



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2018**

DATE **15 November 2018**

BY **Julie James AM, Leader of the House and Chief Whip**

The Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2018

The [retained EU] Law which is being amended

Domestic Legislation

- Environmental Impact Assessment (Land Drainage Improvement Works) (England and Wales) Regulations 1999;
- Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999;
- Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003;
- Marine Works (Environmental Impact Assessment) Regulations 2007

Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence

The SI contains provisions within devolved competence. However, in these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government's general principle is that it is appropriate that in the particular circumstance of exiting the EU, the UK Government can legislate on our behalf in a large number of statutory instruments.

The SI includes a correction to one England-only SI, which does not require consent. A Welsh EU Exit SI will make the necessary corrections to the Welsh equivalent.

The purpose of the amendments

The purpose of the Environment, Food and Rural Affairs (Environmental Impact Assessment) (Amendment) (EU Exit) Regulations 2018, to be introduced by the Department for Environment Food

and Rural Affairs (DEFRA) is to make minimum changes required to ensure that all regimes for EIA remain operable after exit.

The SIs and accompanying Explanatory Memorandums, setting out the effect of each amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.