

2017 No. 593

AGRICULTURE, ENGLAND

**The Environmental Impact Assessment (Agriculture) (England)
(No. 2) (Amendment) Regulations 2017**

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| <i>Made</i> | - - - - | <i>24th April 2017</i> |
| <i>Laid before Parliament</i> | | <i>25th April 2017</i> |
| <i>Coming into force</i> | - - | <i>16th May 2017</i> |

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972^(a) (“the ECA 1972”) in relation to the environment^(b).

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the ECA 1972.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Environmental Impact Assessment (Agriculture) (England) (No. 2) (Amendment) Regulations 2017 and come into force on 16th May 2017.

(2) In these Regulations, “the 2006 Regulations” means the Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006^(c).

Amendments to the 2006 Regulations

2. The 2006 Regulations are amended in accordance with regulations 3 to 18.

Amendments to regulation 2

3.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1) move the definition of “agriculture” to the appropriate place in the alphabetical order.

(3) In paragraph (1) in the definition of “consent” for “16(1)” substitute “16(2)”.

(4) In paragraph (1) in the definition of “consultation bodies”—

(a) in paragraph (a) for “English Heritage” substitute “Historic England”;

(b) in paragraph (c) after “project” insert “because of its specific environmental responsibilities or local or regional competences”.

^(a) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

^(b) S.I. 2008/301.

^(c) S.I. 2006/2522 to which there are amendments not relevant to these Regulations.

- (5) In paragraph (1) for the definition of “the EIA Directive” substitute—
“the EIA Directive” means Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment(a), as amended by Directive 2014/52/EU of the European Parliament and of the Council(b);”.
- (6) In paragraph (1) for the definition of “environmental statement” substitute—
““environmental statement” has the meaning given by regulation 12(1);”.
- (7) In paragraph (1) in the definition of “European site” for “10(1)” substitute “8(1)”.
- (8) In paragraph (1) in the definition of “the Habitats Directive” for the words from “the Act concerning” to the end substitute “as last amended by Council Directive 2013/17/EU(c)”.
- (9) In paragraph (1) for the definition of “Habitats Regulations” substitute—
“the Habitats Regulations” means the Conservation of Habitats and Species Regulations 2010(d);”.
- (10) In paragraph (1) at the appropriate places in the alphabetical order insert—
“the Wild Birds Directive” means Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds(e), as amended by Council Directive 2013/17/EU;”;
“environmental impact assessment”, in respect of a project, means the process comprising—
(a) the preparation of an environmental statement by the applicant;
(b) the carrying out of consultations in accordance with regulation 12(5), 13 and 14;
(c) Natural England’s consideration of the environmental statement and other information in accordance with regulation 15A(1);
(d) Natural England reaching a conclusion about the likely significant effects of the significant project in accordance with 15A(2); and
(e) Natural England’s consideration of that conclusion, and the reasons for it, in the decision whether or not to grant consent in accordance with regulation 16;”;
“EU environmental assessment” means an assessment carried out—
(a) under an obligation to which section 2(1) of the European Communities Act 1972 applies (other than the EIA Directive), or
(b) under the law of any part of the United Kingdom implementing an EU obligation other than an obligation arising under the EIA Directive,
of the effect of anything on the environment;”;
“UK environmental assessment” means an assessment carried out in accordance with an obligation under the law of any part of the United Kingdom of the effect of anything on the environment.”.
- (11) After paragraph (5) insert—
“(6) In these Regulations, any reference to the likely significant effects, or the likely significant adverse effects, of—
(a) a restructuring project on the environment includes a reference to the effects of the restructuring project on the environment once the restructuring is completed and in operation;

(a) OJ No L 26, 28.1.2012, p. 1.
(b) OJ No L 124, 25.4.2014, p. 1.
(c) OJ No L 158, 10.6.2013, p. 193.
(d) S.I. 2010/490, to which there are amendments not relevant to these Regulations.
(e) OJ No L 20, 26.1.2010, p. 7.

- (b) an uncultivated land project on the environment includes a reference to the effects of the uncultivated land project on the environment once any construction, installation or other intervention is finished and in operation.

(7) In paragraph (6) each reference to the environment includes a reference to the matters referred to in regulation 15A(2)(a) to (e)".

Amendments to regulation 3

- 4.—(1) Regulation 3 (application of Regulations) is amended as follows.
- (2) In paragraph (1) for “or (3)” substitute “or regulation 3A or 3B”.
- (3) At the end of paragraph (2)(d) insert “or”.
- (4) At the end of paragraph (2)(e) omit “or”.
- (5) Omit paragraphs (2)(f) and (3) to (5).

