

SCHEDULE 1

Regulation 5(4)

SELECTION CRITERIA FOR THE SCREENING DECISION

Characteristics of projects

1. The characteristics of projects, having regard in particular to—
 - (a) the size of the project;
 - (b) the cumulation with other projects;
 - (c) the use of natural resources;
 - (d) the production of waste;
 - (e) pollution and nuisances; and
 - (f) the risk of accidents, having regard in particular to substances or technologies used.

Location of Project

2. The environmental sensitivity of geographical areas likely to be affected by projects, having regard in particular to—
 - (a) the existing land use;
 - (b) the relative abundance, quality and regenerative capacity of natural resources in the area; and
 - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands;
 - (ii) coastal zones;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under legislation (including European sites);
 - (vi) areas in which environmental quality standards laid down in any legislation of the Communities have already been exceeded;
 - (vii) densely populated areas; and
 - (viii) landscapes of historical, cultural or archaeological significance.

The potential impact

3. The potential significant effects of projects, in relation to criteria set out under 1 and 2 above, having regard in particular to—
 - (a) the extent of the impact (geographical area and size of the affected population);
 - (b) the impact on other EEA States;
 - (c) the magnitude and complexity of the impact;
 - (d) the probability of the impact; and
 - (e) the duration, frequency and reversibility of the impact.

SCHEDULE 2

Regulation 2(1)

INFORMATION FOR INCLUSION IN THE ENVIRONMENTAL STATEMENTS

PART I

1. Description of the project, including in particular—
 - (a) a description of the physical characteristics of the whole project and the land use requirements during the construction, or other implementation, and operational phases;
 - (b) a description of the main characteristics of the production processes, for instance, nature and quantity and the materials used;
 - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed project.
2. An outline of the main alternatives studied by the applicant for consent and an indication of the main reasons for his choice, taking into account the environmental effects.
3. A description of the aspects of the environment likely to be significantly affected by the proposed project, including, in particular, population, fauna, flora, soil, water, air climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.
4. A description of the likely significant effects of the project on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project, resulting from:
 - (a) the existence of the project;
 - (b) the use of natural resources; and
 - (c) the emission of pollutants, the creation of nuisances and the elimination of waste,and the description by the applicant for consent of the forecasting methods used to assess the effects on the environment.
5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
6. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.
7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant for consent in compiling the required information.

PART II

1. A description of the project comprising information on the site, design and size of the project.
2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
3. The data required to identify and assess the main effects which the project is likely to have on the environment.
4. An outline of the main alternatives studied by the applicant for consent and an indication of the main reasons for his choice, taking into account the environmental effects.
5. A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.

SCHEDULE 3

Regulation 14

REVIEW OF DECISIONS AND CONSENTS

1. The Secretary of State shall as soon as reasonably practicable make an appropriate assessment of the implications for the European site of the project permitted by the decision or consent in view of that site's conservation objectives for the purpose of determining whether the project will adversely affect the integrity of the site.

2. For the purposes of the assessment the Secretary of State—

- (a) may require any person interested in the relevant land to supply her with such information as she may reasonably think necessary;
- (b) shall consult English Nature and have regard to any representations made by them within such reasonable time as she may specify; and
- (c) may, if she considers it appropriate, consult members of the public.

3. Unless, following the assessment, the Secretary of State is satisfied that the project permitted by the decision or consent will not adversely affect the integrity of the European site, and paragraph (7) of regulation 13 does not apply, she shall, in the case of a decision, revoke that decision and, in the case of a consent, either revoke that consent or make such modifications to the consent as shall appear to her to be necessary to ensure that the project will not adversely affect the integrity of the European site and she shall notify her decision to all persons who appear to her to have an interest in the relevant land.

4. Subject to paragraph 5 below, a revocation or modification of a decision or a consent in pursuance of which works have been commenced or completed shall not affect so much of those works as have already been carried out.

5. If, where a project which is subject to a decision made under paragraph 3 above has commenced, it appears to the Secretary of State to be necessary to safeguard the integrity of the European site, she may by notice require the person responsible for carrying out such works or any person interested in the relevant land to carry out such works of reinstatement as may be reasonable in the circumstances and any person who carries out works in compliance with such a requirement shall be entitled, on making a claim in accordance with paragraph 8 below, to recover from the Secretary of State compensation in respect of any expenses reasonably incurred by him in that behalf.

