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STATUTORY INSTRUMENTS

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**1999 No. 2892**

**EUROPEAN COMMUNITIES**

**Nuclear Reactors (Environmental Impact  
Assessment for Decommissioning) Regulations 1999**

<i>Made</i>	- - - -	<i>19th October 1999</i>
<i>Laid before Parliament</i>		<i>29th October 1999</i>
<i>Coming into force</i>	- -	<i>19th November 1999</i>

The Secretary of State for the Environment, Transport and the Regions, being the designated<sup>(1)</sup> Minister for the purpose of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects upon the environment, in exercise of the powers conferred upon him by that section and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 and shall come into force on 19th November 1999.

**Definitions**

2.—(1) In these Regulations unless the context otherwise requires—

“the consultation bodies” means—

- (a) the local planning authority;
- (b) the local highway authority;
- (c) any principal council for the area in which the site where the project is to be carried out, if not the local planning authority;

and such of the following bodies as are applicable having regard to the place where a project is to be carried out—

- (d) in England and Wales, the Environment Agency;

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(1) S.I.1988/785. See also the Secretary of State for the Environment, Transport and the Regions Order 1997 (S.I. 1997/2971).  
(2) 1972 c. 68.

- (e) in England, the Countryside Commission and the Nature Conservancy Council for England;
  - (f) in Wales, the Countryside Council for Wales;
  - (g) in Scotland, Scottish Natural Heritage and the Scottish Environment Protection Agency;
- “the Directive” means Council Directive [85/337/EEC](#)(3) on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive [97/11/EEC](#)(4);

“EEA State” means a State party to the Agreement on the European Economic Area(5);

“environmental impact assessment” means a process which identifies, describes and assesses in an appropriate manner, in the light of each individual case, the direct and indirect effects of a proposed project on—

- (a) human beings, flora and fauna;
- (b) soil, water, air, climate and the landscape;
- (c) material assets and the cultural heritage;
- (d) the interaction between the factors referred to in sub-paragraphs (a) to (c) above;

“the Executive” means the Health and Safety Executive(6);

“licensee” means a person to whom a nuclear site licence has been granted under the Nuclear Installations Act 1965(7) whether or not that licence remains in force;

“local planning authority” means, in England and Wales a local planning authority within the meaning of Part I of the Town and Country Planning Act 1990(8) and in Scotland, a planning authority within the meaning of Part I of the Town and Country Planning (Scotland) Act 1997(9);

“project” means the carrying out of any dismantling or decommissioning work on any nuclear power station or nuclear reactor to which these Regulations apply by virtue of regulation 3(1), but it does not include—

- (a) the removal from a power station or reactor of fuel elements, neutron absorption cartridges or control rods carried out in accordance with normal operating procedures; or
- (b) the removal of waste from, or decontamination work on, a power station or reactor when such an activity is carried out as part of routine operations not intended to be part of final dismantling or decontamination of that station or reactor;

and for the purposes of this definition dismantling or decommissioning of a nuclear power station or nuclear reactor shall not be treated as having commenced unless plant or equipment is disabled or removed for the purpose of permanently preventing the continued operation of that station or reactor.

(2) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

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(3) O.J. No. L 175, 5.7.1985, p.40.

(4) O.J. No. L 73, 14.3.1997, p.5.

(5) Cm. 2073. The Agreement was adjusted by a protocol signed at Brussels on 17th March 1993.

(6) The Health and Safety Executive was established by section 10 of the Health and Safety at Work etc. Act 1974 (c. 37), as amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraph 3.

(7) 1965 c. 57; as amended by S.I. 1974/2056 and S.I. 1990/1918.

(8) 1990 c. 8.

(9) 1997 c. 8.

## **Application**

3.—(1) These Regulations shall apply to nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

(2) Without prejudice to paragraph (1), save for the purpose of regulation 13 these Regulations shall not apply to the carrying out of dismantling or decommissioning work on a nuclear power station or nuclear reactor commenced prior to the coming into force of these Regulations.

(3) These Regulations shall not apply to any project serving national defence purposes.

