.**—(1) Where the Department receives from another EEA State pursuant to Article 7.1 or 7.2 of the Directive, information which the EEA State has gathered from the applicant of a proposed project in that EEA State which is likely to have significant effects on the environment in Northern Ireland, the Department shall in accordance with Article 7.4 of the Directive—

- (a) enter into consultations with that EEA State regarding, amongst other things, the potential significant effects of the proposed project on the environment in Northern Ireland and the measures envisaged to reduce or eliminate such effects and whether it wishes to participate in that EEA State's procedure; and
- (b) determine in agreement with that EEA State a reasonable period, before development consent for the project is granted, during which members of the public in Northern Ireland may submit to the competent authority in that EEA State representations pursuant to Article 7.3(b) of the Directive.

(2) The Department 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 Northern Ireland which it considers are likely to be concerned by the project by reason of the specific environmental responsibilities or local or regional competences, and to the public concerned in Northern Ireland;
- (b) ensure that those authorities and the public concerned in Northern Ireland are given an opportunity before development consent for the project is granted, to forward to the competent authority in the relevant EEA State, within a reasonable time, their opinion on the information supplied; and
- (c) make available to the public concerned, in an appropriate manner, any information received from the competent authority of the relevant EEA State in order to comply with Article 9.2 of the Directive.