
STATUTORY INSTRUMENTS

2017 No. 571

**The Town and Country Planning (Environmental
Impact Assessment) Regulations 2017**

PART 10

Development with significant transboundary effects

Development in England likely to have significant effects in [F1]an EEA State

58.—(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 [F2]an EEA State; or
- (b) [F2]an EEA State likely to be significantly affected by such development so requests,

the Secretary of State must—

- (i) send to the EEA State as soon as possible and no later than the date of publication in the London Gazette referred to in paragraph (ii), the particulars mentioned in paragraph (2) and, if relevant, the information referred to in paragraph (3);
- (ii) publish the information in paragraph (i) 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 [F3]an EEA State; and
- (b) information on the nature of the decision which may be taken.

(3) Where an 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 must as soon as possible send to that EEA State the following information—

- (a) a copy of the application concerned;
- (b) details of the authority responsible for deciding the application;
- (c) a copy of any planning permission relating to the development;
- (d) a copy of any environmental statement in respect of the development to which that application relates; and
- (e) 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 must also ensure that the EEA State concerned is given an opportunity, before [^{F4}planning permission] for the development is granted, to forward to the Secretary of State, within a reasonable time, the opinions of its public and of the authorities [^{F5}which the EEA State designated to be consulted about the project] on the information supplied.

(5) The Secretary of State must ^{F6}...—

- (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 ^{F7}... EEA State a reasonable period of time for the duration of the consultation period.

(6) Where an EEA State has been consulted in accordance with paragraph (5), on the determination of the application concerned the Secretary of State must inform the EEA State of the decision and must forward to it the information referred to in regulation 29.

Textual Amendments

- F1** Word in reg. 58 heading substituted (31.12.2020) by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **6(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in reg. 58(1) substituted (31.12.2020) by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **6(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in reg. 58(2) substituted (31.12.2020) by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **6(8)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 58(4) substituted (1.10.2018) by [The Town and Country Planning and Infrastructure Planning \(Environmental Impact Assessment\) \(Amendment\) Regulations 2018 \(S.I. 2018/695\)](#), regs. 1, **2(10)**
- F5** Words in reg. 58(4) substituted (31.12.2020) by [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **6(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 58(5) omitted (31.12.2020) by virtue of [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **6(8)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Word in reg. 58(5)(b) omitted (31.12.2020) by virtue of [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), regs. 1(2), **6(8)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Projects in [^{F8}an] EEA State likely to have significant transboundary effects

59.—(1) Where the Secretary of State receives from [^{F9}an] EEA State ^{F10}... 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 must ^{F11}...—

- (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 [^{F12}(which the EEA State designated as responsible for performing the duties arising from the Directive)] representations ^{F13}....

(2) The Secretary of State must also—

- (a) arrange for the information referred to in paragraph (1) to be made available, within a reasonable time and for a time period of no fewer than 30 days, 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) make available to the public concerned any information received from the competent authority of the relevant EEA State ^{F14}...

Textual Amendments

- F8** Word in reg. 59 heading substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **6(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in reg. 59(1) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **6(9)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 59(1) omitted (31.12.2020) by virtue of The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **6(9)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in reg. 59(1) omitted (31.12.2020) by virtue of The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **6(9)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in reg. 59(1)(b) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **6(9)(b)(iv)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 59(1)(b) omitted (31.12.2020) by virtue of The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **6(9)(b)(iv)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in reg. 59(2)(c) omitted (31.12.2020) by virtue of The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **6(9)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, PART 10.