## **Consent for dismantling or decommissioning**

4. A licensee shall not commence a project unless—

- (a) he has applied to the Executive for a consent to carry out the project; and
- (b) a consent to carry out the project has been granted for the purposes of this paragraph by the Executive in accordance with regulation 8(3).

## **Provision of an environmental statement**

5.—(1) A licensee who applies for a consent under regulation 4(a) shall provide to the Executive an environmental statement, being a statement which—

- (a) includes such of the information referred to in Part I of Schedule 1 as is reasonably required to assess the environmental effects of the proposed project and which the licensee can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; and
- (b) includes at least the information specified in Part II of Schedule 1.

(2) The information referred to in paragraph (1) shall be provided to the extent that the information is relevant to—

- (a) the consent procedure; and
- (b) the specific characteristics of a particular project or type of project and of the environmental features likely to be affected.

## **Pre-application opinion as to the content of the environmental statement**

6.—(1) Without prejudice to regulation 5, a licensee who is minded to apply for a consent to carry out a project may request the Executive to state in writing its opinion as to the information to be provided in connection with that application.

(2) The Executive shall, if it considers that it has not been provided with sufficient information to give an opinion on a request made under paragraph (1), notify the licensee of the matters in respect of which it requires further information and shall not be required to give an opinion under paragraph (1) until such further information has been provided.

(3) The Executive shall not give an opinion in response to a request under paragraph (1) until it has consulted the licensee, the consultation bodies and such other bodies as appear to the Executive to be appropriate having regard to the circumstances of the case, but the Executive shall, subject to paragraph (2), respond to such request within 21 days of the end of the period allowed by the Executive for responding to such consultation.

(4) An opinion given for the purposes of paragraph (1) shall not prevent the Executive subsequently requiring the licensee to submit further information.

### **Provision of information to licensee**

7. The Executive and any other consultation body notified that a licensee has made or is proposing to make an application for consent under regulation 4(a) shall, if requested by the licensee or may without such a request, enter into consultation with the licensee to determine whether the body has in its possession any information which the licensee or that body consider relevant to the preparation of an environmental statement and, if it has, the body shall make any such information available to the licensee.

### **Procedure by the Executive**

8.—(1) Where the Executive receives in relation to a proposed project an application for a consent pursuant to regulation 4(a) it shall—

- (a) within 21 days of the date of receipt of such application notify the consultation bodies in writing of the name and address of the licensee and of the duty imposed on them by regulation 7 to make information available to the licensee; and
- (b) inform the licensee of the names and addresses of the bodies notified under sub-paragraph (a) above.

(2) Where the Executive is provided with an environmental statement pursuant to regulation 5 it shall—

- (a) consult the consultation bodies as to the information contained in that statement and for that purpose shall within 21 days of the date of receipt of such statement provide to them the information contained in that statement;
- (b) require any body consulted under paragraph (1) to respond to the Executive within such reasonable time as the Executive may specify; and
- (c) send a copy of the environmental statement to the Secretary of State stating whether or not in the opinion of the Executive the project to which the environmental statement relates is likely to have significant effects on the environment in another EEA State.

(3) The Executive shall not grant a consent (whether for the purposes of these Regulations or otherwise) in relation to an application to carry out a proposed project unless—

- (a) there has been carried out an environmental impact assessment which takes into consideration the environmental statement provided under regulation 5;
- (b) the Executive has taken into account—
  - (i) the assessment carried out pursuant to sub-paragraph (a) above;
  - (ii) the responses of those consulted pursuant to paragraph (2); and
  - (iii) any representations made to it pursuant to sub-paragraph (i) of regulation 9(1); and
- (c) where paragraph (3) of regulation 12 applies—
  - (i) a period of at least 21 days has elapsed since the end of all periods of consultation agreed pursuant to sub-paragraph (5)(b) of that regulation; and
  - (ii) the Executive has taken into account any responses received by another EEA State pursuant to the provisions of regulation 12.

(4) The Executive may, on granting a consent to carry out a project, attach to that consent such conditions as may appear to it to be necessary or desirable in the interests of limiting the impact of that project on the environment.

