

## SCHEDULE 1

Regulation 2(1) and 13(2)

### Information for inclusion in Environmental Statements

#### PART 1

1. A 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 and operational phases;
  - (b) a description of the main characteristics of the production processes, for instance, 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 project.
2. 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.
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 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 projects, 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 applicant 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.
7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant 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 and an indication of the main reasons for his choice, talking into account the environmental effects.
5. A non-technical summary of the information provided under paragraphs 1 to 4.

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## SCHEDULE 2

Regulations 3(3), 7(3) and 7(6)

Thresholds for identification of projects likely to have significant effects on the environment

**Interpretation**

1. For the purposes of this Schedule—

“sensitive areas” means—

- (a) land to which Article 14(1) of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (1)(in this paragraph the 1985 Order) applies (areas of outstanding natural beauty);
- (b) land notified under Article 28 of the Environment (Northern Ireland) Order 2002 (2)(areas of special scientific interest);
- (c) a national park within the meaning of the 1985 Order;
- (d) a nature reserve within the meaning of the 1985 Order;
- (e) a property appearing on the World Heritage List kept under Article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage(3);
- (f) a scheduled historic monument within the meaning of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(4);
- (g) a European site within the meaning of regulation 9 of the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995(5);

“specified threshold” means any threshold specified in hectares in Column 2 or 3 of the Table in paragraph 2.

**Thresholds**

2. Subject to paragraph 3, for the purposes of regulation 3(3), the threshold for any project of a type specified in an entry in Column 1 in the Table is the area (if any) specified in the corresponding entry in Column 2 or 3 of the Table, whichever is appropriate to the land covered, or proposed to be covered, by that project.

**Table 1**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Type of Project	Threshold where any part of the land is in a sensitive area	Threshold where no part of the land is in a sensitive area
Afforestation	2 hectares where the sensitive area is a national park or an area of outstanding natural beauty. No threshold in the case of other sensitive areas.	5 hectares
Deforestation	0.5 hectares where the sensitive area is a national park or an area of outstanding natural beauty. No threshold in the case of other sensitive areas	1 hectare

(1) [S.I. 1985/170 \(N.I. 1\)](#)

(2) [S.I. 2002/3153 \(N.I. 7\)](#)

(3) *See* Command Paper 9424

(4) [S.I. 1995/1625 \(N.I. 9\)](#)

(5) [S.R. 1995/380](#) as amended by [S.R. 2004/435](#)

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Forest Road Works	No threshold	1 hectare
Forest Works	Quarry No threshold	1 hectare

### **Thresholds for extending projects**

3.—(1) Where the project under consideration is an extending project—

- (a) the threshold specified in the Table in paragraph 2 shall not apply; and
- (b) the threshold applicable for that project for the purposes of regulation 3(3) shall be instead such balance (if any), in hectares, of the area specified in Column 2 or, as the case may be, Column 3 in that Table opposite the entry in Column 1 for that type of project as remains after deduction of the accumulated material past project area.

(2) For the purposes of sub-paragraph (1)(b), it is immaterial whether any part of the accumulated material past project area is, or is not, in a sensitive area (or any kind of sensitive area).

(3) In this paragraph —

“extending project” means any project covering, or proposed to cover, land adjoining the area of one or more material past projects;

“material past project”, in relation to a particular extending project, means a project which —

- (a) is of the same type (as specified in regulation 3(2)) as that extending project; and
- (b) was completed after the coming into operation of these Regulations; and
- (c) was completed not more than five years before the proposed date for starting the work relating to that extending project;

“accumulated material past project area”, in relation to a particular extending project, means the total area covered by —

- (d) the material past project or, if more than one, all of them; and
- (e) every other project —
  - (i) whose area adjoins the material past project, or one of them; and
  - (ii) which satisfies conditions (a) to (c) in the definition of “material past project”.

### **Consideration of thresholds in other cases where a project adjoins or is near another project**

4.—(1) The facts —

- (a) that a project is or would be adjoining or, in the opinion of the Department, near another project of any type specified in regulation 3(2); and
- (b) that, for any reason, the case in question does not fall within paragraph 3,

may be regarded by the Department as rendering the circumstances of that project exceptional for the purposes of regulation 7(3).

(2) This paragraph—

- (a) shall not affect the application of those regulations in a case which does fall within paragraph 3; and
- (b) shall not be interpreted as limiting the generality of the references in those regulations to circumstances which are, in the opinion of the Department, exceptional.

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## SCHEDULE 3

Regulations 7(2), 7(3) and 28

### Projects having significant effects on the environment - selection criteria

#### 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, 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 Directive 79/409/EEC<sup>(6)</sup> on the conservation of wild birds and Directive 92/43/EEC on the conservation of natural habitats and wild fauna<sup>(7)</sup>;
  - (d) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
  - (e) densely populated areas;
  - (f) landscapes of historical, cultural or archaeological significance.

#### Characteristics of the potential impact

3. The potential significant effects of projects must be considered in relation to criteria set out under headings 1 and 2 above, 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;

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<sup>(6)</sup> O.J. L59 8.3.96

<sup>(7)</sup> O.J. L59 8.3.96

- (e) the duration, frequency and reversibility of the impact.

#### SCHEDULE 4

Regulation 16(3), 36(1)

##### Environmental factors

The environmental factors which need to be taken into consideration are—

- (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 paragraphs (a) to (c).

#### SCHEDULE 5

Regulation 18(6), 36(5)

##### Delegation of appellate functions

1. In this Schedule “appointed person” means a person appointed under regulation 18(6) or 36(5) and “appointment” means an appointment under those regulations.

2. An 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) shall provide for the appointed person to determine the appeal or matter specified in the appointment;
- (c) 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
- (d) may, by notice in writing given to the appointed person, be revoked at any time by the Department in respect of any appeal or matter which has not been determined by the appointed person before that time.

3. Where an appointed person holds a hearing, whether public or otherwise, an assessor may be appointed by the Department to sit with the appointed person at the inquiry or hearing and advise him on any matters arising.

4. Subject to regulation 18, the costs of a hearing by an appointed person shall be defrayed by the Department.

5.—(1) Where under paragraph 2(d) the appointment of the appointed person is revoked in respect of any appeal or matter, the Department shall appoint another person under regulation 18(6) or 36(5) to determine the appeal or matter instead.

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

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

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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 Department.

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

- (a) for the purposes of so much of any contract made between the Department 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.