

---

STATUTORY INSTRUMENTS

---

**2001 No. 3966**

**The Environmental Impact Assessment (Uncultivated  
Land and Semi-natural Areas) (England) Regulations 2001**

**Other EEA States**

**11.**—(1) As soon as possible following receipt of an application for consent the Secretary of State shall consider whether the relevant project is also likely to have significant effects on the environment of another EEA State and, if she is of the opinion that such effects are likely, or where an EEA State likely to be significantly affected so requests, the Secretary of State shall send to that EEA State:

- (a) details of the nature and location of the relevant project and any information she has on the impact it is likely to have on the EEA State; and
- (b) an indication as to whether she believes consent will be given and the nature of any such consent,

and shall request that the EEA State indicate within a reasonable time whether it wishes to participate in the procedure for which these Regulations provide.

(2) If the EEA State indicates that it does wish to participate in the procedure for which these Regulations provide, the Secretary of State shall send it a copy of the application for consent (including the environmental statement) together with any [<sup>F1</sup>further information she considers relevant to the application] and shall provide it with relevant information regarding the procedure under these Regulations.

(3) The Secretary of State shall also—

- (a) arrange for the particulars and information referred to in paragraphs (1) and (2) above to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of the EIA 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 consent for the project is granted, to forward to the Secretary of State, within a reasonable time, their opinion on the information supplied.

(4) The Secretary of State shall in accordance with Article 7(4) of the EIA Directive—

- (a) enter into consultations with the EEA State concerned regarding, amongst other things, the potential significant effects of the project on the environment of that State and the measures envisaged to reduce or eliminate such effects; and
- (b) seek to agree with the other EEA State a reasonable period of time for the duration of the consultation period (to include consideration of any opinions received pursuant to paragraph (3)(b) above).

(5) Where the Secretary of State receives from another EEA State information which has been made available in accordance with Article 7(1) and (2) of the EIA Directive (which relates to projects in one EEA State which are likely to have significant effects on the environment of another EEA State), the Secretary of State shall—

- (a) arrange for that information to be made available, within a reasonable time, to such of the consultation bodies and such members of the public as, in her opinion, would be likely to be concerned by the project; and
  - (b) ensure that the consultation bodies and members of the public provided with information in accordance with sub-paragraph (a) above are given an opportunity during the period agreed between the Secretary of State and the relevant EEA State in accordance with paragraph (6)(b) below, to forward to the competent authority in the relevant EEA State, within a reasonable time, their opinion on the information provided.
- (6) The Secretary of State shall also, in accordance with Article 7(4) of the EIA Directive,—
- (a) enter into consultations with an EEA State from which information has been received as mentioned in paragraph (5) above regarding, amongst other things, 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) seek to agree with that EEA State a reasonable period, before consent for the project is granted, during which the consultation bodies and members of the public referred to in paragraph (5)(b) above may forward their opinion to the competent authority in that EEA State in accordance with that paragraph.

[<sup>F2</sup>(7) Where another EEA State has taken a decision to grant or refuse development consent and has informed the Secretary of State of that decision in accordance with Article 9(2) of the EIA Directive, the Secretary of State shall take such steps as she considers appropriate to bring to the attention of the public any information received from that EEA State in relation to that decision.]

---

**Textual Amendments**

- F1** Words in [reg. 11\(2\)](#) substituted (25.6.2005) by [The Environmental Impact Assessment \(Uncultivated Land and Semi-natural Areas\) \(England\) \(Amendment\) Regulations 2005 \(S.I. 2005/1430\)](#), regs. 1, **8(a)**
- F2** [Reg. 11\(7\)](#) added (25.6.2005) by [The Environmental Impact Assessment \(Uncultivated Land and Semi-natural Areas\) \(England\) \(Amendment\) Regulations 2005 \(S.I. 2005/1430\)](#), regs. 1, **8(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) (England) Regulations 2001, Section 11.