
STATUTORY INSTRUMENTS

2020 No. 1531

ENVIRONMENTAL PROTECTION

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

Made - - - - 14th December 2020

Laid before Parliament 16th December 2020

Coming into force in accordance with regulation 1

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to the environment(2). The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of that Act.

Citation and commencement

1.—(1) These Regulations may be cited as the Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020.

(2) These Regulations come into force immediately before 11 p.m. on 31st December 2020.

Amendments to the Environmental Assessment of Plans and Programmes Regulations 2004

2. The Environmental Assessment of Plans and Programmes Regulations 2004(3) are amended as follows.

3. In regulation 2 (interpretation), in paragraph (1)—

(1) omit the “and” at the end of the definition of “plans and programmes”; and

(2) in the appropriate places, insert—

““coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);”;

““public website” means a website accessible to the public where the public can view and download information placed upon it.”.

(1) 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 The European Communities Act was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) with effect from exit day, but saved with modifications until IP completion day by section 1A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).

(2) S.I. 2008/301.

(3) S.I. 2004/1633; relevant amending instruments are S.I. 2011/1043, S.I. 2013/755 and S.I. 2020/734; relevant pending amending instrument is S.I. 2018/1232.

- 4.—(1) Regulation 11 (publicity for determinations and directions) is amended as follows.
- (2) In paragraph (2)—
- (a) omit sub-paragraph (a) (together with the “and” at the end of sub-paragraph (a));
 - (b) before sub-paragraph (b) insert—
 - “(aa) publish the determination and any accompanying statement of reasons on a public website at which the documents may be viewed and downloaded;
 - (ab) provide a copy of those 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 those 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 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 those documents; and”;
 - (c) omit the “and” at the end of sub-paragraph (b)(ii);
 - (d) in sub-paragraph (b)(iii)—
 - (i) for “(which may include a website) at which a copy of” substitute “of the website”;
 - and
 - (ii) for “inspected or from” to the end substitute “viewed and downloaded free of charge;”; and
 - (e) after sub-paragraph (b)(iii) insert—
 - “(iv) the fact that a copy of those documents may be obtained by email from the responsible authority;
 - (v) the fact that a copy of those documents may be obtained by post from the responsible authority, provided that it is reasonably practicable for the authority to provide a copy by post;
 - (vi) the address, email address and telephone number for the purpose of requesting a copy of those documents, either by email or by post;
 - (vii) whether a charge will be made for copies of those documents provided by post, and the amount of any charge; and
 - (viii) the telephone number which can be used to contact the responsible authority for enquiries in relation to those documents.”.
- (3) In paragraph (3)—
- (a) omit sub-paragraph (a) (together with the “and” at the end of sub-paragraph (a));
 - (b) before sub-paragraph (b) insert—
 - “(aa) publish the direction and the Secretary of State’s statement of his reasons for giving it on a public website at which the documents may be viewed and downloaded;
 - (ab) provide a copy of those 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 those 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 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 those documents; and”;
- (c) omit the “and” at the end of sub-paragraph (b)(ii);
- (d) in sub-paragraph (b)(iii)—
 - (i) for “(which may include a website) at which a copy of” substitute “of the website”; and
 - (ii) for “inspected or from” to the end substitute “viewed and downloaded free of charge;”; and
- (e) after sub-paragraph (b)(iii) insert—
 - “(iv) the fact that a copy of those documents may be obtained by email from the responsible authority;
 - (v) the fact that a copy of those documents may be obtained by post from the responsible authority, provided that it is reasonably practicable for the authority to provide a copy by post;
 - (vi) the address, email address and telephone number for the purpose of requesting a copy of those documents either by email or by post;
 - (vii) whether a charge will be made for copies of those documents provided by post, and the amount of any charge; and
 - (viii) the telephone number which can be used to contact the responsible authority for enquiries in relation to those documents.”.
- (4) For paragraph (4) substitute—
 - “(4) Nothing in paragraphs (2)(ac) or (3)(ac) shall require the responsible authority to provide copies of—
 - (a) the determination and any accompanying statement of reasons; or
 - (b) the direction and of the Secretary of State’s statement of his reasons for giving it, by post free of charge, but where a charge is made that charge shall be of a reasonable amount.”.

5.—(1) Regulation 13 (consultation procedures) is amended as follows.

- (2) For paragraph (2)(c) substitute—
 - “(c) inform the public consultees of—
 - (i) the address of the website at which the relevant documents may be viewed and downloaded free of charge;
 - (ii) the fact that a copy of the relevant documents may be obtained by email from the responsible authority;
 - (iii) the fact that a copy of the relevant documents may be obtained by post from the responsible authority, provided that it is reasonably practicable for the authority to provide a copy by post;
 - (iv) the address, email address and telephone number for the purpose of requesting a copy of the relevant documents either by email or by post;
 - (v) whether a charge will be made for copies of the relevant documents provided by post and the amount of any charge; and
 - (vi) the telephone number which can be used to contact the responsible authority for enquiries in relation to the relevant documents;”.