New regulations 3A to 3C

- 5. After regulation 3 insert—

“National defence and civil emergencies

3A.—(1) The Secretary of State may direct that a restructuring project or an uncultivated land project or a part of such a project is exempt if—

- (a) the project has national defence as its sole purpose, and
- (b) the Secretary of State considers that an environmental impact assessment in respect of the project or the part of the project would have an adverse effect on the fulfilment of that purpose.

(2) The Secretary of State may direct that a restructuring project or an uncultivated land project is exempt if—

- (a) the project has the response to a civil emergency as its sole purpose, and
- (b) the Secretary of State considers that an environmental impact assessment in respect of the project would have an adverse effect on the fulfilment of that purpose.

(3) The effect of a direction that a restructuring project or an uncultivated land project is exempt under paragraph (1) or (2) is that these Regulations, except for paragraph (5), do not apply in respect of the project.

(4) The effect of a direction under paragraph (1) that a part of a restructuring project or an uncultivated land project is exempt is that the project is to be treated under these Regulations as not including the part which is the subject of the direction.

(5) After the Secretary of State gives a direction under paragraph (1) or (2), the Secretary of State must as soon as practicable serve notice of the direction on the applicant and Natural England.

Exceptional circumstances

3B.—(1) The Secretary of State may direct that a restructuring project or an uncultivated land project is exempt if the Secretary of State is satisfied that—

- (a) it is appropriate to do so by reason of exceptional circumstances,
- (b) an environmental impact assessment in respect of the project would have an adverse effect on the fulfilment of the purpose of the project,
- (c) the objectives of the EIA Directive will be met even though such an assessment is not carried out, and
- (d) the project is unlikely to have significant effects on the environment in another EEA State.

(2) The effect of a direction that a restructuring project or an uncultivated land project is exempt under paragraph (1) is that these Regulations, except for paragraphs (3) and (4), do not apply in respect of the project.

(3) The Secretary of State must not give a direction under paragraph (1) that a restructuring project or an uncultivated land project is exempt unless the Secretary of State has considered whether another form of assessment is appropriate.

(4) After the Secretary of State gives a direction under paragraph (1), the Secretary of State must as soon as practicable make available to the public concerned—

- (a) the direction including an explanation of the reasons for it, and
- (b) the information obtained under any other assessment considered appropriate in accordance with paragraph (3).

Coordination of environmental assessments

3C. Where, in respect of a significant project, there is a requirement to carry out an environmental impact assessment and a requirement to carry out an assessment under regulation 21 or 61 of the Habitats Regulations, Natural England must, where appropriate, ensure that the environmental impact assessment and the other assessment, or assessments, are coordinated.”.

Amendments to regulation 7

6.—(1) Regulation 7 (application for a screening decision) is amended as follows.

(2) In paragraph (1)—

(a) for sub-paragraph (b) substitute—

“(b) contain—

- (i) a description of the project, including in particular a description—
 - (aa) of the physical characteristics of the whole project and, where relevant, of demolition works, and
 - (bb) of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected,
- (ii) a description of the aspects of the environment likely to be significantly affected by the project,
- (iii) a description of any likely significant effects, to the extent that the information is available on such effects, of the project on the environment resulting from—
 - (aa) the expected residues and emissions and the production of waste, where relevant, and
 - (bb) the use of natural resources, in particular soil, land, water and biodiversity,
- (iv) if the applicant elects to provide it, a description of any features of the project or measures to avoid or prevent any likely significant adverse effects on the environment.”;

(b) omit sub-paragraphs (c) and (d).

(3) After paragraph (1) insert—

“(1A) When compiling information under paragraph (1)(b), the applicant must take into account—

- (a) any criteria in Schedule 2 which are relevant to the project, and
- (b) the results of any relevant EU environmental assessment which are reasonably available to the applicant.”.

