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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

**Environmental assessment for plans and programmes: first formal preparatory act before  
21st July 2004**

- 6.—(1) Subject to paragraph (2) and regulation 7, where—
- (a) a plan or programme of which the first formal preparatory act is before 21st July 2004 has not been adopted or submitted to the legislative procedure for adoption before 22nd July 2006; and
  - (b) the plan or programme is such that, had the first act in its preparation occurred on 21st July 2004, the plan or programme would have required an environmental assessment by virtue of regulation 5(1); or
  - (c) the responsible authority is of the opinion that, if a determination under regulation 9(1) in respect of the plan or programme had been made on 21st July 2004, it would have determined that the plan or programme was likely to have significant environmental effects,

the responsible authority shall carry out, or secure the carrying out of, an environmental assessment, in accordance with Part 3 of these Regulations, during the preparation of that plan or programme and before its adoption or submission to the legislative procedure.

(2) Nothing in paragraph (1) shall require the environmental assessment of a particular plan or programme if the responsible authority—

- (a) decides that such assessment is not feasible; and
- (b) informs the public of its decision.