

## SCHEDULE 4

### Amendments to the 2006 Rules

#### 14. In Schedule 7 (proposals for orders under section 7)—

- (a) in paragraphs 4 and 5(b), for the words “purposes and he considers” to the end, substitute “as its sole purpose, or comprise a project having the response to a civil emergency as its sole purpose, and he considers that the carrying out of an environmental impact assessment of the works would have an adverse effect on that purpose.”;
- (b) the existing provisions of paragraph 5 (as amended by sub-paragraph (a)) becomes sub-paragraph (1), and after the new sub-paragraph (1) insert—
  - “(2) When carrying out consultation under sub-paragraph (1), the Secretary of State may also provide (in addition to the information described in rule 7(5)) a description of any features of the proposed works or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.”;
- (c) for paragraph 7, substitute—
  - “7. In reaching his determination as to whether an environmental impact assessment is necessary, the Secretary of State shall take into account—
    - (a) any information provided to the Secretary of State pursuant to paragraph 5;
    - (b) where relevant, the results of other environmental assessments carried out pursuant to European Union legislation other than legislation implementing the requirements of the Directive; and
    - (c) such of the selection criteria set out in Annex III to the Directive as are relevant to the proposed works.”;
- (d) after paragraph 12, insert—
  - “12A.—(1) Where the Secretary of State has determined that an environmental impact assessment of the proposed works is necessary he must arrange for a notice containing the information specified in paragraph 12(a) and (b), together with a copy of the environmental statement, to be published on a website maintained by or on behalf of the Secretary of State for that purpose.”;
- (e) in paragraph 18—
  - (i) after “provision” insert “, or by the Secretary of State on a case-by-case basis,”; and
  - (ii) after responsibilities insert “or local or regional competencies”;
- (f) in paragraph 29, after “Where” insert “the Secretary of State has determined under paragraph 3 that an environmental impact assessment is necessary and”;
- (g) in paragraph 30, after “This paragraph shall apply where” insert “the Secretary of State has determined under paragraph 3 that an environmental impact assessment is necessary and”;
- (h) in paragraph 31, at the end of sub-paragraph (c), insert “; and” and insert—
  - “(d) arrange for a copy of the information to be published on a website maintained by or on behalf of the Secretary of State for that purpose.”