

2020 No. 734

ENVIRONMENTAL PROTECTION

**The Environmental Assessment of Plans and Programmes
(Coronavirus) (Amendment) Regulations 2020**

<i>Made</i>	- - - -	<i>13th July 2020</i>
<i>Laid before Parliament</i>		<i>15th July 2020</i>
<i>Coming into force</i>	- -	<i>16th July 2020</i>

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972^(a) in relation to the environment^(b). The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Environmental Assessment of Plans and Programmes (Coronavirus) (Amendment) Regulations 2020 and come into force on 16th July 2020.

Amendment to the Environmental Assessment of Plans and Programmes Regulations 2004

2.—(1) The Environmental Assessment of Plans and Programmes Regulations 2004^(c) are amended as follows.

(2) After regulation 17, insert—

“Coronavirus: temporary modification of public inspection requirements

18. During the period beginning with 16th July 2020 and ending with 31st December 2020—

- (a) regulations 11(2)(a), 11(3)(a) and 13(4) have effect as if the word “publish” was substituted for the words “keep a copy of”;
- (b) regulations 11(2)(a), 11(3)(a), 13(4) and 16(1)(a) have effect as if the words “on a website” were substituted for the words “available at its principal office for inspection by the public at all reasonable times and free of charge”;
- (c) regulations 11(2)(b)(iii), 11(3)(b)(iii) and 16(1)(b)(iii) have effect as if the words “or from which a copy may be obtained” were omitted;

(a) 1972 c.68. The European Communities Act was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) with effect from exit day, but saved with modifications until IP completion day by section 1A of that Act (as inserted by section 1 of the European Union (Withdrawal Agreement) Act 2020 (c.1)). Section 2(2) of the European Communities Act 1972 was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(b) S.I. 2008/301.

(c) S.I. 2004/1633; relevant amending instruments are S.I. 2011/1043 and S.I. 2013/755; relevant pending amending instrument is S.I. 2018/1232.

- (d) regulations 11(2)(b)(iii), 11(3)(b)(iii), 13(2)(c), 15(4)(d) and 16(3)(c) have effect as if the words “website address at which” were substituted for the words “address (which may include a website) at which a copy of”;
- (e) regulations 11(2)(b)(iii), 11(3)(b)(iii), 15(4)(b) and 15(4)(d) have effect as if the word “viewed” was substituted for the word “inspected”;
- (f) regulations 13(2)(c), 15(4)(d), and 16(3)(c) have effect as if the words “, or from which a copy may be obtained” were omitted;
- (g) regulations 15(4)(b) and 16(1)(b)(iii) have effect as if the words “website address” were substituted for the words “address (which may include a website)”;
- (h) regulation 11 has effect as if paragraph (4) was omitted;
- (i) regulation 13 has effect as if—
 - (i) in subparagraphs (3)(a) and (3)(b)(iii) the word “of” was omitted from the words “and of the”; and
 - (ii) paragraph (5) was omitted;
- (j) regulation 15 has effect as if paragraph (6) was omitted;
- (k) regulation 16 has effect as if subparagraphs (1)(iv) and (v) were omitted; and
- (l) regulation 16(1)(a) has effect as if the word “publish” was substituted for the words “make a copy of”.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Christopher Pincher
Minister of State

13th July 2020

Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (“the SEA Regulations”).

The SEA Regulations implement Directive 2001/42/EC of the European Parliament and Council on the assessment of the effects of certain plans and programmes on the environment (“the SEA Directive”), as regards plans and programmes relating solely to any part of England. For this purpose, England is treated as including any territorial waters of the United Kingdom that are not within Northern Ireland, Scotland or Wales, and waters in areas for the time being designated under the Continental Shelf Act 1964. The SEA Regulations also implement the SEA Directive as regards plans and programmes relating to England and any other part of the United Kingdom. The SEA Regulations do not apply to plans and programmes relating exclusively to Northern Ireland, Scotland or Wales, for which separate provisions implement the SEA Directive.

Regulation 2 of these Regulations inserts a new regulation 18 into the SEA Regulations. New regulation 18 makes temporary modifications to regulations 11, 13, 15 and 16 of the SEA Regulations which are needed due to the effect of coronavirus, including restrictions on movement.

The modifications remove the requirement on the responsible authority to make documents available for public inspection at the authority’s principal office and replaces this with a requirement that the same documents are available for inspection on a website. The modifications also amend the requirements on the responsible authority (or the Secretary of State as the case may be) to notify persons of the address where the documents may be inspected, replacing this with a requirement to notify persons of a website address. The modifications remove the requirement to notify persons that a copy of documents may be obtained from an address.

The modifications apply during the period beginning with 16th July 2020 and ending with 31st December 2020.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

These Regulations were notified to the European Commission in accordance with Article 13 of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment and in line with the EU Withdrawal Agreement between the EU and the UK.

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