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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1448 (W.312)**

**AGRICULTURE, WALES**

**The Environmental Impact Assessment (Agriculture)  
(Wales) (Amendment) Regulations 2020**

<i>Made</i>	- - - -	<i>4 December 2020</i>
<i>Laid before Senedd Cymru</i>		<i>8 December 2020</i>
<i>Coming into force</i>	- -	<i>31 December 2020</i>

The Welsh Ministers are designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment<sup>(2)</sup>.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of that Act.

**Title and commencement**

1.—(1) The title of these Regulations is the Environmental Impact Assessment (Agriculture) (Wales) (Amendment) Regulations 2020.

(2) These Regulations come into force on 31 December 2020.

**Amendment of the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017**

2. In the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017<sup>(3)</sup>, omit regulation 3(2)(f).

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- (1) 1972 c. 68. The European Communities Act 1972 (“the 1972 Act”) was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) with effect from exit day. “Exit day” is defined in section 20 of the 2018 Act as 31 January 2020 at 11pm. Despite that repeal the 1972 Act continues to have effect with modifications until IP completion day, by virtue of section 1A of the 2018 Act. Section 1A was inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) (“the 2020 Act”). “IP completion day” is defined in section 1A as 31 December 2020 at 11pm (the meaning given in section 39 of the 2020 Act). Section 2(2) of the 1972 Act was previously amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).
- (2) S.I. 2001/2555 in relation to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, which is prospectively revoked by S.I. 2018/1011 from IP completion day.
- (3) S.I. 2017/565 (W. 134), to which there are amendments not relevant to these Regulations.

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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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4 December 2020

*Lesley Griffiths*  
Minister for Environment, Energy and Rural  
Affairs, one of the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017 (“the 2017 Regulations”) which primarily implement [Directive 2011/92/EU](#) of the European Parliament and of the Council of 13 December 2011 (OJ No L 26, 28.1.2012, p. 1) on the assessment of the effects of certain public and private projects on the environment (“the EIA Directive”) in relation to two types of project in paragraph 1 of Annex II to that Directive: projects for the restructuring of rural land holdings and projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes. The 2017 Regulations make provision for the amendments to the EIA Directive effected by [Directive 2014/52/EU](#) of the European Parliament and of the Council of 16 April 2014 (OJ No L 124, 25.4.2014, p. 1).

Regulation 2 amends regulation 3 of the 2017 Regulations, which sets out the types of projects that are excluded from the scope of those Regulations. The amendment removes the exemption for restricted works on common land in regulation 3(2)(f) of the 2017 Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely cost and benefit of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.