
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) (England) Regulations 2001 (S.I.2001/3966) (“the principal Regulations”).

They implement Directive [2003/35/EC](#) (OJNo. L156, 25.6.2003, p.17) providing for public participation in certain environmental decision making, which amends Council Directive [85/337/EEC](#) (OJ No. L175, 5.7.85, p.40, as amended by Council Directive [97/11/EC](#), OJ No. L73, 14.3.97, p.5) (“the EIA Directive”) on the assessment of the effects of certain public and private projects on the environment, insofar as it affects environmental impact assessments of uncultivated land and semi-natural areas.

They also include amendments to reflect a change in the legislation relating to disclosure of environmental information, and to correct a drafting error in the principal Regulations.

Regulation 3 updates the interpretation of “the EIA Directive” in the principal Regulations to include the amendments made to the EIA Directive by Directive [2003/35/EC](#).

Regulation 4 requires the Secretary of State, when exercising her power to direct that a particular project is exempt from regulations 4 to 25 of the principal Regulations, to consider whether any assessment of the project would be appropriate, other than an assessment of the kind which would take place under regulations 4 to 25 of the principal Regulations, and to bring certain information relating to the exercise of the power to the attention of the public.

Regulation 5 updates the reference in the principal Regulations to the Environmental Information Regulations 1992 (S.I. [1992/3240](#), as amended by S.I. [1998/1447](#)), which are now revoked. It provides that a consultation body is not required to make available to an applicant for consent any information which it may refuse to disclose under the Environmental Information Regulations 2004 (S.I. [2004/3391](#)) or which it is prevented from disclosing by those Regulations.

Regulation 6 requires the Secretary of State to publish notice of an application for consent on an appropriate website, and requires certain additional information to be included in the notice.

Regulation 7 corrects a drafting defect in the principal Regulations relating to the environmental statement submitted with an application for consent, and requires the Secretary of State to publish any notice of additional environmental information on an appropriate website.

Regulation 8 amends the requirements in the principal Regulations relating to projects in England which may affect the environment in other EEA States and vice versa.

Regulation 9 requires certain additional information to be provided by the Secretary of State when giving notice of a decision to grant or refuse consent.

A full regulatory impact assessment has not been prepared for this instrument as it has no impact on the costs of business.

A Transposition Note has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Transposition Note can be obtained from Sustainable Land Use Division, Defra, Ergon House, Horseferry Road, London, SW1P 2AL, or from the Defra website: www.defra.gov.uk.