

SCHEDULE 5

Environmental permits

PART 1

Grant, variation, transfer and surrender of environmental permits

Consultation with other member States

10.—(1) This paragraph applies if—

- (a) an appropriate authority is aware that a relevant application or regulator initiated variation is likely to have significant negative effects on the environment of another member State; or
- (b) another member State requests information about a relevant application or regulator initiated variation.

(2) As soon as is reasonably practicable the appropriate authority must—

- (a) send the particulars of the application or variation to that member State to serve as the basis for bilateral consultations of the type referred to in Article 17 of the IPPC Directive;
- (b) inform that member State of the relevant matters; and
- (c) notify the applicant or the operator, as the case may be, and the regulator that it has complied with paragraphs (b) and (c).

(3) If a regulator receives notification under sub-paragraph (2)(c), it must not determine the application or make a regulator initiated variation until the appropriate authority has—

- (a) notified it that the bilateral consultations have been completed; and
- (b) sent it any representations made by the member State.

(4) In this paragraph—

“member State” includes Iceland, Liechtenstein and Norway;

“relevant application” means an application in relation to an installation carrying on an activity listed in Annex I of the IPPC Directive—

- (a) for the grant of an environmental permit, or
- (b) to vary an environmental permit;

“relevant matter” means a matter in paragraph 1 of Annex V of the IPPC Directive ignoring any matter in paragraph 1(f) of that Annex.