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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1656**

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

**PART 3**

**ENVIRONMENTAL REPORTS AND CONSULTATION PROCEDURES**

**Preparation of environmental report**

**12.**—(1) Where an environmental assessment is required by any provision of Part 2, the responsible authority must prepare, or secure the preparation of, an environmental report in accordance with paragraphs (2) and (3) of this regulation.

(2) The report must identify, describe and evaluate the likely significant effects on the environment of—

- (a) implementing the plan or programme; and
- (b) reasonable alternatives, taking into account the objectives and the geographical scope of the plan or programme.

(3) The report must include such of the information referred to in Schedule 2 as may reasonably be required, taking account of—

- (a) current knowledge and methods of assessment;
- (b) the contents and level of detail in the plan or programme;
- (c) the status of the plan or programme in the decision-making process; and
- (d) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

(4) Information referred to in Schedule 2 may be provided by reference to relevant information obtained at other levels of decision-making or through other Community legislation.

(5) When deciding on the scope and level of detail of the information that must be included in the report, the responsible authority must consult the consultation bodies.

(6) Where a consultation body wishes to respond to a consultation under paragraph (5), it must do so within the period of 5 weeks beginning with the date on which the consultation begins.

**Consultation procedures**

**13.**—(1) Every draft plan or programme for which an environmental report has been prepared in accordance with regulation 12, and any such report so prepared, must be made available in accordance with the following provisions of this regulation; such documents being referred to in this regulation as “the relevant documents”.

(2) As soon as reasonably practicable after the preparation of the relevant documents, the responsible authority must—

- (a) send a copy of those documents to each consultation body;

- (b) take such steps as it considers appropriate to bring the preparation of the relevant documents to the attention of the persons who, in the authority's opinion, are affected or likely to be affected by, or have an interest in the decisions involved in the assessment and adoption of the plan or programme concerned, required under the Environmental Assessment of Plans and Programmes Directive ("the public consultees");
  - (c) inform the consultation bodies and the public consultees of the address (which may include a website) at which a copy of the relevant documents may be viewed, or from which a copy may be obtained; and
  - (d) invite the consultation bodies and the public consultees to express their opinion on the relevant documents, specifying the address to which, and the period within which, opinions must be sent.
- (3) The period referred to in paragraph (2)(d) must be—
- (a) not less than 28 days; and
  - (b) of such length as will ensure that the consultation bodies and the public consultees are given an effective opportunity to express their opinion on the relevant documents.
- (4) The responsible authority must keep a copy of the relevant documents available at its principal office for inspection by the public at all reasonable times and free of charge.
- (5) Nothing in paragraph (2)(c) requires the responsible authority to provide copies free of charge; but, where a charge is made, it must be of a reasonable amount.

### **Transboundary consultations**

**14.—**(1) Where a responsible authority, other than the National Assembly, is of the opinion that a plan or programme for which it is the responsible authority is likely to have significant effects on the environment of another Member State, it must, as soon as reasonably practicable after forming that opinion—

- (a) notify the National Assembly of its opinion and of the reasons for it; and
  - (b) supply the National Assembly with a copy of the plan or programme concerned and of the accompanying environmental report.
- (2) Where the National Assembly has been notified under paragraph (1)(a), the responsible authority must, within such period as the National Assembly may specify by notice in writing to the authority (such period being not less than 21 days), provide the National Assembly with such other information about the plan or programme, or its accompanying environmental report, as it may reasonably require.
- (3) Paragraph (4) applies where—
- (a) the National Assembly, whether in consequence of a notice under paragraph (1)(a) or otherwise, considers that the implementation of a plan or programme is likely to have significant effects on the environment of another Member State; or
  - (b) a Member State that is likely to be significantly affected by the implementation of such a plan or programme requests the documents specified in paragraph (4)(a).
- (4) Where this paragraph applies, the National Assembly must—
- (a) forward a copy of the plan or programme, and of its accompanying environmental report, to the Secretary of State;
  - (b) notify the responsible authority that paragraph (3)(a) or (b) applies, as the case may be; and
  - (c) direct the responsible authority that it must not adopt, or submit to the legislative procedure for adoption, the plan or programme until the consultation exercise has been concluded.

### **Plans and programmes of other Member States**

**15.** Where the National Assembly receives from a Member State (whether or not in response to a request made by the United Kingdom in that behalf under the Environmental Assessment of Plans and Programmes Directive) a copy of a draft plan or programme—

- (a) that is being prepared in relation to any part of that Member State; and
- (b) whose implementation is likely to have significant effects on the environment of any part of the United Kingdom,

the National Assembly must forward any information it receives to the Secretary of State.