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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

**Determinations of the responsible authority**

**9.—(1)** The responsible authority shall determine whether or not a plan, programme or modification of a description referred to in—

- (a) paragraph (4)(a) and (b) of regulation 5;
- (b) paragraph (6)(a) of that regulation; or
- (c) paragraph (6)(b) of that regulation,

is likely to have significant environmental effects.

(2) Before making a determination under paragraph (1) the responsible authority shall—

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

(3) Where the responsible authority determines that the plan, programme or modification is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.