Amendment to regulation 8

- 7.—(1) Regulation 8 (the screening decision) is amended as follows.
- (2) After paragraph (1) insert—
- “(1A) Natural England must take into account the results of any relevant EU environmental assessment which are reasonably available to it.”.
- (3) For paragraph (4)(a) substitute—
- “(a) notify the applicant of—
- (i) the decision and the main reasons for it with reference to the criteria in Schedule 2;
 - (ii) where the decision is that the project is not likely to have significant effects on the environment, a description of any measure provided by the applicant under regulation 7(1)(b)(iv);”.
- (4) In paragraph (4)(b) for “it” substitute “the information referred to in sub-paragraph (a)”.
- (5) In paragraph (4)(c) for “of it” substitute “of the information referred to in sub-paragraph (a)”.
- (6) For paragraph (5) substitute—
- “(5) Natural England must make, and issue notice to the applicant of, a screening decision before the end of the period of 35 days beginning with—
- (a) the date referred to in regulation 7(3), or
 - (b) where applicable, the date Natural England receives any additional information it has requested under regulation 7(2).
- (5A) Natural England may, where it considers there are exceptional circumstances (including relating to the nature, complexity, location or size of the project), extend the period mentioned in paragraph (5) by informing the applicant in writing of—
- (a) the new period within which it will make the screening decision and notify the applicant of it, and
 - (b) the reasons for the extension.”.

Amendment to regulation 10

- 8.—(1) Regulation 10 (scoping opinions) is amended as follows.
- (2) In paragraph (1) for “what information” substitute “the scope and level of detail of information which”.
- (3) After paragraph (1) insert—
- “(1A) The request must include—
- (a) a plan sufficient to identify the land,
 - (b) a brief description of the nature and purpose of the significant project (including its location and technical capacity),
 - (c) an explanation of the likely significant effects of the significant project on the environment, and
 - (d) any other information or representations which the applicant wishes to provide or make.”.

Amendments to regulation 12

9.—(1) Regulation 12 (the consent application) is amended as follows.

(2) For paragraph (1) substitute—

“(1) An application for consent must be made to Natural England and include a written statement (an “environmental statement”) which is prepared by a competent person and—

- (a) includes—
 - (i) the information specified in paragraph (1A), and
 - (ii) any additional information which, taking into account current knowledge and methods of assessment, may reasonably be required by Natural England to reach a conclusion about the likely significant environmental effects of the project,
- (b) is based on any opinion given under regulation 10 in respect of the significant project,
- (c) takes into account the results of any relevant UK environmental assessment which are reasonably available to the applicant, and
- (d) states the relevant expertise and qualifications of the competent person.

(1A) The specified information is—

- (a) a description of the significant project comprising information on its site, design, size and other relevant features,
- (b) a description of the likely significant effects of the significant project on the environment,
- (c) a description of any features of the significant project or measures to avoid, prevent, reduce or offset likely significant adverse effects of the significant project on the environment,
- (d) a description of the reasonable alternatives studied by the applicant, which are relevant to the significant project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the significant project on the environment,
- (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d), and
- (f) any additional information specified in Schedule 3 relevant to the specific characteristics of the significant project and to the environmental features likely to be affected.”.

(3) For paragraph (5)(d) substitute—

“(d) stating that, if consent is granted, it will be subject to the conditions referred to in regulation 18;”.

New regulation 15A

10. After regulation 15 insert—

“Conclusion about environmental impact

15A.—(1) Natural England must consider (ensuring that in doing so it has, or has access to, any expertise it considers necessary)—

- (a) the environmental statement,
- (b) any additional environmental information,
- (c) any representations or opinions it receives under—

- (i) regulation 12(4)(b) and (5)(c),
- (ii) regulation 13(2)(b) and (3)(d), and
- (iii) regulation 14(5)(b), and
- (d) any features of the significant project or measures to avoid, prevent, reduce or offset any likely significant adverse effects of the significant project on the environment.

(2) Following that consideration, Natural England must reach a conclusion about the likely significant effects (including the expected effects deriving from the vulnerability of the significant project to risks of major accidents or disasters) of the significant project on—

- (a) population and human health;
- (b) biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Wild Birds Directive;
- (c) land, soil, water, air and climate;
- (d) material assets, cultural heritage and the landscape;
- (e) the interaction between the factors referred to in sub-paragraphs (a) to (d).”.

Substitution of regulation 16

11. For regulation 16 (the consent decision) substitute—

“The consent decision

16.—(1) Natural England must consider—

- (a) the conclusion reached under regulation 15A(2) in respect of the significant project and the reasons for that conclusion;
- (b) whether it is appropriate to require the applicant to monitor the significant adverse effects of the significant project on the environment, and if so—
 - (i) whether consent should be given subject to conditions to ensure that the applicant is under such a duty, and
 - (ii) whether consent should be given subject to conditions to require remedial action to be taken in circumstances described in the conditions;
- (c) whether, having regard to the likely significant environmental effects of the significant project, consent should be given subject to any other conditions;
- (d) any social or economic impacts which might result from a decision to refuse consent for the significant project.

(2) Following that consideration, Natural England must grant, or refuse to grant, consent for a significant project.

