
STATUTORY INSTRUMENTS

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.

Projects in another EEA State likely to have significant transboundary effects

54.—(1) Where the Secretary of State receives from another EEA State, pursuant to Article 7(1) or 7(2) of the Directive, information which that EEA State has gathered from the developer of a proposed project in that EEA State which is likely to have significant effects on the environment in England, the Secretary of State shall, in accordance with Article 7(4) of the Directive—

- (a) enter into consultations with that EEA State regarding the potential significant effects of the proposed project on the environment in England and the measures envisaged to reduce or eliminate such effects; 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 England may submit to the competent authority in that EEA State representations pursuant to Article 7(3)(b) of the Directive.
- (2) The Secretary of State 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 England which are likely to be concerned by the project by reason of their specific environmental responsibilities, and to the public concerned in England;
 - (b) ensure that those authorities and the public concerned in England 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) so far as such information has been received by the Secretary of State, notify those authorities and the public concerned of the content of any decision of the competent authority of the relevant EEA State; and in particular—
 - (i) any conditions attached to it;

- (ii) the main reasons and considerations on which the decision was based including, if relevant, information about the participation of the public; and
- (iii) a description of the main measures to avoid, reduce and, if possible, offset any major adverse effects that have been identified.