

SCHEDULE 1

Regulation 21.

“SCHEDULE 2A

Article 2(2)

Part I

Information for inclusion in environmental statement

1. Description of the drainage works including in particular—
 - (a) a description of the physical characteristics of the drainage works and the land use requirements during the construction and operational phases;
 - (b) a description of the main characteristics of the production processes, for instance, the nature and quantity of 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 drainage works.
2. An outline of the main alternatives studied by the Department and an indication of the main reasons for its choice, taking into account the environmental effects.
3. A description of the aspects of the environment likely to be significantly affected by the proposed drainage works, 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 proposed drainage works 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 drainage works, resulting from—
 - (a) the existence of the drainage works;
 - (b) the use of natural resources;
 - (c) the emission of pollutants, the creation of nuisances and the elimination of waste,and the Department’s description 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 above.
7. An indication of any difficulties (technical difficulties or lack of know-how) encountered by the Department in compiling the required information.

Part II

1. A description of the drainage works comprising information on the site, design and size of the works.
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 works are likely to have on the environment.

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4. An outline of the main alternatives studied by the applicant 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.

SCHEDULE 2B

Articles 12A(1) and (9)

Selection criteria referred to in Article 4.3 of Directive 85/337/EEC(1) as amended by Directive 97/11/EC(2)

Characteristics of drainage works

1. The characteristics of drainage works must be considered having regard, in particular, to—
 - (a) the size of the works;
 - (b) their cumulative effects with other works;
 - (c) the use of natural resources;
 - (d) the production of waste;
 - (e) pollution and nuisances;
 - (f) the risk of accidents, having regard in particular to substances or technologies used.

Location of drainage works

2. The environmental sensitivity of geographical areas likely to be affected by drainage works must be considered, having regard in particular, to—
 - (a) the existing land use;
 - (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
 - (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 member States' legislation; special protection areas designated by member States pursuant to Council Directive 79/409/EEC on the conservation of wild birds(3), as amended and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(4), as amended;
 - (vi) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
 - (vii) densely populated areas;
 - (viii) landscapes of historical, cultural or archaeological significance.

(1)

(2)

(3) O.J. No. L103, 25.4.79, p. 1

(4) O.J. No. L206, 22.7.92, p. 7

O.J. No. L175, 5.7.85, p. 40

O.J. No. L73, 14.3.97, p. 5

Characteristics of the potential impact

3. The potential significant effects of drainage works must be considered in relation to the criteria set out under paragraphs 1 and 2 above, and having regard, in particular, to—
- (a) the extent of the impact of the works (geographical area and size of the affected population);
 - (b) the transfrontier nature of that impact;
 - (c) the magnitude and complexity of that impact;
 - (d) the probability of that impact; and
 - (e) the duration, frequency and reversibility of that impact.

SCHEDULE 2C

Article 13(3)(g)

Environmental factors to be taken into account

Account shall be taken in particular of the direct and indirect effects of the drainage works on the following factors—

- (a) human beings, fauna and flora;
- (b) soil, water, air, climate and the landscape;
- (c) material assets and the cultural heritage; and
- (d) the interaction between the factors mentioned in heads (a) to (c).”

SCHEDULE 2

Regulation 22(3)

“SCHEDULE 5

Article 45(1), (1A)

PROVISIONS OF THE DRAINAGE ORDER APPLIED FOR THE PURPOSES OF ENVIRONMENTAL IMPACT ASSESSMENT OF CANAL SCHEMES

Part I

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 I | Introductory |
| <i>Article</i> | |
| 12 | Restrictions on drainage schemes. |
| 12A | Consultations and determination of whether a drainage scheme has significant effects on the environment. |
| 12B | Drainage schemes likely to have significant effects on the environment. |

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| <i>Provision</i> | <i>Subject Matter</i> |
|------------------|--|
| 12C | Preparation of an environmental statement and consultations thereon. |
| 12D | Drainage schemes likely to have significant effects on the environment in another EEA State. |
| 12E | Determination of whether a drainage scheme should proceed. |
| 13 | Confirmation of drainage schemes. |
| 14 | The carrying out of drainage schemes. |
| 15 | Provisions in regard to roads, bridges, culverts and embankments. |
| 16 | Amendment of drainage schemes. |
| Schedule 2A | Information for inclusion in environmental statement. |
| Schedule 2B | Selection criteria referred to in Article 4.3 of Directive 85/337/EEC as amended by Directive 97/11/EC . |
| Schedule 2C | Environmental factors to be taken into account. |

Part II

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

| <i>Provision</i> | <i>Subject Matter</i> |
|------------------|--------------------------|
| 40 | Protection of fisheries. |

Part III

Modification of the provisions applied by Parts I and II

3. The provisions of the Drainage Order specified in Part I and Part II 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 the Department of Agriculture and Rural Development shall be construed as references to the Department of Culture, Arts and Leisure;
- (b) references therein to a watercourse shall be construed as references to a waterway;
- (c) references therein to the Drainage Order shall be construed as references to Part III of this Order;
- (d) references therein to—

- (i) a scheme or drainage scheme carried out under the Drainage Order, or any part thereof,
- (ii) drainage works;
- (iii) drainage purposes or purposes connected with drainage;
- (iv) the Drainage Council;

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;
- (C) the purposes of any such provision or scheme; and
- (D) the Water Council;

- (e) references therein to sea defences and sea defence works 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 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.”.”

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