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WELSH STATUTORY INSTRUMENTS

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**2007 No. 2933**

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

**PART 2**

Screening

**Requirement for a screening decision**

4.—(1) A person must not begin or carry out an uncultivated land project unless he or she has first obtained a screening decision permitting the project to proceed.

(2) A person must not begin to carry out a restructuring project of an extent equal to or exceeding the applicable threshold (calculated in accordance with regulation 5) unless he or she has first obtained a screening decision permitting the project to proceed.

**Thresholds**

5.—(1) This regulation provides the method for determining whether the extent of a restructuring project is equal to or exceeds the threshold applicable.

(2) The threshold for a type restructuring project specified in column 1 of Schedule 1 is set out in column 2 or 3.

(3) Paragraphs (4) and (5) apply where a restructuring project consists of only one of the types of restructuring project specified in column 1.

(4) Where a restructuring project is to be carried out wholly outside a sensitive area, the threshold applicable to it is that specified in column 2.

(5) Where a restructuring project, or any part of it, is to be carried out in a sensitive area, the threshold applicable to it is that specified for that type of restructuring project in column 3.

(6) Where a restructuring project is made up of more than one of the types of restructuring project specified in column 1—

(a) each relevant part of the restructuring project must be assessed so as to determine the threshold applicable to that part, and

(b) if any relevant part of the restructuring project equals or exceeds the threshold applicable to that part, then the entire restructuring project is to be treated as having an extent equal to or exceeding the threshold applicable to it.

(7) In this regulation, “sensitive area” (“*ardal sensitive*”) means—

(a) land notified under sections 3(1) or 5(1) of the Wildlife and Countryside Act 1981(1) as amended by the Countryside and Rights of Way Act 2000(2) as a site of special scientific interest;

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(1) 1981 c. 69.

(2) 2000 c. 37.

- (b) 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(3);
- (c) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994(4);
- (d) an area of outstanding natural beauty designated as such by an Order made by the Countryside Council for Wales(5) under section 82 of the Countryside and Rights of Way Act 2000(6) (designation of areas of outstanding natural beauty) and duly confirmed by the Welsh Ministers under section 83(3) of that Act;
- (e) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949(7); or
- (f) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979(8).

### **Application for a screening decision**

6.—(1) An application for a screening decision must—

- (a) be made to the Welsh Ministers;
- (b) contain a plan sufficient to identify the relevant land;
- (c) contain a brief description of the nature, extent and purpose of the project and of its possible effects on the environment;
- (d) contain any other information or representations as the applicant may wish to provide or make.

(2) If the Welsh Ministers consider that they do not have sufficient information to make a screening decision they may ask the applicant to supply any additional information they require.

(3) The Welsh Ministers must notify the applicant of the date on which they receive the application for a screening decision.

### **The screening decision**

7.—(1) The Welsh Ministers must, in accordance with paragraph (2) and the selection criteria in Schedule 2, decide whether a project is likely to have significant effects on the environment (whether it is a “significant project”).

(2) If the Welsh Ministers decide that a project is likely to have significant effects on a European site (either alone or in combination with other projects), and the project is not directly connected with or necessary for the management of the site, the project shall be treated as being likely to have significant effects on the environment.

(3) Before making a screening decision, the Welsh Ministers may consult any of the consultation bodies.

(4) After making a screening decision, the Welsh Ministers must—

- (a) notify the applicant of it, with reasons;
- (b) enter it in a register, to which the public must have access at all reasonable times; and

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(3) See Command Paper 9424.

(4) S.I.1994/2716

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

(6) 2000 c. 37. Orders designating areas of outstanding natural beauty made before the coming into force of section 82 of the 2000 Act are treated as having been made under section 82 by virtue of paragraph 16 of Schedule 15 to that Act.

(7) 1949 c. 97. Relevant amendments were made by the Environment Act 1995 (c. 25), Schedule 10, paragraph 2.

(8) 1979 c. 46. See the definition in section 1(11).

(c) where they consider that any of the consultation bodies might wish to be informed of the screening decision, notify those bodies of it.

(5) The Welsh Ministers must make a screening decision, and notify the applicant of it, within 35 days, or a longer period agreed with the applicant, of the latest of the following dates—

(a) the date in regulation 6(3); or

(b) where applicable, the date the Welsh Ministers receive any further information they have requested under regulation 6(2).

(6) If the Welsh Ministers have failed to make or notify a screening decision within the period in paragraph (5), the applicant may notify the Welsh Ministers that he or she intends to treat that failure as a decision that the project is a significant project.

(7) Where the applicant has so notified the Welsh Ministers, the Welsh Ministers are deemed to have decided on the date of that notification that the project is a significant project.

(8) If, after the Welsh Ministers have made, or are deemed to have made, a decision that the project is a significant project—

(a) The Welsh Ministers receive further information or representations; and

(b) as a result of those representations the Welsh Ministers decide that the project is not a significant project,

the Welsh Ministers must take all the steps in paragraph (4) in respect of that new decision.

(9) If the project to which a screening decision relates is not begun within a period of three years beginning with the date the screening decision —

(a) is notified to the applicant; or

(b) is deemed to have been taken under paragraph (7) ,

the screening decision ceases to have effect.