WELSH STATUTORY INSTRUMENTS

2007 No. 203 (W.17)

AGRICULTURE, WALES

The Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) (Wales) (Amendment) Regulations 2007

Made - - - -	*30 January 2007*
Coming into force - -	*9 February 2007*

The National Assembly for Wales being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) 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 and to the conservation of natural habitats and of wild fauna and flora, in exercise of the powers conferred upon it by the said section 2(2), makes the following Regulations:

Title, application and commencement

1.—(1) The title of these Regulations is the Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) (Wales) (Amendment) Regulations 2007.

(2) These Regulations apply in relation to Wales and come into force on 9 February 2007.

Amendment of Regulations

2. The Environmental Impact Assessment (Uncultivated Land and Semi-natural Areas) (Wales) Regulations 2002(**3**) are amended as follows.

Interpretation

3.—(1) In regulation 2(1)—

(a) for the definition of "EEA State" substitute " "EEA State" ("*Gwladwriaeth AEE*") means a member State, Norway, Iceland or Liechtenstein";

(**1**) S.I. 2001/2555 (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) and S.I. 2002/248 (in relation to measures relating to the conservation of natural habitats and of wild fauna and flora).

(**2**) 1972 c. 68. The enabling powers of section 2(2) of this Act were extended by virtue of the amendment of section 1(2) by section 1 of the European Economic Area Act 1993 (c. 51).

(**3**) S.I. 2002/2127 (W. 214).

(b) at the end of the definition of "the EIA Directive" add "as last amended by Directive 2003/35/EC"(**4**);

(c) at the end of the definition of "the Habitats Directive" add "as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded".

(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended from time to time.

Application of Regulations

4. In regulation 3—

(a) after "from" in paragraph (3) insert "regulations 4 to 26"; and

(b) after paragraph (4) add—

"(5) Where the National Assembly proposes to give a direction under paragraph (3) it must—

(a) consider whether any assessment of the project would be appropriate, other than an assessment of the kind which, if regulations 4 to 26 of these Regulations applied to the project, would be required prior to a screening decision under regulation 5(4) or a decision to grant or refuse consent under regulation 13(1); and

(b) take such steps as it considers appropriate to bring to the attention of the public—

(i) the information considered in making the direction and the reasons for doing so, and

(ii) the information obtained from any assessment of the project under sub-paragraph (a).".

Provision of information

5. In regulation 8, for paragraph (3) substitute—

"(3) Paragraph (1) does not require a consultation body to make available to the applicant any information which—

(a) it may refuse to disclose under regulation 12(1) of the Environmental Information Regulations 2004(**5**); or

(b) it is prevented from disclosing by regulation 13(1) of those Regulations.

(4) Where a consultation body is not a public authority within the meaning of regulation 2(2) of the Environmental Information Regulations 2004, paragraph (3) applies as if it were such a public authority.".

The consent application

6. In regulation 9(3)(b)—

(**4**) OJ No. L156, 25.06.03, p. 17.
(**5**) S.I. 2004/3391.