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WELSH STATUTORY INSTRUMENTS

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**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<sup>(1)</sup>;
- (b) constitutes development to which the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017<sup>(2)</sup> 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<sup>(3)</sup>;
- (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<sup>(4)</sup>;
- (e) constitutes the removal of a hedgerow as permitted by regulation 5(1) of the Hedgerows Regulations 1997<sup>(5)</sup>; or
- (f) constitutes restricted works, including the erection of any building or fence, or the construction of any other work, for which consent is required under section 38 of the Commons Act 2006<sup>(6)</sup>.

(3) A project is exempt under this paragraph to the extent that the Welsh Ministers, in accordance with Article 2(4) of the EIA Directive, direct that it is to be exempt from regulations 4 to 33 of these Regulations.

(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 Habitats Directive is secured in relation to the project.

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(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.

(6) 2006 c. 26.

- (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).