## **Publicity**

**9.—**(1) Within 14 days of sending to the Executive an environmental statement pursuant to regulation 5, the licensee shall cause to be published in one or more newspapers circulating in the locality in which the project is to be carried out and, where required by the Executive, any other newspaper named by the Executive, a notice stating—

- (a) the name and address of the licensee and that he is the applicant in respect of a consent for a project;
- (b) the date on which the application was made;
- (c) the address or location of the site at which the proposed project is to be carried out;
- (d) that a copy of the application together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
- (e) an address (or addresses) in the locality of the power station or reactor at which those documents may be inspected and the latest date on which they will be available for inspection (being a date not less than 30 days later than the date on which the notice is published);
- (f) an address (or addresses) (whether or not the same as that given under sub-paragraph (e) above) in the locality of the power station or reactor at which copies of the environmental statement may be obtained;
- (g) that copies may be obtained there so long as stocks last;
- (h) if a charge is to be made for a copy, the amount of the charge; and
- (i) that any person wishing to make representations about the application should make them in writing, before the date named in accordance with sub-paragraph (e), to the Executive at a specified address.

(2) A copy of the notice required by paragraph (1) shall be provided to the Executive by the licensee within 14 days of the notice being published.

(3) The licensee shall ensure that—

- (a) not less than 5 copies of the application for consent to carry out a project together with 5 copies of the environmental statement are available for inspection by members of the public at all reasonable hours at the address (or addresses) specified in the notice referred to in paragraph (1) pursuant to sub-paragraph (e) of that paragraph; and
- (b) copies of the environmental statement are available at the address specified in the notice referred to in paragraph (1) pursuant to sub-paragraph (f) of that paragraph on payment of a reasonable charge reflecting printing and distribution costs.

## **Further information and evidence respecting environmental statements**

**10.—**(1) Where the Executive receives an application for consent to carry out a project in relation to which the licensee has submitted a statement which he refers to as an environmental statement for the purpose of these Regulations and the Executive is of the opinion that the statement should contain further information in order to be an environmental statement, the Executive shall notify the licensee in writing accordingly and the licensee shall provide that further information, and such information so provided is referred to in these Regulations as “further information”.

(2) Paragraphs (3) to (9) shall apply in relation to further information required of a licensee.

(3) Within 14 days of providing to the Executive the further information referred to in paragraph (1), the licensee shall cause to be published in one or more newspaper circulating in the locality in which the project is to be carried out and, where requested by the Executive, any other newspaper named by the Executive, a notice stating—

- (a) the name of the licensee;
  - (b) the date on which the application for consent to carry out the project was made;
  - (c) the address or location of the site at which the proposed project is to be carried out;
  - (d) that further information is available in relation to an environmental statement which has already been provided;
  - (e) that a copy of the further information may be inspected by members of the public at all reasonable hours;
  - (f) an address (or addresses) in the locality of the power station or nuclear reactor at which the further information may be inspected and the latest date on which it will be available for inspection (being a date not less than 30 days later than the date on which the notice is published);
  - (g) an address (or addresses) (whether or not the same as that given under sub-paragraph (f) above) in the locality of the nuclear reactor or power station at which copies of the further information may be obtained;
  - (h) that copies may be obtained there as long as stocks last;
  - (i) if a charge is to be made for a copy, the amount of the charge;
  - (j) that any person wishing to make representations about the further information should make them in writing, before the date specified in accordance with sub-paragraph (f), to the Executive at a specified address.
- (4) A copy of the notice required by paragraph (3) shall be provided to the Executive by the licensee within 14 days of the notice being published.
- (5) The Executive shall send a copy of the further information to each person to whom, in accordance with these Regulations, the statement to which it relates was sent.
- (6) The Executive may by notice in writing require the licensee to provide such number of copies of the further information as is specified in the notice (being the number required for the purposes of paragraph (5)).
- (7) Where further information is required to be provided the Executive shall suspend determination of the application and shall not determine it before the expiry of 14 days after the date on which the further information was sent to all persons to whom the statement to which it relates was sent or the expiry of 30 days after the date that notice of it was published in a newspaper in accordance with paragraph (3), whichever is the later.
- (8) The licensee who provides further information in accordance with paragraph (1) shall ensure that—
- (a) not less than 5 copies of the information are available for inspection by members of the public at all reasonable hours at the address (or addresses) named in the notice published pursuant to sub-paragraph (f) of paragraph (3) as the address at which such copies may be obtained; and
  - (b) copies of the information are available at the address (or addresses) named in the notice published pursuant to sub-paragraph (g) of paragraph (3) on payment of a reasonable charge reflecting printing and distribution costs.
- (9) The Executive may in writing require a licensee to produce such evidence as it may reasonably call for to verify any information in his environmental statement.

