
STATUTORY INSTRUMENTS

2004 No. 1633

The Environmental Assessment of Plans
and Programmes Regulations 2004

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Environmental Assessment of Plans and Programmes Regulations 2004 and shall come into force on 20th July 2004.

Interpretation

2.—(1) In these Regulations—

“consultation body” has the meaning given by regulation 4;

“England” includes the territorial waters of the United Kingdom that are not part of Northern Ireland, Scotland or Wales, and waters in any area for the time being designated under section 1(7) of the Continental Shelf Act 1964(1);

“the Environmental Assessment of Plans and Programmes Directive” means Directive 2001/42/EC(2) of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment;

“the Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna, as last amended by Council Directive 97/62/EC(3);

“Northern Ireland” has the meaning given by section 98 of the Northern Ireland Act 1998(4);

“plans and programmes” means plans and programmes, including those co-financed by the European Community, as well as any modifications to them, which—

- (a) are subject to preparation or adoption by an authority at national, regional or local level; or
- (b) are prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case,
- (c) are required by legislative, regulatory or administrative provisions; and

“responsible authority”, in relation to a plan or programme, means—

- (a) the authority by which or on whose behalf it is prepared; and

(1) 1964 c. 29.

(2) O.J. No. L 197, 21.07.2001, p.30.

(3) O.J. No. L 206, 22.7.1992. The latest amending Directive is at O.J. No. L 305, 8.11.1997, p.42.

(4) 1998 c. 47. See also the orders made under section 98.

- (b) where, at any particular time, that authority ceases to be responsible, or solely responsible, for taking steps in relation to the plan or programme, the person who, at that time, is responsible (solely or jointly with the authority) for taking those steps;
“Scotland” has the meaning given by section 126 of the Scotland Act 1998⁽⁵⁾; and
“Wales” has the meaning given by section 155 of the Government of Wales Act 1998⁽⁶⁾.

(2) Other expressions used both in these Regulations and in the Environmental Assessment of Plans and Programmes Directive have the same meaning in these Regulations as they have in that Directive.

Application of Regulations

3.—(1) With the exception of regulations 14 and 15, these Regulations apply as follows.

(2) These Regulations apply to a plan or programme relating—

- (a) solely to the whole or any part of England; or
- (b) to England (whether as to the whole or part) and any other part of the United Kingdom.

(3) These Regulations apply to a plan or programme relating (whether wholly or in part) to the Isles of Scilly as if the Isles were a county in England.

(4) These Regulations do not apply to a plan or programme relating solely —

- (a) to the whole or any part of Northern Ireland;
- (b) to the whole or any part of Scotland; or
- (c) to the whole or any part of Wales.

Consultation bodies

4.—(1) Subject to paragraph (5), in relation to every plan or programme to which these Regulations apply, each of the following bodies shall be a consultation body—

- (a) the Countryside Agency;
- (b) the Historic Buildings and Monuments Commission for England (English Heritage);
- (c) English Nature; and
- (d) the Environment Agency,

but where paragraph (2), (3) or (4) applies, the functions of those bodies under these Regulations shall be exercisable only in relation to so much of the plan or programme as relates to England.

(2) In relation to such part of a plan or programme to which these Regulations apply as relates to Northern Ireland, the Department of the Environment for Northern Ireland shall be a consultation body for the purposes of these Regulations.

(3) In relation to such part of a plan or programme to which these Regulations apply as relates to Scotland, each of the following shall be a consultation body for the purposes of these Regulations—

- (a) the Scottish Ministers;
- (b) the Scottish Environment Protection Agency; and
- (c) Scottish Natural Heritage.

(4) In relation to such part of a plan or programme to which these Regulations apply as relates to Wales, each of the following shall be a consultation body for the purposes of these Regulations—

⁽⁵⁾ 1998 c. 46. See also the orders made under section 126.

⁽⁶⁾ 1998 c. 38. See also the orders made under section 155.

- (a) the National Assembly for Wales; and
- (b) the Countryside Council for Wales.

(5) Where a body mentioned in paragraph (1) is at any time the responsible authority as regards a plan or programme, it shall not at that time exercise the functions under these Regulations of a consultation body in relation to that plan or programme; and references to the consultation bodies in the following provisions of these Regulations shall be construed accordingly.