6. Regulation 15 shall apply to a decision made in accordance with paragraph 3 above and to a notice served in accordance with paragraph 5 above.

7. If, following a decision under paragraph 3 above, a person has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification or has otherwise sustained loss or damage which is directly attributable to the revocation or modification, he shall be entitled to be paid compensation on submitting a claim in accordance with paragraph 8 below.

8. A claim for compensation payable under paragraph 5 or 7 above shall be submitted to the Secretary of State within six weeks of notification of the decision in respect of which compensation is payable and shall be accompanied by such evidence as the Secretary of State may reasonably require.

9. Any dispute as to the amount of compensation payable under paragraphs 5 or 7 above may be referred to the Lands Tribunal⁽¹⁾ within six years of the date of notification of the decision in respect of which compensation is payable.

10. Nothing in this regulation shall affect anything done in pursuance of a decision or consent before the date the site became a European site.

(1) See section 1 of the Lands Tribunal Act 1949 (c. 42).

SCHEDULE 4

Regulation 15(8)

DELEGATION OF APPELLATE FUNCTIONS

1. In this Schedule “appointed person” means a person appointed under regulation 15(8) and “appointment” means an appointment under that regulation.

2. A appointment must be in writing and—

- (a) may relate to any particular appeal or matter specified in the appointment or to appeals or matters of a description so specified;
- (b) may provide for any function to which it relates to be exercisable by the appointed person either unconditionally or subject to the fulfilment of such conditions as may be specified in the appointment; and
- (c) may, by notice in writing given to the appointed person, be revoked at any time by the Secretary of State in respect of any appeal or matter which has not been determined by the appointed person before that time.

3. Subject to the provisions of this Schedule, an appointed person shall, in relation to any appeal or matter to which his appointment relates, have the same powers and duties as the Secretary of State has under paragraphs (7), (10), (11) and (12) of regulation 15.

4.—(1) The provisions of this paragraph, instead of regulation 15(6), shall apply to an appeal which falls to be determined by an appointed person.

(2) If the appellant expresses a wish to appear before and be heard by the appointed person, the appointed person shall give him an opportunity of appearing and being heard.

(3) Whether or not an appellant has asked for an opportunity to appear and be heard, the appointed person—

- (a) may hold a local inquiry or other hearing in connection with the appeal or matter, and
- (b) shall, if the Secretary of State so directs, hold a local inquiry in connection with the appeal or matter.

(4) Whether either sub-paragraph (2) or (3) above applies, the appointed person shall notify his decision that a hearing or a local inquiry, as the case may be, is to be held to the appellant and to any persons who notified the Secretary of State that they wished to make representations in accordance with regulation 15(5).

(5) Where an appointed person holds a local inquiry or other hearing by virtue of this Schedule, an assessor may be appointed by the Secretary of State to sit with the appointed person at the inquiry or hearing and advise him on any matters arising, notwithstanding that the appointed person is to determine the appeal or matter.

(6) Subject to regulation 15(9), the costs of the hearing or local inquiry held under this Schedule shall be defrayed by the Secretary of State.

5.—(1) Where under paragraph (2)(c) above the appointment of the appointed person is revoked in respect of any appeal or matter, the Secretary of State shall, unless she proposes to determine the appeal or matter herself, appoint another person under regulation 15(8) to determine the appeal or matter instead.

(2) Where such a new appointment is made, the consideration of the appeal or matter, or any local inquiry or other hearing in connection with it, shall be begun afresh.

(3) Nothing in sub-paragraph (2) above shall require any person to be given an opportunity of making fresh representations or modifying or withdrawing any representations already made.

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. (See end of Document for details)*

6.—(1) Anything done or omitted to be done by an appointed person in, or in connection with, the exercise or purported exercise of any function to which the appointment relates shall be treated for all purposes as done or omitted to be done by the Secretary of State.

(2) Sub-paragraph (1) above shall not apply—

- (a) for the purposes of so much of any contract made between the Secretary of State and the appointed person as relates to the exercise of the function; or
- (b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done as mentioned in that sub-paragraph.

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.