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STATUTORY INSTRUMENTS

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**2004 No. 1633**

The Environmental Assessment of Plans  
and Programmes Regulations 2004

PART 2

ENVIRONMENTAL ASSESSMENT FOR PLANS AND PROGRAMMES

**Powers of the Secretary of State**

**10.**—(1) The Secretary of State may at any time require the responsible authority to send him a copy of—

- (a) any determination under paragraph (1) of regulation 9 with respect to the plan, programme or modification;
- (b) the plan, programme or modification to which the determination relates; and
- (c) where paragraph (3) of that regulation applies, the statement prepared in accordance with that paragraph.

(2) The responsible authority shall comply with a requirement under paragraph (1) within 7 days.

(3) The Secretary of State may direct that a plan, programme or modification is likely to have significant environmental effects (whether or not a copy of it has been sent to him in response to a requirement under paragraph (1)).

(4) Before giving a direction under paragraph (3) the Secretary of State shall—

- (a) take into account the criteria specified in Schedule 1 to these Regulations; and
- (b) consult the consultation bodies.

(5) The Secretary of State shall, as soon as reasonably practicable after the giving of the direction, send to the responsible authority and to each consultation body—

- (a) a copy of the direction; and
- (b) a statement of his reasons for giving the direction.

(6) In relation to a plan, programme or modification in respect of which a direction has been given—

- (a) any determination under regulation 9(1) with respect to the plan, programme or modification shall cease to have effect on the giving of the direction; and
- (b) if no determination has been made under regulation 9(1) with respect to the plan, programme or modification, the responsible authority shall cease to be under any duty imposed by that regulation.