

SCHEDULES

SCHEDULE 1

Regulation 7(1)

Criteria to determine whether the works should be subject to an environmental statement

Characteristics of the works

1. The characteristics of the works must be considered having regard, in particular, to—
 - (a) the size and design of the whole works;
 - (b) their cumulative effects with other existing and/or approved works;
 - (c) the use of natural resources, in particular, land, soil, water and biodiversity;
 - (d) the production of waste;
 - (e) pollution and nuisances;
 - (f) the risk of major accidents and/or disasters which are relevant to the works concerned, including those caused by climate change, in accordance with scientific knowledge, having regard, in particular, to substances or technologies used; and
 - (g) the risks to human health (for example due to water contamination or air pollution)

Location of the works

2. The environmental sensitivity of geographical areas likely to be affected by the works must be considered, having regard, in particular, to—
 - (a) the existing and approved land use;
 - (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
 - (c) The absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under EEA States' legislation, Natura 2000 areas designated by EEA States pursuant to [Directive 92/43/EEC](#) and [Directive 2009/147/EC](#);
 - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in any legislation applicable in Northern Ireland and relevant to the works, or in which it is considered that there is such a failure;
 - (vii) densely populated areas; and
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Types and characteristics of the potential impact

3. The likely significant effects on the environment must be considered in relation to the criteria set out under paragraphs 1 and 2 with regard to the impact of the works on the factors specified in Article 3.1 of the Directive, and having regard, in particular to—

- (a) the magnitude and spatial extent of the impact of the works (for example the geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved works; and
- (h) the possibility of effectively reducing the impact.

SCHEDULE 2

Regulation 10

Information for the environmental statement

1. A description of the works including in particular—
 - (a) a description of the location of the works;
 - (b) a description of the physical characteristics of the whole works, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
 - (c) a description of the main characteristics of the operational phase of the works (in particular any production processes), for instance, energy demand and energy used, nature and quantity of materials and natural resources (including water, land, soil, and biodiversity) used;
 - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and sub-soil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.
2. A description of the reasonable alternatives (for example in terms of design, technology, location, size and scale) studies by the Department, which are relevant to the proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
3. A description of the relevant aspects of the current state of the environment and an outline of the likely evolution thereof without implementation of the works as far as natural changes from the current state can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
4. A description of the factors specified in Article 3.1 of the Directive likely to be significantly affected by the proposed works; population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction and sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage including architectural and archaeological aspects, and landscape.

5. A description of the likely significant effects of the works on the environment resulting from, inter alia—

- (a) the construction and existence of the works, including, where relevant, demolition works;
- (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- (e) the cumulation of effects with other existing and/or approved works, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- (f) the impact of the works on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the works to climate change; and
- (g) the technologies and substances used.

The description of the likely significant effects on the factors specified in Article 3.1 of the Directive should cover the direct effects and any indirect, secondary, cumulative, transboundary, short, medium and long-term, permanent and temporary, positive and negative effects of the works. This description should take into account the environmental protection objectives established at EU or Member State level which are relevant to the works, including in particular those established under Council [Directive 92/43/EEC\(1\)](#) and [Directive 2009/147/EC\(2\)](#) of the European Parliament and of the Council.

6. A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment including details of the difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-works analysis). That description should explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

8. A description of the expected significant adverse effects of the works on the environment deriving from the vulnerability of the works to risks of major accidents or disasters which are relevant to the works concerned. Relevant information available and obtained through risk assessments pursuant to EU legislation such as [Directive 2012/18/EU](#) of the European Parliament and of the Council⁽³⁾ or Council Directive 2009/71/Euratom⁽⁴⁾ or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of the Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

9. A non-technical summary of the information provided under paragraphs 1 to 8.

10. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.

(1) O.J. L 206, 22.7.1992, p. 7

(2) O.J. L 20, 26.1.2010, p. 7

(3) O.J. L 197, 24.7.2012, p. 1

(4) O.J. L 172, 2.7.2009, p 18

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 3

Regulation 15(1)

Environmental factors to be taken into account

1. The environmental statement shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect effect of the works on the following factors—
 - (a) population and human health;
 - (b) biodiversity, with particular attention to species and habitats protected under [Directive 92/43/EEC](#) and [Directive 2009/147/EEC](#);
 - (c) land, soil, water, air, climate;
 - (d) material assets, cultural heritage, and the landscape; and
 - (e) the interaction between the factors referred to in sub-paragraphs (a) to (d).
2. The effects referred to in paragraph 1 on the factors set out in that paragraph shall include the expected effects deriving from the vulnerability of the works to risks of major accidents or disasters that are relevant to the works concerned.