(3) Natural England may make a decision under paragraph (2) only if satisfied that the conclusion reached under regulation 15A(2) in respect of the significant project and the reasons for it address the likely significant environmental effects of the significant project.

(4) Natural England must not make a decision under paragraph (2) before—

- (a) the expiry of the period in the notice under regulation 12(5)(c),
- (b) the expiry of the period of 28 days after—
 - (i) the date on which any additional environmental information was sent to the consultation bodies, or
 - (ii) the date notice of the additional environmental information was published under regulation 13(3), or
- (c) the expiry of any period agreed with another EEA State under regulation 14(6)(b).

(5) Natural England must reach its decision under paragraph (2) within a reasonable period of time beginning with the date on which it is given all the information it is required to consider in accordance with regulation 15A(1) taking into account the nature and complexity of the application and significant project.”.

Amendments to regulation 17

12.—(1) Regulation 17 (additional requirements relating to the Habitats Regulations) is amended as follows.

(2) In paragraph (1)—

- (a) for “39, 41 or 43” substitute “41, 43 or 45”;
- (b) for “44” substitute “53”.

(3) In paragraph (6) for “2(1)” substitute “3(1)”.

Amendment to regulation 18

13. After paragraph (1) of regulation 18 (conditions of consent) insert—

“ (1A) Natural England may grant a consent subject to a condition which ensures that the applicant is under a duty to monitor the significant adverse effects of the significant project on the environment only if satisfied that the type of parameters to be monitored and the duration of monitoring are proportionate to the nature, location and size of the significant project and the significance of its effect on the environment.”.

Substitution of regulation 19

14. For regulation 19 (procedure following a consent decision) substitute—

“Procedure following a consent decision

19.—(1) This regulation applies after Natural England has decided to grant or not to grant consent in respect of a significant project.

(2) Natural England must promptly notify the applicant, any consultation bodies to whom copies of the consent application were sent under regulation 12(4)(a), any EEA State consulted under regulation 14(6) and any authority or person who provided their opinion under regulation 14(5)(b) of—

- (a) its decision,
- (b) the reasons and considerations on which the decision is based,
- (c) where consent is granted, any conditions the consent is subject to under regulation 18,
- (d) any representations made by the public concerned in respect of the application, and
- (e) a summary of the results of the consultations and the information gathered pursuant to regulations 12 to 14 and how those results have been taken into account in the decision.

(3) Natural England must promptly inform the public of its decision by publishing a notice in a newspaper in the locality in which the relevant land is situated or by any other means it considers reasonable in the circumstances.

(4) Natural England must promptly make available for public inspection a statement containing—

- (a) the information notified in accordance with paragraph (2); and
- (b) information regarding the right to challenge the decision and the procedures for doing so.”.

Amendment to regulation 31

15. After paragraph (3) of regulation 31 (appeals against notices) insert—

“(3A) The Secretary of State may extend the period of 28 days referred to in paragraph (3) by 14 days if the appellant and Natural England agree.”.

New regulation 37A

16. Before regulation 38 insert—

“Review

37A.—(1) The Secretary of State must, from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 16th May 2022.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(a) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the EIA Directive is implemented in other member States.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).”.

Substitution of Schedule 2

17. For Schedule 2(b) (selection criteria for a screening notice or a screening decision) substitute the Schedule 2 set out in Schedule 1 to these Regulations.

Substitution of Schedule 3

18. For Schedule 3 (information for inclusion in the environmental statements) substitute the Schedule 3 set out in Schedule 2 to these Regulations.

Transitional provisions

19. These Regulations do not apply in respect of—

- (a) a decision as to whether or not a restructuring project or an uncultivated land project is likely to have significant effects on the environment under regulation 8(1) of the 2006 Regulations, in respect of an application for a screening decision under regulation 7(1) of those Regulations made before 16th May 2017,

(a) 2015 c. 26. Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c.12).

(b) Paragraph 2 of Schedule 2 was amended by S.I. 2011/43.

- (b) a significant project, where the applicant concerned asked for a scoping opinion under regulation 10(1) of the 2006 Regulations before 16th May 2017, or
- (c) a significant project, where the applicant concerned applied for consent under regulation 12(1) of the 2006 Regulations before 16th May 2017.

24th April 2017

George Eustice
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 17

“SCHEDULE 2 Regulations 6(2)(c), 7(1A) and 8(1) and (4)(a)(i)

Selection criteria for a screening notice or screening decision

Characteristics of projects

1. The characteristics of restructuring projects or uncultivated land projects, with particular regard to—

- (a) the size and design of the whole project;
- (b) cumulation with other existing or approved projects;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents or disasters which are relevant to the project, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example due to water contamination or air pollution).

