STATUTORY INSTRUMENTS

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 on or after 21st July 2004

5.—(1) Subject to paragraphs (5) and (6) and regulation 7, where—
(a) the first formal preparatory act of a plan or programme is on or after 21st July 2004; and
(b) the plan or programme is of the description set out in either paragraph (2) or paragraph (3), 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) The description is a plan or programme which—
(a) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, and

(3) The description is a plan or programme which, in view of the likely effect on sites, has been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive.

(4) Subject to paragraph (5) and regulation 7, where—
(a) the first formal preparatory act of a plan or programme, other than a plan or programme of the description set out in paragraph (2) or (3), is on or after 21st July 2004;
(b) the plan or programme sets the framework for future development consent of projects; and
(c) the plan or programme is the subject of a determination under regulation 9(1) or a direction under regulation 10(3) that it is 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.

(5) Nothing in paragraph (1) or (4) requires the carrying out of an environmental assessment for—
(a) a plan or programme the sole purpose of which is to serve national defence or civil emergency;

(b) a financial or budget plan or programme; or
(c) a plan or programme co-financed under—
   (i) the 2000-2006 programming period for Council Regulation (EC) No. 1260/1999; or

(6) An environmental assessment need not be carried out—
   (a) for a plan or programme of the description set out in paragraph (2) or (3) which determines
       the use of a small area at local level; or
   (b) for a minor modification to a plan or programme of the description set out in either of
       those paragraphs,

unless it has been determined under regulation 9(1) that the plan, programme or modification, as
the case may be, is likely to have significant environmental effects, or it is the subject of a direction
under regulation 10(3).