
STATUTORY INSTRUMENTS

2004 No. 1633

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

PART 3

ENVIRONMENTAL REPORTS AND CONSULTATION PROCEDURES

Plans and programmes of ^{F1}... Member States

15.—(1) This regulation applies where the Secretary of State receives from a Member State (whether or not in response to a request made by the United Kingdom ^{F2}...) 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.

(2) The Secretary of State shall indicate to the Member State whether, before the adoption of the plan or programme or its submission to the legislative procedure for adoption, the United Kingdom wishes to enter into consultations in respect of that plan or programme concerning—

- (a) the likely transboundary environmental effects of implementing the plan or programme; and
- (b) the measures envisaged to reduce or eliminate such effects.

(3) Where the Secretary of State so indicates, he shall agree with the Member State concerned—

- (a) detailed arrangements to ensure that the consultation bodies and the public in the United Kingdom or, as the case may be, the part of the United Kingdom that is likely to be significantly affected by the implementation of the plan or programme, are informed and given an opportunity to forward their opinion within a reasonable time; and
- (b) a reasonable time for the duration of the consultations.

(4) Where such consultations take place under this regulation, the Secretary of State shall—

- (a) inform the consultation bodies of the receipt of the draft plan or programme;

^{F3}(aa) publish the draft plan or programme and the relevant environmental report provided by the Member State (“the relevant transboundary documents”) on a public website at which the documents may be viewed and downloaded free of charge;

- (ab) provide a copy of the relevant transboundary documents by email to any person who requests a copy, as soon as reasonably practicable after receipt of that person’s request;
- (ac) provide one copy of the relevant transboundary documents by post to any person who requests a copy, as soon as reasonably practicable after receipt of that person’s request, unless it is not reasonably practicable for the Secretary of State to provide a copy by post for reasons connected to the effects of coronavirus, including restrictions on movement;

- (ad) make available a telephone number for the public to make enquiries in relation to the relevant transboundary documents;]
- (b) provide [^{F4}the consultation bodies] with a copy of the draft plan or programme and the relevant environmental report provided [^{F5}by the Member State] or specify the address [^{F6}of the public website at which those documents may be viewed and downloaded free of charge];
- (c) take such steps as he considers appropriate to bring the receipt of the draft plan or programme to the attention of such persons as, in his 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 transboundary consultees”);
- (d) inform the transboundary consultees of the address [^{F7}of the public website] at which a copy of the draft plan or programme and the relevant environmental report provided [^{F8}by the Member State] may be [^{F9}viewed and downloaded free of charge]; ^{F10} ...
- [^{F11}(da) inform the transboundary consultees of—
- (i) the fact that a copy of the relevant transboundary documents may be obtained by email from the Secretary of State;
 - (ii) the fact that a copy of the relevant transboundary documents may be obtained by post from the Secretary of State, provided that it is reasonably practicable for the Secretary of State to provide a copy by post;
 - (iii) the address, email address and telephone number for the purpose of requesting a copy of the relevant transboundary documents either by email or by post, and;
 - (iv) whether a charge will be made for copies of the relevant transboundary documents provided by post, and the amount of any charge; and
 - (v) the telephone number which can be used to contact the responsible authority for enquiries in relation to the relevant transboundary documents; and]
- (e) invite the consultation bodies and the transboundary consultees to forward to him their opinions within such period as he may specify.
- (5) The period specified under paragraph (4)(e) shall end not later than 28 days before the end of the period that the Secretary of State has agreed with the Member State concerned, pursuant to paragraph (3)(b), as reasonable for the duration of their consultations.
- (6) Nothing in paragraph [^{F12}(4)(ac)] shall require the Secretary of State to provide copies [^{F13}of the relevant transboundary documents by post] free of charge; but where a charge is made, it shall be of a reasonable amount.

Textual Amendments

- F1** Word in [reg. 15 heading](#) omitted (31.12.2020) by virtue of [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), [regs. 1\(2\)](#), [5\(6\)\(a\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F2** Words in [reg. 15\(1\)](#) omitted (31.12.2020) by virtue of [The Environmental Assessments and Miscellaneous Planning \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1232\)](#), [regs. 1\(2\)](#), [5\(6\)\(b\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** [Reg. 15\(4\)\(aa\)-\(ad\)](#) inserted (31.12.2020 immediately before 11 p.m.) by [The Environmental Assessment of Plans and Programmes \(Amendment\) Regulations 2020 \(S.I. 2020/1531\)](#), [regs. 1\(2\)](#), [6\(2\)\(a\)](#)

- F4** Words in reg. 15(4)(b) substituted (31.12.2020 immediately before 11 p.m.) by The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531), regs. 1(2), **6(2)(b)(i)**
- F5** Words in reg. 15(4)(b) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **5(6)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 15(4)(b) substituted (31.12.2020 immediately before 11 p.m.) by The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531), regs. 1(2), **6(2)(b)(ii)**
- F7** Words in reg. 15(4)(d) substituted (31.12.2020 immediately before 11 p.m.) by The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531), regs. 1(2), **6(2)(c)(i)**
- F8** Words in reg. 15(4)(d) substituted (31.12.2020) by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1232), regs. 1(2), **5(6)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 15(4)(d) substituted (31.12.2020 immediately before 11 p.m.) by The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531), regs. 1(2), **6(2)(c)(ii)**
- F10** Word in reg. 15(4)(d) omitted (31.12.2020 immediately before 11 p.m.) by virtue of The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531), regs. 1(2), **6(2)(d)**
- F11** Reg. 15(4)(da) inserted (31.12.2020 immediately before 11 p.m.) by The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531), regs. 1(2), **6(2)(e)**
- F12** Word in reg. 15(6) substituted (31.12.2020 immediately before 11 p.m.) by The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531), regs. 1(2), **6(3)(a)**
- F13** Words in reg. 15(6) inserted (31.12.2020 immediately before 11 p.m.) by The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020 (S.I. 2020/1531), regs. 1(2), **6(3)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Environmental Assessment of Plans and Programmes Regulations 2004, Section 15.