### **Information as to decisions**

**11.** Where an application for consent to carry out a project is determined by the Executive, the Executive shall—

- (a) in writing, inform the licensee and the Secretary of State of the decision;
- (b) inform the public of the decision by publishing a notice in a newspaper circulating in the locality of the site concerned, or by such other means as are reasonable in the circumstances; and
- (c) make available for public inspection at all reasonable hours at an office of the Executive nearest to the place where the power station or reactor is situated, and free of charge, a statement containing—
  - (i) the content of the decision and any conditions attached thereto;
  - (ii) the main reasons and considerations on which the decision is based; and
  - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the project.

### **Projects likely to have significant effects on the environment in another EEA State**

#### **12.—(1) Where—**

- (a) it comes to the attention of the Secretary of State that a project proposed to be carried out in Great Britain is the subject of an application under regulation 4 and is likely to have significant effects on the environment in another EEA State; or
- (b) another EEA State likely to be significantly affected by such project so requests,

the Secretary of State shall—

- (i) send to the EEA State as soon as possible and no later than their date of publication in the London Gazette, or the Edinburgh Gazette as the case may be, referred to in sub-paragraph (ii) below, the particulars mentioned in paragraph (2) and, if he thinks fit, the information referred to in paragraph (3); and
- (ii) publish the particulars in sub-paragraph (i) above in a notice placed in the London Gazette or, where the project is in Scotland, the Edinburgh Gazette, with an indication of where further information is available; and
- (iii) give the EEA State a reasonable time in which to indicate whether it wishes to be further consulted in accordance with the provisions of this regulation.

#### **(2) The particulars referred to in paragraph (1)(i) are—**

- (a) a description of the project, together with any available information on its possible significant effect on the environment in another EEA State; and
- (b) information on the nature of the decision which may be taken.

(3) Where an EEA State indicates, in accordance with paragraph (1)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Secretary of State shall as soon as possible send to that EEA State the following information—

- (a) a copy of the application for consent to carry out the project concerned;
- (b) a copy of the environmental statement in respect of the project to which that application relates including any further information relating to the project provided pursuant to regulation 10(1); and
- (c) relevant information regarding the procedure under these Regulations,

but only to the extent that such information has not been provided to the EEA State earlier in accordance with paragraph (1)(i).

#### **(4) The Secretary of State in so far as he is concerned shall also—**

- (a) arrange for the particulars and information referred to in paragraphs (2) and (3) to be made available, within a reasonable time, to the authorities referred to in Article 6(1)

of the 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 to the application is granted, to forward to the Secretary of State, within a reasonable time, their opinion on the information supplied.

(5) The Secretary of State shall, in accordance with Article 7.4 of the Directive—

- (a) enter into consultation with the EEA State concerned regarding, inter alia, the potential significant effects of the project on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and
- (b) determine in agreement with the other EEA State a reasonable period of time for the duration of the consultation period.

(6) Where an EEA State has been consulted in accordance with paragraph (3), on the determination of the application concerned the Secretary of State shall—

- (a) send to the Executive within 21 days of receipt any responses made by another EEA State pursuant to consultation under this regulation;
- (b) inform the EEA State of the decision; and
- (c) forward to it a statement of—
  - (i) the content of the decision and any conditions attached thereto;
  - (ii) the main reasons and considerations on which the decision is based; and
  - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the project.

### **Change or extension of project**

**13.—**(1) Where there is a change or extension of—

- (a) any project in respect of which a consent has been granted pursuant to regulation 4(b); or
- (b) any project which commenced prior to the coming into force of these Regulations,

which change or extension may have significant adverse effects on the environment, the licensee shall apply to the Executive for a determination as to whether the project shall be made subject to an environmental impact assessment and shall not commence or continue with the project until such determination has been made.

