
STATUTORY INSTRUMENTS

2001 No. 3966

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

Appeals (general provisions)

15.—(1) The following persons—

- (a) a person who has applied for a screening decision in respect of a project which the Secretary of State has decided is a relevant project, or is deemed to have so decided under regulation 5(8);
- (b) a person who has applied for consent for a relevant project in respect of which consent has been refused or has been granted subject to conditions (other than those specified in regulation 13(11)); and
- (c) a person upon whom a notice of a decision has been served in accordance with paragraph 3 of Schedule 3 or upon whom a notice has been served in accordance with paragraph 5 of that Schedule,

may by notice appeal to the Secretary of State against the consent, decision or notice as the case may be (in this regulation referred to as “the relevant decision”) in accordance with this regulation.

(2) A person to whom paragraph (1) above applies must serve notice of an appeal on the Secretary of State within three months from the date upon which that person was notified of the relevant decision.

(3) Notice of an appeal shall include—

- (a) a description of the relevant decision;
- (b) a statement of the grounds of appeal; and
- (c) a statement indicating whether the appellant wishes the appeal to be in the form of a hearing or a local inquiry or to be disposed of on the basis of written representations.

(4) As soon as reasonably practicable after receipt of notice of an appeal the Secretary of State shall serve copies of the notice on such of the consultation bodies as she thinks fit; on any person who made representations in respect of the relevant decision; on any EEA State consulted pursuant to paragraph (4) of regulation 11 and on any authority or person who forwarded their opinion to the Secretary of State pursuant to paragraph (3)(b) of that regulation; and on any other person who appears to her to have a particular interest in the subject matter of the appeal.

(5) A person upon whom a copy of a notice of an appeal has been served in accordance with paragraph (4) above may not make representations in respect of the appeal unless he notifies the Secretary of State that he wishes to do so within twenty-one days of the date on which a copy of the notice was served upon him.

(6) Before determining an appeal the Secretary of State shall decide, if the appellant has indicated that he wishes to be heard, whether the hearing shall be by local inquiry and, if the appellant has not indicated that he wishes to be heard, whether the appeal shall be determined by written representations, hearing or local inquiry and in either case shall notify her decision to the appellant and to any persons who notified the Secretary of State in accordance with paragraph (5) that they wished to make representations accordingly.

(7) On determining the appeal, the Secretary of State may allow or dismiss the appeal, or reverse any part of the decision which is the subject of the appeal, and may deal with the appeal in the same way as if it were a decision of first instance.

(8) The Secretary of State may appoint any person to exercise on her behalf, with or without payment, her function of determining the appeal or any matter involved in the appeal and Schedule 4 shall have effect with respect to such appointment.

(9) Subsections (2) to (5) of section 250 of the Local Government Act 1972⁽¹⁾(local inquiries, evidence and costs) apply in relation to hearings or local inquiries held in accordance with regulation 17 below as they apply to local inquiries under that section, but as if the references there to the Minister were references to the Secretary of State.

(10) Section 322A of the Town and Country Planning Act 1990⁽²⁾ (orders as to costs where no hearing or inquiry takes place) applies in relation to a hearing or local inquiry under regulation 17 below as it applies in relation to a hearing or local inquiry referred to in that section.

(11) Except as otherwise provided by this regulation or by regulation 16 or 17 below the Secretary of State shall determine the procedure (which may include provision for site visits) for deciding the appeal.

(12) Any representations, statement or other documents to be submitted to the Secretary of State in accordance with regulation 16 or 17 below shall be accompanied by such number of copies as the Secretary of State may specify.

(1) 1972 c. 70; section 250(4) was amended by Part III of Schedule 12 to the Housing and Planning Act 1986 (c. 63).

(2) 1990 c. 8; section 322A was inserted by section 30(1) of the Planning and Compensation Act 1991 (c. 34).

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 15.