
WELSH STATUTORY INSTRUMENTS

2017 No. 565

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

PART 1

General provisions

Application of Regulations

3.—(1) These Regulations apply to any project on semi-natural and/or uncultivated land or a restructuring project, unless it is exempt in accordance with paragraph (2) or (3).

(2) These Regulations do not apply to a project on semi-natural and/or uncultivated land or a restructuring project if it—

- (a) is a project mentioned in regulation 3(2) of the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999⁽¹⁾;
- (b) constitutes development to which the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017⁽²⁾ 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⁽³⁾;
- (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⁽⁴⁾;
- (e) constitutes the removal of a hedgerow as permitted by regulation 5(1) of the Hedgerows Regulations 1997⁽⁵⁾; or

^{F1}(f)

(3) A project is exempt under this paragraph to the extent that the Welsh Ministers^{F2}... direct that it is to be exempt from regulations 4 to 33 of these Regulations [^{F3}, but this is subject to paragraph (3A)].

[^{F4}(3A) The Welsh Ministers must not make a direction under paragraph (3) unless—

- (a) it is appropriate to do so because of exceptional circumstances;
- (b) the application of these Regulations would result in adversely affecting the purpose of the project;
- (c) they have considered whether another form of assessment would be appropriate;
- (d) the objectives of the Directive are met even though their requirements are not fulfilled; and

(1) S.I. 1999/2228.
(2) S.I. 2017/567 (W. 136).
(3) S.I. 1999/1783.
(4) S.I. 2003/164.
(5) S.I. 1997/1160.

- (e) the project is unlikely to have a significant effect on the environment in an EEA State.
- (3B) The Welsh Ministers must make available to the public concerned—
- (a) the information obtained from any other form of assessment relating to the decision under paragraph (3A) whether to grant an exemption; and
 - (b) the reasons for granting it.]
- (4) In the case of a project which the Welsh Ministers decide 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 [^{F5}Habitats Regulations] is secured in relation to the project.
- (5) Where the Welsh Ministers propose 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) 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).

Textual Amendments

- F1** Reg. 3(2)(f) omitted (31.12.2020) by virtue of The Environmental Impact Assessment (Agriculture) (Wales) (Amendment) Regulations 2020 (S.I. 2020/1448), regs. 1(2), **2**
- F2** Words in reg. 3(3) 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(4)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 3(3) 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(4)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 3(3A)(3B) 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(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 3(4) 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(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** Reg. 3 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 3.