
WELSH STATUTORY INSTRUMENTS

2004 No. 1656

The Environmental Assessment of Plans
and Programmes (Wales) Regulations 2004

PART 1

INTRODUCTORY PROVISIONS

Citation and commencement

1. These Regulations may be cited as the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 and come into force on 12 July 2004.

Interpretation

2.—(1) In these Regulations—

“Cadw” (“*Cadw*”) means the executive agency responsible for administering the exercise of functions vested in the National Assembly relating to the historic environment;

“consultation body” (“*corffymgyngori*”) has the meaning given by regulation 4;

“the Environmental Assessment of Plans and Programmes Directive” (“*Cyfarwyddeb Asesiad Amgylcheddol o Gynlluniau a Rhaglenni*”) means Directive 2001/42/EC^{M1} of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment;

“functions” (“*swyddogaethau*”) includes powers and duties;

“the Habitats Directive” (“*y Gyfarwyddeb Cynefinoedd*”) means Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna [F¹, as amended from time to time];

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

references to “plans” (“*cynlluniau*”) and “programmes” (“*rhaglenni*”) are references to plans and programmes, including those co-financed by the [F²European Union], as well as any modifications to them, which are—

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

“responsible authority”, (“*awdurdod cyfrifol*”) in relation to a plan or programme, means—

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

(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; and “Secretary of State” (“*Ysgrifennydd Gwladol*”) means the Secretary of State having responsibility for the subject matter of the plan or programme.

(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.

(3) In these Regulations, unless otherwise stated, references to Parts, regulations and Schedules are references to Parts, regulations and Schedules of these Regulations.

Textual Amendments

- F1** Words in reg. 2(1) substituted (17.12.2018) by [The Environment, Planning and Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2018 \(S.I. 2018/1216\)](#), regs. 1(3), **17(2)**
- F2** Words in reg. 2(1) substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, **8-10**

Marginal Citations

- M1** O.J. No. L 197, 21.07.2001, p.30.

Application

3.—(1) These Regulations apply to a plan or programme relating solely to the whole or any part of Wales.

(2) For the purposes of these Regulations, “Wales” has the meaning given by section 155 of the Government of Wales Act 1998 and any orders under paragraph (2) of that section ^{M2}.

(3) For the purposes of this regulation, the territorial waters of the United Kingdom adjacent to Wales are to be treated as part of Wales; and references to Wales are to be construed as including the adjacent territorial waters.

(4) For the purposes of paragraph (3), territorial waters include any waters landward of the baselines from which the breadth of the territorial sea is measured.

Marginal Citations

- M2** 1998 c. 38. See article 6 of, and Schedule 3 to, the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#).

Consultation bodies

4.—[^{F3}(1) Subject to paragraph (2), in relation to every plan or programme to which these Regulations apply, each of the following bodies are consultation bodies—

- (a) the Natural Resources Body for Wales;
- (b) Cadw.]

(2) Where [^{F4}Cadw] is at any time the responsible authority as regards a plan or programme, it must 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 are to be construed accordingly.

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Textual Amendments

- F3** Reg. 4(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 5 para. 26(2)** (with Sch. 7)
- F4** Word in reg. 4(2) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 5 para. 26(3)** (with Sch. 7)

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, PART 1.