(2) In determining for the purpose of paragraph (1) whether an environmental impact assessment is required, the Executive shall have regard to the relevant selection criteria set out in Schedule 2.

(3) The licensee shall provide to the Executive such information as it may require to enable the determination referred to in paragraph (1) to be made.

(4) Where the Executive determines for the purposes of paragraphs (1) and (2) that an environmental impact assessment is required in respect of the project, regulations 4 to 10 and 12 shall apply as if any reference in those regulations to the project were a reference to the project as so changed or extended.

(5) Where the Executive determines for the purposes of paragraphs (1) and (2) that an environmental impact assessment is not required in respect of the project, the Executive shall—

- (a) in writing, inform the licensee and the Secretary of State of the decision; and
- (b) inform the public of the decision by publishing a notice in a newspaper circulating in the locality of the site concerned, or by such other means as are reasonable in the circumstances, stating the main reasons on which the decision is based.



### **Limitation on disclosure**

**14.** Nothing in these Regulations shall require the disclosure by a body of confidential information which is capable of being treated as confidential or must be so under regulation 4 of the Environmental Information Regulations 1992<sup>(10)</sup>.

### **Recovery of expenses by the Executive**

**15.—(1)** This regulation applies to any expenses incurred by the Executive which the Executive may determine to be incurred wholly or partly in connection with the carrying into effect of these Regulations and includes any sums paid by the Executive by way of remuneration, allowances or other payments to inspectors appointed under the 1974 Act.

(2) Where a licensee has applied for a consent to carry out a project or has requested an opinion pursuant to regulation 4 or 5 respectively, the Executive, in such cases and to such extent as it may appear to it appropriate to do so—

(a) shall require the licensee to repay to it so much of any expenses to which this regulation applies as may appear to it to be attributable to dealing with the application or request; and

(b) may require the licensee to make to it a payment or payments on account of such liability.

(3) A licensee shall comply with any requirement made of him under this regulation.

(4) Any liability of a licensee in respect of sums payable by him under this regulation on account of pensions shall, if the Executive so determines, be satisfied by way of contributions calculated at such rate as may be determined by the Treasury, by reference to remuneration.

(5) Where a licensee has made a payment under sub-paragraph (2)(b) above on account of an anticipated liability, then if the amount of the liability to which he becomes subject is less than the amount paid under that sub-paragraph, the Executive shall be liable to repay the difference to him.

### **Enforcement**

**16.—(1)** Sections 18 to 26 and 33 to 42 of the Health and Safety at Work etc. Act 1974<sup>(11)</sup> shall apply to any requirement or prohibition imposed upon any licensee by these Regulations or any requirement imposed upon any person by regulation 7 as if the requirement or prohibition concerned had been imposed by regulations made under section 15 of that Act and any function of the Health and Safety Commission under any other provision of the 1974 Act which is exercisable in relation to any function of the Executive under or in respect of health and safety regulations (including their enforcement) shall be exercisable as if these Regulations were health and safety regulations for the purposes of that Act.

(2) The Health and Safety (Enforcing Authority) Regulations 1998<sup>(12)</sup> shall not apply in relation to the enforcement of any requirement or prohibition referred to in paragraph (1) above.

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<sup>(10)</sup> S.I. 1992/3240; as amended by S.I. 1998/1447.

<sup>(11)</sup> 1974 c. 37; section 15(1) was amended by Schedule 15 to the Employment Protection Act 1975 (c. 71), paragraph 6.

<sup>(12)</sup> S.I. 1998/494.

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Signed by order of the Secretary of State.

