

---

STATUTORY INSTRUMENTS

---

**2004 No. 1633**

**The Environmental Assessment of Plans  
and Programmes Regulations 2004**

**PART 1**

**INTRODUCTORY PROVISIONS**

**Citation and commencement**

1. These Regulations may be cited as the Environmental Assessment of Plans and Programmes Regulations 2004 and shall come into force on 20th July 2004.

**Interpretation**

2.—(1) In these Regulations—

“consultation body” has the meaning given by regulation 4;

[<sup>F1</sup>“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);]

“England” includes the territorial waters of the United Kingdom that are not part of Northern Ireland, Scotland or Wales, and waters in any area for the time being designated under section 17(1) of the Continental Shelf Act 1964 <sup>M1</sup>;

“the Environmental Assessment of Plans and Programmes Directive” means Directive [2001/42/EC](#) <sup>M2</sup> of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment [<sup>F2</sup>, as it had effect immediately before exit day];

“the Habitats Directive” means Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild flora and fauna, [<sup>F3</sup>as it had effect immediately before exit day];

“Northern Ireland” has the meaning given by section 98 of the Northern Ireland Act 1998 <sup>M3</sup>;

“plans and programmes” means plans and programmes, including those co-financed by the European Community, as well as any modifications to them, which—

- (a) are subject to preparation or adoption by an authority at national, regional or local level; or
- (b) are prepared by an authority for adoption, through a legislative procedure by Parliament or Government; and, in either case,
- (c) are required by legislative, regulatory or administrative provisions; <sup>F4</sup>...

[<sup>F1</sup>“public website” means a website accessible to the public where the public can view and download information placed upon it;]

“responsible authority”, 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;

“Scotland” has the meaning given by section 126 of the Scotland Act 1998<sup>M4</sup>; and

“Wales” has the meaning given by section 155 of the Government of Wales Act 1998<sup>M5</sup>.

(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.

- |           |   |
|-----------|---|
| <b>F1</b> | Words in <a href="#">reg. 2(1)</a> inserted (31.12.2020 immediately before 11 p.m.) by <a href="#">The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531)</a> , regs. 1(2), <b>3(2)</b>                         |
| <b>F2</b> | Words in <a href="#">reg. 2(1)</a> added (31.12.2020) by <a href="#">The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232)</a> , regs. 1(2), <b>5(2)(a)</b> ; 2020 c. 1, Sch. 5 para. 1(1)       |
| <b>F3</b> | Words in <a href="#">reg. 2(1)</a> substituted (31.12.2020) by <a href="#">The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232)</a> , regs. 1(2), <b>5(2)(b)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F4</b> | Word in <a href="#">reg. 2(1)</a> omitted (31.12.2020 immediately before 11 p.m.) by virtue of <a href="#">The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531)</a> , regs. 1(2), <b>3(1)</b>                 |

#### Marginal Citations

- M1** 1964 c. 29.  
**M2** O.J. No. L 197, 21.07.2001, p.30.  
**M3** 1998 c. 47. See also the orders made under section 98.  
**M4** 1998 c. 46. See also the orders made under section 126.  
**M5** 1998 c. 38. See also the orders made under section 155.

### Application of Regulations

- 3.—**(1) With the exception of regulations 14 and 15, these Regulations apply as follows.
- (2) These Regulations apply to a plan or programme relating—
- solely to the whole or any part of England; or
  - to England (whether as to the whole or part) and any other part of the United Kingdom.
- (3) These Regulations apply to a plan or programme relating (whether wholly or in part) to the Isles of Scilly as if the Isles were a county in England.
- (4) These Regulations do not apply to a plan or programme relating solely —
- to the whole or any part of Northern Ireland;
  - to the whole or any part of Scotland; or
  - to the whole or any part of Wales.

### Consultation bodies

- 4.—**(1) Subject to paragraph (5), in relation to every plan or programme to which these Regulations apply, each of the following bodies shall be a consultation body—
- the Countryside Agency;

- (b) the Historic Buildings and Monuments Commission for England (English Heritage);
- (c) English Nature; and
- (d) the Environment Agency,

but where paragraph (2), (3) or (4) applies, the functions of those bodies under these Regulations shall be exercisable only in relation to so much of the plan or programme as relates to England.

(2) In relation to such part of a plan or programme to which these Regulations apply as relates to Northern Ireland, the Department of the Environment for Northern Ireland shall be a consultation body for the purposes of these Regulations.

(3) In relation to such part of a plan or programme to which these Regulations apply as relates to Scotland, each of the following shall be a consultation body for the purposes of these Regulations—

- (a) the Scottish Ministers;
- (b) the Scottish Environment Protection Agency; and
- (c) Scottish Natural Heritage.

(4) In relation to such part of a plan or programme to which these Regulations apply as relates to Wales, each of the following shall be a consultation body for the purposes of these Regulations—

- (a) the National Assembly for Wales; and
- (b) [<sup>F5</sup>the Natural Resources Body for Wales].

(5) Where a body mentioned in paragraph (1) is at any time the responsible authority as regards a plan or programme, it shall 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 shall be construed accordingly.

<p><b>F5</b> Words in <a href="#">reg. 4(4)(b)</a> substituted (1.4.2013) by <a href="#">The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755)</a>, art. 1(2), <a href="#">Sch. 4 para. 189</a> (with <a href="#">Sch. 7</a>)</p>
---

**Changes to legislation:**

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