
WELSH STATUTORY INSTRUMENTS

2017 No. 565

The Environmental Impact Assessment
(Agriculture) (Wales) Regulations 2017

PART 1

General provisions

Interpretation

2.—(1) In these Regulations—

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

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

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

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

- (a) the Natural Resources Body for Wales; or
- (b) 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 [Directive 2011/92/EU](#) of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment(2);

“environmental statement” (“*datganiad amgylcheddol*”) means a statement as described in regulation 11;

“European site” (“*safle Ewropeaidd*”) means a site mentioned in paragraph (1)(a), (b), (d) or (e) of regulation 8 of the Habitats Regulations;

“the Habitats Directive” (“*y Gyfarwyddeb Cynefinoedd*”) means Council [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora(3);

“the Habitats Regulations” (“*y Rheoliadau Cynefinoedd*”) means [^{F1}the Conservation of Habitats and Species Regulations 2017];

[^{F2}“Natura 2000 has the same meaning as in regulation 3(1) of the Habitats Regulations;]

“project” (“*prosiect*”) means—

- (a) the execution of construction works or other installations or schemes; or

(1) 1947 c. 48.

(2) OJNo. L 26, 28.1.2012, p. 1–21.

(3) OJ No. L 206, 22.7.1992, p. 7–50.

(b) other interventions in the natural surroundings and landscape;

“project on semi-natural and/or uncultivated land” (“*prosiect ar dir lled-naturiol a/neu dir heb ei drin*”) means a project to increase the agricultural productivity of an area of semi-natural and/or uncultivated land and includes projects to increase the agricultural productivity of such land to below the norm;

[^{F3}“public” (“*aelodau'r cyhoedd*”) means one or more natural or legal persons and, in accordance with the law of any part of the United Kingdom or practice, their associations, organisations or groups;]

[^{F4}“public concerned” (“*aelodau'r cyhoedd y mae a wnelo'r cais â hwy*”) means the public affected or likely to be affected by, or having an interest in, environmental decision making procedures (for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under the relevant national law are deemed to have an interest);]

“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);

“semi-natural land” (“*tir lled-naturiol*”) means land that contains less than 25% improved agricultural species which are indicative of cultivation;

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

“transborder project” (“*prosiect trawsffiniol*”) means a project on semi-natural and/or uncultivated land or a restructuring project where the relevant land is situated partly in Wales and partly in England.

(2) Other expressions used both in these Regulations and in ^{F5}... [^{F6}the Habitats Regulations] have the same meanings in these Regulations as they have in the [^{F7}the Habitats Regulations].

(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 or 26, includes an electronic communication within the meaning of the Electronic Communications Act 2000(4), 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 used that form of electronic communication in communicating with the Welsh Ministers in respect of 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.

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

(4) 2000 c. 7.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) substituted (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), [reg. 1\(2\)](#), [Sch. 6 para. 77\(2\)\(a\)](#)
- F2** Words in [reg. 2\(1\)](#) inserted (7.3.2019) by [The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/245\)](#), [regs. 1\(2\)\(3\)](#), [5\(2\)\(c\)](#)
- F3** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/245\)](#), [regs. 1\(2\)\(3\)](#), [5\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/245\)](#), [regs. 1\(2\)\(3\)](#), [5\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in [reg. 2\(2\)](#) omitted (31.12.2020) by virtue of [The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/245\)](#), [regs. 1\(2\)\(3\)](#), [5\(3\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in [reg. 2\(2\)](#) substituted (31.12.2020) by [The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/245\)](#), [regs. 1\(2\)\(3\)](#), [5\(3\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in [reg. 2\(2\)](#) substituted (31.12.2020) by [The Environmental Assessment of Plans and Programmes and the Environmental Impact Assessment \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/245\)](#), [regs. 1\(2\)\(3\)](#), [5\(3\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Reg. 2 in force at 16.5.2017, see [reg. 1\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017, Section 2.