19th October 1999

*Michael Meacher*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

## SCHEDULE 1

Regulation 5(1)

### INFORMATION TO BE INCLUDED IN AN ENVIRONMENTAL STATEMENT

#### PART I

*(which substantially reproduces the provisions of Annex IV of the Directive)*

1. Description of project, including in particular:
  - a description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases,
  - a description of the main characteristics of the production processes, for instance the nature and quantity of the materials used,
  - an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation and other similar matters) resulting from the operation of the proposed project.
2. An outline of the main alternatives studied by the licensee 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 architectural and archaeological heritage, landscape and the inter-relationship between the above factors.
4. A description of the likely effects of the proposed 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;
  - (c) the emission of pollutants, the creation of nuisances and the elimination of waste,and the description by the licensee 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 licensee in compiling the required information.

#### PART II

*(which substantially reproduces Article 5.3 of the Directive)*

8. A description of the project comprising information on the site, design and size of the project.
9. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
10. The data required to identify and assess the main effects which the project is likely to have on the environment.

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**11.** An outline of the main alternatives studied by the licensee and an indication of the main reasons for his choice, taking into account the environmental effects.

**12.** A non-technical summary of the information mentioned in paragraphs 8 to 11 of this Part.

## SCHEDULE 2

Regulation 13(2)

### CRITERIA FOR DETERMINING FURTHER ASSESSMENT (which reproduces the provisions of Annex III of the Directive)

#### Characteristics of projects

- 1.** The Characteristics of projects must be considered 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;
  - (f) the risk of accidents, having regard in particular to substances or technologies used.

#### Location of projects

- 2.** The environmental sensitivity of geographical areas likely to be affected by projects must be considered, having regard 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<sup>(13)</sup> and Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora<sup>(14)</sup>;
    - (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.

<sup>(13)</sup> O.J. No L 103, 25.4.1979, p.1. Directive as last amended by the 1994 Act of Accession.

<sup>(14)</sup> O.J. No L 206, 22.7.1992, p.7.

### Characteristics of the potential impact

3. The potential significant effects of projects must be considered in relation to criteria set out under paragraphs 1 and 2, and having regard in particular to—

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;
- (e) the duration, frequency and reversibility of the impact.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement as respects Great Britain Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (O.J. No. L175, 5.7.1985, p.40), as amended by Council Directive [97/11/EC](#) (O.J. No. L73, 14.3.1997, p.5), to the extent that the Directive relates to the dismantling or decommissioning of nuclear power stations and other nuclear reactors.

The Regulations make the dismantling or decommissioning of specified nuclear power stations and nuclear reactors (“a project” as defined by regulation 2(1)) subject to environmental impact assessment and impose procedural requirements in relation to the consideration of applications for consent to carry out a project.

The Regulations—

- (a) prohibit the carrying out of a project without the consent of the Health and Safety Executive (“the Executive”) (*regulation 4*);
- (b) require a licensee to provide to the Executive an environmental statement (*regulation 5*);
- (c) enable a licensee to seek an opinion from the Executive on the information to be included in an environmental statement and specify the types of information which are required (*regulation 6 and Schedule 1*);
- (d) require the Executive and other consultation bodies (as defined in regulation 2(1)), if requested, to assist the preparation of an environmental statement by making information available to the licensee (*regulation 7*);
- (e) provide for the procedure to be followed by the Executive upon receipt of an application for a consent to carry out a project (*regulation 8*);
- (f) provide for publicity of applications for consent and for the provision of copies of the environmental statement (*regulation 9*);
- (g) contain procedures for the provision by a licensee of information additional to that contained in the environmental statement (*regulation 10*);
- (h) require the Executive to provide information about decisions taken following the consideration of environmental information in accordance with these Regulations (*regulation 11*);

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- (i) provide for consultation with other EEA States where a project is likely to have significant effects on the environment of another EEA State (*regulation 12*);
- (j) where there is a change or extension to a project, prohibit a licensee from commencing or continuing with that project until a determination has been sought from the Executive (which shall have regard to the matters set out in Schedule 2) as to whether the project as changed or extended should be made subject to an environmental impact assessment (*regulation 13*);
- (k) restrict the application of the Regulations in respect of certain information (*regulation 14*);
- (l) provide for the recovery of expenses incurred by the Executive in respect of the enforcement of the Regulation (*regulation 15*);
- (m) provide for the enforcement of these Regulations by the Executive (*regulation 16*).

A copy of the summary cost benefit prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Adviser's Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the Library of each House of Parliament.