
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 258

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

PART 1

INTRODUCTORY PROVISIONS

Interpretation

2.—(1) In these Regulations—

“consultation authority” has the meaning given by regulation 5;

“the Directive” means Directive [2001/42/EC\(1\)](#) of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment;

“the EIA Directive” means Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive [97/11/EC\(2\)](#);

“environmental assessment” means the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the result of the consultations in decision making and the provision of information on the decision in accordance with Part 3 of these Regulations;

“environmental report” means the part of the plan or programme documentation containing the information required in regulation 16 and Schedule 2;

“the Habitats Directive” means Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild flora and fauna, as last amended by Council Directive [97/62/EC\(3\)](#);

“plans and programmes” means plans and programmes (including those co-financed by the European Community) which—

(a) are—

(i) subject to preparation or adoption (or both) by a responsible authority at national, regional or local level; or

(ii) prepared by a responsible authority for adoption, through a legislative procedure; and

(b) are required by legislative, regulatory or administrative provisions, and includes any modification of such plans or programmes;

“responsible authority”, had the meaning given in regulation 4;

“the public” means one or more natural or legal persons, trusts or associations.

(1) O.J. No. L 197, 21.07.2001, p.30.

(2) O.J. No. L 175, 5.7.1985, p.40. The amending Directive is at O.J. No. L 73, 14.3.1997, p.5.

(3) O.J. No. L 206, 22.7.1992. The latest amending Directive is at O.J. No. L 305, 8.11.1997, p.42.

(2) Other expressions used both in these Regulations and in the Directive have the same meaning in these Regulations as they have in the Directive.