

SCHEDULE

Regulations 8, 9, 10, 16 and 24

Commencement Information

II Sch. in operation at 16.5.2017, see [reg. 1](#)

“SCHEDULE 2A

Article 2(2)

INFORMATION FOR INCLUSION IN ENVIRONMENTAL STATEMENT

1. Description of the drainage works or drainage scheme (“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 the 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 subsoil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed works.
2. A description of the reasonable alternatives (for example in terms of design, technology, location, size and scale) studied 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 development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, 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);

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- (e) the accumulation of effects with other existing 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;
- (g) the technologies and the substances used.

6. 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.

7. 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.

8. A description of the measures envisaged to avoid, prevent, reduce and where 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.

9. 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 or Council Directive 2009/71/Euratom 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.

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

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

SCHEDULE 2B

Article 12A

SELECTION CRITERIA REFERRED TO IN ARTICLE 4(3) OF THE DIRECTIVE

Characteristics of drainage works or drainage schemes “the works”

1. The characteristics of drainage works or drainage schemes must be considered having regard, in particular, to—

- (a) the size and design of the whole works;

(1) 92/43/EEC (OJ L 206, 22.7.1992, p. 7–50)

(2) 2009/147/EC (OJ L 20, 26.1.2010, p. 7–25)

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- (b) their cumulative effects with other existing 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 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;
- (g) the risks to human health (for example due to water contamination or air pollution).

Location of drainage works or drainage schemes

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 then 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 Union legislation and relevant to the project, or in which it is considered that there is such a failure;
 - (vii) densely populated areas;
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

Type 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 accumulation of the impact with the impact of other existing and/or approved projects;
- (h) the possibility of effectively reducing the impact.”

SCHEDULE 2C

Articles 12H(1), (9), 13(4) and 16(2)

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 drainage works or drainage scheme 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;
- (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 drainage works or drainage scheme to risks of major accidents or disasters that are relevant to the drainage works or drainage scheme concerned.”

Changes to legislation:

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