

SCHEDULE 1

Regulation 9

THRESHOLDS FOR A PROJECT INVOLVING RESTRUCTURING OF RURAL LAND HOLDINGS ON AGRICULTURAL LAND WHOLLY OUTWITH A SENSITIVE AREA

TABLE

<i>Column 1</i>	<i>Column 2</i>
Restructuring project involving the addition or removal of any field boundary	6 km subject to a maximum removal of 0.5km of hedge or drystone dyke and maximum addition of 1 km of vehicle track
Restructuring project which involves an area of land	200 hectares
Restructuring project involving the addition, removal or redistribution of a volume of earth or other material in relation to land	5,000 cubic metres

SCHEDULE 2

Regulations 10(3) and 12(2)

SELECTION CRITERIA FOR SCREENING

Characteristics of projects

1. The characteristics of projects must be considered with particular regard to—
 - (a) the size and design of the whole project;
 - (b) cumulation with other existing and/or approved projects;
 - (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 and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
 - (g) the risks to human health (for example due to water contamination or air pollution).

Location of projects

2. The environmental sensitivity of geographical areas likely to be affected by projects must be considered with particular regard 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 the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;

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- (iv) nature reserves and parks;
- (v) european sites and other areas classified or protected under national legislation;
- (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.

Types and characteristics of the potential impact

3. The likely significant effects of projects on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the projects on the factors specified in regulation 4(3) (environmental impact assessment), taking into account—

- (a) the magnitude and spatial extent of the impact (for example 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 cumulation of the impact with the impact of other existing and/or approved projects;
- (h) the possibility of effectively reducing the impact.

SCHEDULE 3

Regulation 16(2)(f)

INFORMATION FOR INCLUSION IN ENVIRONMENTAL IMPACT ASSESSMENT REPORTS

1. A description of the project, including in particular—
 - (a) a description of the location of the project;
 - (b) a description of the physical characteristics of the whole project, 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 project (in particular any production process), 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 and radiation) and quantities and types of waste produced during the construction and operation phases.
2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the applicant, which are relevant to the project 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 (baseline scenario) and an outline of the likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario 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 regulation 4(3) likely to be significantly affected by the project: 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 project on the environment resulting from, inter alia:

- (a) the construction and existence of the project, 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);
- (e) the cumulation of effects with other existing and/or approved projects, 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 project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
- (g) the technologies and the substances used.

6. The description of the likely significant effects on the factors specified in regulation 4(3) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project including in particular those established under the Habitats Directive and [Directive 2009/147/EC](#) of the European Parliament and of the Council on the conservation of wild birds⁽¹⁾.

7. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of 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 or, if 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-project 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 project on the environment deriving from the vulnerability of the project to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to Union legislation such as [Directive 2012/18/EU](#) of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances,

(1) OJ L 20, 26.1.2010, p.7, amended by Council [Directive 2013/17/EU](#) (OJ L 158, 10.6.2013, p.193).

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amending and subsequently repealing Council Directive 96/82/EC⁽²⁾ or Council Directive 2009/71/Euratom establishing a community framework for the nuclear safety of nuclear installations⁽³⁾ 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 EIA report.

SCHEDULE 4

Regulations 29, 30 and 44

REVIEW OF DECISIONS AND CONSENTS

1. The Scottish Ministers must as soon as reasonably practicable make an appropriate assessment of the implications for the European site of the project permitted by the decision or consent in view of conservation objectives of the site for the purpose of determining whether the project will adversely affect the integrity of the site.

2. For the purposes of that assessment, the Scottish Ministers—

- (a) may require any person interested in the relevant land to supply them with such information as they may reasonably think necessary;
- (b) must consult Scottish Natural Heritage and have regard to any representations made by them within such reasonable time as they may specify; and
- (c) may, if they consider it appropriate, consult members of the public.

3. Unless, following that assessment, the Scottish Ministers are satisfied that the project permitted by the decision or consent will not adversely affect the integrity of the European site and that regulation 23(5) does not apply, they must, in the case of a decision, revoke that decision and, in the case of a consent, either revoke that consent or make such modifications to the consent as appear to them to be necessary to ensure that the project will not adversely affect the integrity of the European site and they must notify that decision to all persons who appear to them to have an interest in the relevant land.

4. Subject to paragraph 5, a revocation or modification of a decision or a consent in pursuance of which works have been commenced or completed will not affect so much of those works as have already been carried out.

5. If, where a project which is subject to a decision made under paragraph 3 has commenced, it appears to the Scottish Ministers to be necessary to safeguard the integrity of the European site, they may by notice require the person responsible for carrying out such works or any person interested in the relevant land to carry out such works of reinstatement as may be reasonable in the circumstances and any person who carries out works in compliance with such a requirement will be entitled, on making a claim in accordance with paragraph 6, to recover from the Scottish Ministers compensation in respect of any expenses reasonably incurred by such claimant in that behalf.

6. If, following a decision under paragraph 3, a person has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification or has otherwise sustained loss or

(2) OJ L 197, 24.7.2012, p.1.

(3) OJ L 172, 2.7.2009, p.18, amended by Council Directive 2014/87/Euratom (OJ L 219, 25.7.2014, p.42).

damage which is directly attributable to the revocation or modification, that person will be entitled to be paid compensation on submitting a claim in accordance with paragraph 7.

7. A claim for compensation payable under paragraph 5 or 6 must be submitted to the Scottish Ministers within 42 days of notification of the decision in respect of which compensation is payable and must be accompanied by such evidence as the Scottish Ministers may reasonably require.

8. Any dispute as to the amount of compensation payable under paragraph 5 or 6 may be referred to the Lands Tribunal for Scotland within 5 years of the date of notification of the decision in respect of which compensation is payable.

9. Nothing in this schedule affects anything done in pursuance of a decision or consent before the date on which the site became a European site.