
STATUTORY INSTRUMENTS

2004 No. 1633

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

PART 2

ENVIRONMENTAL ASSESSMENT FOR PLANS AND PROGRAMMES

Restriction on adoption or submission of plans, programmes and modifications

8.—(1) A plan, programme or modification in respect of which a determination under regulation 9(1) is required shall not be adopted or submitted to the legislative procedure for the purpose of its adoption—

- (a) where an environmental assessment is required in consequence of the determination or of a direction under regulation 10(3), before the requirements of paragraph (3) below have been met;
- (b) in any other case, before the determination has been made under regulation 9(1).

(2) A plan or programme for which an environmental assessment is required by any provision of this Part shall not be adopted or submitted to the legislative procedure for the purpose of its adoption before—

- (a) if it is a plan or programme co-financed by the European Community, the environmental assessment has been carried out as mentioned in regulation 7;
- (b) in any other case, the requirements of paragraph (3) below, and such requirements of Part 3 as apply in relation to the plan or programme, have been met.

(3) The requirements of this paragraph are that account shall be taken of—

- (a) the environmental report for the plan or programme;
- (b) opinions expressed in response to the invitation referred to in regulation 13(2)(d);
- (c) opinions expressed in response to action taken by the responsible authority in accordance with regulation 13(4); and
- (d) the outcome of any consultations under regulation 14(4).