SCHEDULE 4

Regulation 18(3)

“SCHEDULE 5

Article 45(1) and (1A)

Provisions of the Drainage Order applied for the purposes of environmental impact assessment of canal schemes

PART 1

Provisions of the Drainage Order applied by Article 45(1)

1. The provisions of the Drainage Order applied by Article 45(1) of this Order are as follows—

<i>Provision</i>	<i>Subject matter</i>
Part 1	Introductory
Article 12	Restrictions on drainage schemes
Article 12ZA	Direction that Articles do not apply
Article 12A	Consultations and determination of whether a drainage scheme has significant effects on the environment
Article 12B	Drainage schemes likely to have significant effects on the environment

<i>Provision</i>	<i>Subject matter</i>
Article 12C	Preparation of an environmental statement
Article 12D	Publicity for an environmental statement
Article 12E	Assistance in the preparation of an environmental statement
Article 12F	Charges
Article 12G	Drainage schemes likely to have significant effects on the environment in another EEA State
Article 12H	Determination of whether a drainage scheme should be approved
Article 12I	Monitoring
Article 13	Confirmation of drainage schemes
Article 13A	Public participation
Article 14	The carrying out of drainage schemes
Article 15	Provisions in regard to roads, bridges, culverts and embankments
Article 16	Amendment of drainage schemes
Schedule 2A	Information for inclusion in environmental statement
Schedule 2B	Selection criteria referred to in Article 4.3 of the Directive
Schedule 2C	Environmental factors to be taken into account

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 2

Provisions of the Drainage Order applied by Article 45(1A)

2. The provisions of the Drainage Order applied by Article 45(1A) of this Order are as follows—

<i>Provision</i>	<i>Subject matter</i>
Part 1	Introductory
Article 17	Compensation for certain losses due to construction of drainage works
Article 18	Compensation for injury to canals, fisheries, etc.
Article 19	Matters to be regarded in assessing compensation
Article 20	Disposal of surplus lands, etc
Article 31	Noxious weeds
Article 35	Provisions as to recovery of expenses
Article 36	Miscellaneous offences
Article 38	Limitation of liability for flooding, etc.
Article 39	Protection for officers of the Department
Article 40	Protection of fisheries
Article 40A	Protection of water and sewage undertakers

PART 3

Modifications of the provisions applied by Parts 1 and 2

3. The provisions of the Drainage Order specified in Parts 1 and 2 of this Schedule shall, in their application for the purposes of Part III of this Order have effect with the following modifications—

- (a) references therein to a watercourse shall be construed as references to a waterway;

- (b) references therein to the Drainage Order shall be construed as references to Part III of this Order;
- (c) references therein to—
 - (i) a scheme or drainage scheme carried out under the Drainage Order, or any part thereof;
 - (ii) drainage works; and
 - (iii) drainage purposes or purposes connected with drainage,shall respectively be construed as references to—
 - (A) a canal scheme;
 - (B) works under any provision contained in Part III of this Order or any canal scheme; and
 - (C) the purposes of any such provision or scheme;
- (d) references therein to sea defences and sea defence works shall be omitted;
- (e) references to the Drainage Council shall be omitted;
- (f) in Article 17—
 - (i) for paragraph (4) substitute—
 - “(4) Every claim for compensation under this Article—
 - (a) shall be made in writing to the Department within 3 years from the date of completion of the works from which, or from the operation of which, the claim arises, and such details of the claim as the Department may require shall be furnished in writing to the Department within such a period as the Department may determine, and
 - (b) shall, in default of agreement, be heard and determined by the Lands Tribunal.”;
 - (ii) in paragraph (5), the words “and may allow a sum in respect of the cost of the employment of any” shall be omitted; and
- (g) in Article 38, after paragraph (2) add—
 - “(3) Every claim duly made for compensation under this Article shall, in default of agreement, be heard and determined by the Lands Tribunal.”.”