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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

**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;
- (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);

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(1) 1981 c. 69.

(2) 2000 c. 37.

(3) See Command Paper 9424.

(4) S.I.1994/2716

- (d) an area of outstanding natural beauty designated as such by an Order made by the Countryside Council for Wales<sup>(5)</sup> under section 82 of the Countryside and Rights of Way Act 2000<sup>(6)</sup> (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<sup>(7)</sup>; or
- (f) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979<sup>(8)</sup>.

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<sup>(5)</sup> See section 128 of the Environmental Protection Act 1990 (c. 43).

<sup>(6)</sup> 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.

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

<sup>(8)</sup> 1979 c. 46. See the definition in section 1(11).