

## SCHEDULE 1

Regulation 2(1)

### DESCRIPTIONS OF DEVELOPMENT FOR THE PURPOSES OF THE DEFINITION OF “SCHEDULE 1 DEVELOPMENT”

#### Descriptions of development

The carrying out of development to provide either of the following—

- (a) a generating station, the construction of which (or the operation of which) will require a section 36 consent and which is either—
  - (i) a nuclear generating station; or
  - (ii) a non-nuclear generating station with a heat output of 300 megawatts or more; or
- (b) an electric line installed above ground with (a) a voltage of 220 kilovolts or more and (b) a length of more than 15 kilometres, the installation of which (or the keeping installed of which) will require a section 37 consent.

## SCHEDULE 2

Regulation 2(1)

### DESCRIPTION OF DEVELOPMENT FOR THE PURPOSES OF THE DEFINITION OF “SCHEDULE 2 DEVELOPMENT”

The carrying out of development to provide any of the following—

- (a) a generating station, the construction of which (or the operation of which) will require a section 36 consent but which is not Schedule 1 development;
- (b) the extension of any generating station, where such extension will require a section 36 consent;
- (c) an electric line installed above ground, the purpose of which installation is to connect the said line to a power station subject to an EIA;
- (d) an electric line installed above ground with a voltage of 132 kilovolts or more, the installation of which (or the keeping installed of which) will require a section 37 consent but which is not Schedule 1 development; or
- (e) an electric line installed above ground in a sensitive area, the installation of which (or the keeping installed of which) will require a section 37 consent but which is not Schedule 1 development and does not fall within paragraph (d) of this Schedule.

For the purpose of this Schedule “sensitive area” means any of the following—

- (i) land notified under section 28(1) (areas of special scientific interest) of the Wildlife and Countryside Act 1981<sup>(1)</sup>;
- (ii) land to which section 29(3) (nature conservation orders) of the Wildlife and Countryside Act 1981 applies<sup>(2)</sup>;
- (iii) 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<sup>(3)</sup>;

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(1) 1981 c. 69; section 28 was amended by the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11), Schedule 2, paragraph 34.

(2) 1981 c. 69; section 29 was amended by the Natural Heritage (Scotland) Act 1991 (c. 28), Schedule 2, paragraph 8 and the Environmental Protection Act 1990 (c. 43), Schedule 8, paragraph 6.

(3) See Cmnd Paper 9424.

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- (iv) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979<sup>(4)</sup>;
- (v) an area designated as a Natural Heritage Area by a direction made by the Secretary of State or the Scottish Ministers under section 6(2) of the Natural Heritage (Scotland) Act 1991<sup>(5)</sup> or as a National Scenic Area by a direction made by the Secretary of State under section 262C of the Town and Country Planning (Scotland) Act 1972<sup>(6)</sup>;
- (vi) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats, etc.) Regulations 1994<sup>(7)</sup>.

### SCHEDULE 3

Regulation 3(3)(b) and (4)

#### MATTERS TO BE TAKEN INTO ACCOUNT UNDER REGULATION 3(3) AND (4)

##### Characteristics of development

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

##### Location of development

2. The environmental sensitivity of geographical areas likely to be affected by development 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; and
  - (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 EEA States' legislation;
    - (vi) special protection areas designated by EEA States pursuant to Directives [79/409/EEC](#)<sup>(8)</sup> and [92/43/EEC](#)<sup>(9)</sup>;

<sup>(4)</sup> 1979 c. 46.

<sup>(5)</sup> 1991 c. 28.

<sup>(6)</sup> 1972 c. 52; section 6(9) of the Natural Heritage (Scotland) Act 1991 contained a saving provision for any areas which were designated as Natural Scenic Areas under section 262C of the Town and Country Planning (Scotland) Act 1972 (c. 52) as at the date of repeal of that section by section 27 of, and Schedule 11 to that 1991 Act.

<sup>(7)</sup> S.I.1994/2716.

<sup>(8)</sup> O.J. No. L 103, 25.4.79, p.1.

- (vii) areas in which the environmental quality standards laid down in legislation of the Communities have already been exceeded;
- (viii) densely populated areas; and
- (ix) landscapes of historical, cultural and archaeological significance.

### **Characteristics of the potential impact**

3. The potential significant effects of development must be considered in relation to criteria set out under 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; and
- (e) the duration, frequency and reversibility of the impact.

## SCHEDULE 4

Regulation 4(1)

### CONTENT OF AN ENVIRONMENTAL STATEMENT

## PART I

1. Description of the development, including in particular—

- (a) a description of the physical characteristics of the whole development 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 quality 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 development.

2. A description of the aspects of the environment likely to be significantly affected by the development, 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.

3. A description of the likely significant effects of the development 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 development, resulting from—

- (a) the existence of the development;
- (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.

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(9) O.J. No. L 206, 22.7.92, p.7.

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4. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
5. A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.
6. 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 development comprising information on the site, design and size of the development.
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 development is likely to have on the environment.
4. The main alternatives studied by the applicant and 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 of this Part.