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STATUTORY INSTRUMENTS

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**2006 No. 2362**

**The Environmental Impact Assessment  
(Agriculture) (England) Regulations 2006**

**PART 2**

**Screening**

**Thresholds**

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

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

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

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

(5) Where a 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 project in column 3.

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

- (a) each relevant part of the project must be assessed so as to determine the threshold applicable to that part, and
- (b) if any relevant part of the project equals or exceeds the threshold applicable to that part, then the entire project is to be treated as having an extent equal to or exceeding the threshold applicable to it.

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

- (a) an area of outstanding natural beauty designated as such by an Order made by the Countryside Agency<sup>(1)</sup> or Natural England under section 82 of the Countryside and Rights of Way Act 2000<sup>(2)</sup> and duly confirmed by the Secretary of State under section 83(3) of that Act;
- (b) the Broads<sup>(3)</sup>;

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(1) See section 1(1) of the National Parks and Access to the Countryside Act 1949 (c. 97) (as substituted by section 130 of, and paragraph 1 of Schedule 8 to, the Environmental Protection Act 1990 (c. 43)) and the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416). See also section 1(4) of the Natural Environment and Rural Communities Act 2006 (c. 16), which provides for the dissolution of the Countryside Agency.

(2) 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. The Countryside Agency’s function of designating areas of outstanding natural beauty is transferred to Natural England by the Natural Environment and Rural Communities Act 2006 (c. 16), Schedule 11, paragraph 163.

(3) See section 2(3) of the Norfolk and Suffolk Broads Act 1988 (c. 4).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (c) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949<sup>(4)</sup>; or
- (d) a scheduled monument within the meaning of section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979<sup>(5)</sup>.

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<sup>(4)</sup> 1949 c. 97. Relevant amendments were made by the Environment Act 1995 (c. 25), Schedule 10, paragraph 2.  
<sup>(5)</sup> 1979 c. 46.