Location of projects

2. The environmental sensitivity of geographical areas likely to be affected by restructuring projects or uncultivated land projects, with particular regard to—

- (a) the existing and approved land use;
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;

- (v) areas classified or protected under national legislation and Natura 2000 areas designated by member States pursuant to the Habitats Directive and the Wild Birds Directive;
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in EU legislation and relevant to the project, or in which it is considered that there is such a failure;
- (vii) densely populated areas;
- (viii) landscapes and sites of historical, cultural or archaeological significance.

Type and characteristics of the potential impact

3. The likely significant effects of restructuring projects or uncultivated land projects on the environment in relation to criteria set out in paragraphs 1 and 2 of this Schedule, with regard to the impact of the project on the factors specified in regulation 15A(2), taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing or approved projects;
- (h) the possibility of effectively reducing the impact.”

SCHEDULE 2

Regulation 18

“SCHEDULE 3

Regulation 12(1A)

Information for inclusion in environmental statements

1. A description of the significant project, including in particular—

- (a) a description of the location of the significant project;
- (b) a description of the physical characteristics of the whole significant project, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
- (c) a description of the main characteristics of the operational phase of the significant project (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
- (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the applicant, which are relevant to the proposed significant project and its specific characteristics, and an indication of the main

reasons for selecting the chosen option, including a comparison of the environmental effects.

3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the significant project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

4. A description of the factors specified in regulation 15A(2) likely to be significantly affected by the significant project: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

5. A description of the likely significant effects of the significant project on the environment resulting from, among other things—

- (a) the construction and existence of the significant project, including, where relevant, demolition works;
- (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- (e) the cumulation of effects with other existing or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- (f) the impact of the significant project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the significant project to climate change;
- (g) the technologies and the substances used.

6. The description referred to in paragraph 4 of the likely significant effects on the factors specified in regulation 15A(2) must cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the significant project. That description must take into account the environmental protection objectives established at EU or member State level which are relevant to the significant project.

7. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered in compiling the required information and the main uncertainties involved.

8. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description must explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and must cover both the construction and operational phases.

9. A description of the expected significant adverse effects of the significant project on the environment deriving from the vulnerability of the significant project to risks of major accidents or disasters which are relevant to the significant project. Relevant information

available and obtained through risk assessments pursuant to EU legislation such as Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC(a) or Council Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations(b) or UK environmental assessments may be used for this purpose provided that the requirements of the EIA Directive are met. Where appropriate, the description must include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

10. A non-technical summary of the information provided under paragraphs 1 to 9.

11. A reference list detailing the sources used for the descriptions and assessments included in the statement.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in respect of certain projects relating to agriculture, Directive 2014/52/EU (“Directive 2014/52”) of the European Parliament and of the Council amending Directive 2011/92/EU (“Directive 2011/92”) on the assessment of the effects of certain public and private projects on the environment.

Regulations 3 to 18 amend the Environmental Impact Assessment (Agriculture) (England) (No. 2) Regulations 2006 (“the 2006 Regulations”). In summary:

- (a) the amendments to regulation 3 (in regulation 4) and new regulations 3A and 3B (as inserted by regulation 5) make provision about the application of the 2006 Regulations;
- (b) new regulation 3C (as inserted by regulation 5) makes provision for the coordination of environmental assessments in respect of the same significant project;
- (c) the substitution of regulation 7(1)(b) (by regulation 6(2)(a)) reflects new Schedule II.A of Directive 2011/92 (as inserted by Directive 2014/52);
- (d) the amendments to regulation 12 (by regulation 9) make provision with respect to the preparation of an environmental statement by an applicant in respect of a significant project;
- (e) new regulation 15A (as inserted by regulation 10) makes provision requiring Natural England to consider an environmental statement and reach a conclusion about the likely significant effects on the environment of a significant project;
- (f) the amendment to regulation 16 (by regulation 11) relates to Natural England’s decision whether or not to grant consent in respect of a significant project and to the matters it must take into account;
- (g) new Schedules 2 and 3 (as substituted by regulations 17 and 18 respectively) reflect amendments made by Directive 2014/52 to, respectively, Annexes III and IV to Directive 2011/92.

A transposition note is available alongside these Regulations at www.legislation.gov.uk.

A full regulatory impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available from the Agri-environment Unit, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3J and is also available alongside these Regulations on www.legislation.gov.uk.

(a) OJ No L 197, 24.7.2012, p. 1.
(b) OJ No L 219, 25.7.2014, p. 42.

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