(3) For paragraph (4) substitute—

“(4) The responsible authority shall—

- (a) publish the relevant documents on a public website at which the relevant documents may be viewed and downloaded free of charge;
- (b) provide a copy of the relevant documents by email to any person who requests a copy, as soon as reasonably practicable after receipt of that person’s request;
- (c) provide one copy of the relevant 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 to provide a copy by post for reasons connected to the effects of coronavirus, including restrictions on movement; and
- (d) make available a telephone number for the public to make enquiries in relation to the relevant documents.”.

(4) In paragraph (5)—

- (a) for “(2)(c)” substitute “(4)(c)”; and
- (b) after “copies” insert “of the relevant documents by post”.

6.—(1) Regulation 15 (plans and programmes of other Member States) is amended as follows.

(2) In paragraph (4)—

(a) after sub-paragraph (a) insert—

- “(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) in sub-paragraph (b)—

- (i) for “them” substitute “the consultation bodies”; and
- (ii) for “(which may include a website)” to the end substitute “of the public website at which those documents may be viewed and downloaded free of charge”;

(c) in sub-paragraph (d) —

- (i) for “(which may include a website)” substitute “of the public website”; and
- (ii) for “inspected, or from” to the end substitute “viewed and downloaded free of charge”; and

(d) omit the “and” at the end of sub-paragraph (d);

(e) after sub-paragraph (d) insert—

“(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”.
- (3) In paragraph (6)—
- (a) for “(4)(d)” substitute “(4)(ac)”; and
 - (b) after “copies” insert “of the relevant transboundary documents by post”.

7.—(1) Regulation 16 (information as to adoption of plan or programme) is amended as follows.

- (2) In paragraph (1)—
- (a) omit sub-paragraph (a) (together with the “and” at the end of sub-paragraph (a));
 - (b) before sub-paragraph (b) insert—
 - “(aa) publish the plan or programme, as adopted, its accompanying environmental report and a statement containing the particulars specified in paragraph (4) (“the relevant adoption documents”) on a public website at which the documents may be viewed and downloaded free of charge;
 - (ab) provide a copy of the relevant adoption 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 adoption 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 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 adoption documents; and”;
 - (c) in sub-paragraph (b) paragraphs (iii) to (v) are omitted; and
 - (d) at the end insert—
 - “(vi) the address of the website at which the relevant adoption documents may be viewed and downloaded free of charge;
 - (vii) the fact that a copy of the relevant adoption documents may be obtained by email from the responsible authority;
 - (viii) the fact that a copy of the relevant adoption documents may be obtained by post from the responsible authority, provided that it is reasonably practicable for the authority to provide a copy by post;

- (ix) the address, email address and telephone number for the purpose of requesting a copy of the relevant adoption documents either by email or by post;
 - (x) whether a charge will be made for copies of the relevant adoption documents provided by post, and the amount of any charge; and
 - (xi) a telephone number which can be used to contact the responsible authority for enquiries in relation to the relevant adoption documents.”.
- (3) For sub-paragraph (3)(c) substitute—
- “(c) the address of the website at which a copy of—
- (i) the plan or programme, as adopted;
 - (ii) its accompanying environmental report; and
 - (iii) a statement containing the particulars specified in paragraph (4), may be viewed, or from which a copy may be obtained;
- (d) the fact that a copy of the relevant adoption documents may be obtained by email from the responsible authority;
- (e) the fact that a copy of the relevant adoption documents may be obtained by post, provided that it is reasonably practicable for the responsible authority to provide a copy by post;
- (f) the address, email address and telephone number for the purpose of requesting a copy of the relevant adoption documents either by email or by post;
- (g) whether a charge will be made for copies of the relevant adoption documents provided by post, and the amount of any charge; and
- (h) a telephone number which can be used to contact the responsible authority for enquiries in relation to the relevant adoption documents.”.
- (4) In paragraph (4) for “(1)(b)(iii)” substitute “(1)(b)(vi)”.
- (5) At the end insert—
- “(5) Nothing in paragraph (1)(ac) shall require the responsible authority to provide copies of the relevant adoption documents by post free of charge, but where a charge is made, that charge shall be of a reasonable amount.”.
- 8. Omit regulation 18.**

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

Christopher Pincher
Minister of State
Ministry of Housing, Communities and Local
Government

14th December 2020

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.

The amendments made by regulations 4 to 7 of these Regulations make the temporary modifications, introduced by regulation 18 in response to the effect of coronavirus, permanent. Since these modifications are permanent they are made by textual amendment rather than transitory modification.

These amendments remove the requirements for a responsible authority (or the Secretary of State, as the case may be) to keep a copy of documents relating to the strategic environmental assessment of a plan or programme at its principal office for inspection, and provide for a copy to be obtainable from that office. Instead the responsible authority (or the Secretary of State) is required to: publish those documents on a public website at which the documents may be viewed and downloaded; provide a copy of those documents by email on request; provide a copy of those documents by post, unless it is not reasonably practicable to do so for reasons connected to the effects of coronavirus, including restrictions on movement; and make available a telephone number for the public to make enquiries in relation to those documents. The responsible authority or the Secretary of State may charge a reasonable amount for copies of those documents sent by post. These amendments amend the requirements to notify the public accordingly.

Regulation 8 of these Regulations revokes the transitory modifications made by regulation 18.

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.