
WELSH STATUTORY INSTRUMENTS

2007 No. 2933

The Environmental Impact Assessment
(Agriculture) (Wales) Regulations 2007

PART 1

General provisions

Title, application and commencement

1. The title of these Regulations is the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007, they apply in relation to Wales and come into force on 31 October 2007.

Interpretation

2.—(1) In these Regulations—

“agriculture” (“*amaethyddiaeth*”) has the same meaning as in section 109(3) of the Agriculture Act 1947⁽¹⁾;

“additional environmental information” (“*gwybodaeth amgylcheddol ychwanegol*”) means any additional information required under regulation 12(1);

“consent” (“*cydsyniad*”) means consent granted under regulation 15(1);

“consultation bodies” (“*cyrff ymgynghori*”) means—

- (a) the Countryside Council for Wales⁽²⁾;
- (b) the Environment Agency⁽³⁾;
- (c) any other public authority, statutory body or other organisation which the Welsh Ministers considers has any interest in or holds any information which might be relevant to the project;

“EEA State” (“*Gwladwriaeth AEE*”) means a member State, Norway, Iceland or Liechtenstein;

“the EIA Directive” (“*y Gyfarwyddeb AEA*”) means Council Directive 85/337/EEC⁽⁴⁾ on the assessment of the effects of certain public and private projects on the environment, as last amended by Directive 2003/35/EC⁽⁵⁾;

“environmental statement” (“*datganiad amgylcheddol*”) means a statement—

- (a) that includes as much of the information in Part 1 of Schedule 3 as is reasonably required to assess the environmental effects of the project and which the applicant for consent can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but

(1) 1947 c. 48.

(2) See section 128 of the Environmental Protection Act 1990 (c. 43).

(3) See section 1(1) of the Environment Act 1995 (c. 25).

(4) O.J. No. L175, 5.7.85, p.40

(5) O.J. No. L156, 25.6.03, p. 17.

(b) that includes at least the information referred to in Part 2 of Schedule 3;

“European site” (“*safle Ewropeaidd*”) means a site mentioned in paragraph (a), (b), (d) or (e) of regulation 10(1) of the Habitats Regulations;

“the Habitats Directive” (“*y Gyfarwydddeb Cynefinoedd*”) means Council Directive 92/43/EEC(6) on the conservation of natural habitats and of wild fauna and flora, as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded(7);

“the Habitats Regulations” (“*y Rheoliadau Cynefinoedd*”) means the Conservation (Natural Habitats, &c) Regulations 1994(8);

“project” (“*prosiect*”) means—

- (a) the execution of construction works or other installations or schemes; or
- (b) other interventions in the natural surroundings and landscape;

“the relevant land” (“*y tir perthnasol*”) means the land on which the project is to be (or has been) carried out;

“restructuring project” (“*prosiect ailstrwythuro*”) means a project for the restructuring of rural landholdings;

“screening decision” (“*penderfyniad sgrinio*”) means a decision which is made, or deemed to have been made, by the Welsh Ministers under regulation 7(1) or 7(7);

“significant project” (“*prosiect sylweddol*”) means an uncultivated land project or a restructuring project which the Welsh Ministers have decided or is deemed to have decided is likely to have significant effects on the environment in accordance with regulation 7(1) or regulation 7(7);

“transborder project” (“*prosiect trawsffiniol*”) means a restructuring project or an uncultivated land project where the relevant land is situated partly in Wales and partly in England;

“uncultivated land project” (“*prosiect tir heb ei drin*”) means a project to increase the productivity for agriculture of uncultivated land or a semi-natural area, and includes projects to increase the productivity for agriculture of such land to below the norm.

(2) Other expressions used both in these Regulations and in the EIA Directive or the Habitats Directive have the same meanings in these Regulations as they have in the relevant Directive.

(3) All applications, notices, notifications, representations, requests, approvals and agreements under these Regulations must be made or given in writing.

(4) “Writing” in paragraph (3), except where it applies to notices under regulation 24 and 26, includes an electronic communication within the meaning of the Electronic Communications Act 2000(9), but notifications required to be made by the Welsh Ministers to any person may only be made by an electronic communication if the intended recipient—

- (a) has him or herself used that form of electronic communication in communicating with the Welsh Ministers under any provision in these Regulations, or
- (b) has otherwise represented that that form of electronic communication is a means by which persons can communicate with him or her.

(6) O.J. No. L206, 22.7.1992, p. 7.

(7) O.J. No. L 236, 23.9.2003, p. 667-70. See Annex II: List referred to in Article 20 of the Act of Accession, 16. Environment, C. Nature protection.

(8) S.I. 1994/2716, amended by S.I. 1997/3055 and 2007/1843.

(9) 2000 c. 7.

(5) Notices or documents required or authorised to be served, sent or given under these Regulations may be sent by post.

Application of Regulations

3.—(1) These Regulations apply to any restructuring project or uncultivated land project, unless it is exempt under paragraph (2) or (3).

(2) A restructuring project or an uncultivated land project is exempt if it—

- (a) is a project mentioned in regulation 3(2) of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999⁽¹⁰⁾;
- (b) constitutes development to which the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999⁽¹¹⁾ apply;
- (c) constitutes the carrying out of improvement works by a drainage body within the meaning of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999⁽¹²⁾;
- (d) constitutes a relevant project within the meaning of regulation 3(2) and (3) of the Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003⁽¹³⁾;
- (e) constitutes the removal of a hedgerow, within the meaning of regulation 5(1) of the Hedgerows Regulations 1997⁽¹⁴⁾; or
- (f) constitutes the erection of any building or fence, or the construction of any other work, for which consent is required under section 194 of the Law of Property Act 1925⁽¹⁵⁾.

(3) A project is exempt under this paragraph to the extent that the Welsh Ministers, in accordance with Article 2(3) of the EIA Directive, directs that it is to be exempt from regulations 4 to 35 of these Regulations.

(4) In the case of a project which the Welsh Ministers decides is likely to have a significant effect on a European site (either alone or in combination with other projects), the power to direct that the project is exempt under paragraph (3) is exercisable only to the extent that compliance with the Habitats Directive is secured in relation to the project.

(5) Where the Welsh Ministers proposes to issue a direction under paragraph (3), they must—

- (a) consider whether any other kind of assessment of the project would be appropriate; and
- (b) take such steps as they consider appropriate to bring to the attention of the public—
 - (i) the information considered in issuing the direction and the reasons for doing so, and
 - (ii) the information obtained from any assessment of the project under sub-paragraph (a).

⁽¹⁰⁾ S.I. 1999/2228.

⁽¹¹⁾ S.I. 1999/293, amended by S.I. 2000/2867.

⁽¹²⁾ S.I. 1999/1783, amended by S.I. 2005/1399 and 2006/618.

⁽¹³⁾ S.I. 2003/164.

⁽¹⁴⁾ S.I. 1997/1160.

⁽¹⁵⁾ 1925 c. 20.