

SUBSIDIARY LEGISLATION 549.41**PLANS AND PROGRAMMES
(PUBLIC PARTICIPATION) REGULATIONS**

24th March, 2006

LEGAL NOTICE 74 of 2006.

1. (1) The title of these regulations is the Plans and Programmes (Public Participation) Regulations. Citation and scope.

(2) These regulations implement the provisions of Article 2 of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003, providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending, with regard to public participation and access to justice, Council Directive 85/337/EEC and 96/61/EC.

2. For the purposes of these regulations:

Interpretation.

"the public" means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;

"the competent authority" means the Environment and Resources Authority.

3. (1) The competent authority shall ensure that the public is given early and effective opportunities to participate in the preparation and modification or review of the plans or programmes required to be drawn up under the provisions listed in the Schedule.

Public participation concerning plans and programmes.

(2) The competent authority shall ensure that:

- (a) the public is informed, whether by public notices or other appropriate means such as electronic media where available, about any proposals for such plans or programmes or for their modification or review and that relevant information about such proposals is made available to the public including *inter alia* information about the right to participate in decision making and about the competent authority to which comments or questions may be submitted;
- (b) the public is entitled to express comments and opinions when all options are open before decisions on the plans and programmes are made;
- (c) in making those decisions, due account shall be taken of the results of the public participation;
- (d) having examined the comments and opinions expressed by the public, the competent authority makes reasonable efforts to inform the public about the decisions taken and the reasons and considerations upon which those decisions are based, including information about the public participation process.

Identification of the public.	4. (1) The competent authority shall identify the public entitled to participate for the purposes of regulation 3(1), including relevant non-governmental organisations meeting any requirements imposed under national law, such as those promoting environmental protection. (2) The detailed arrangements for public participation under regulation 3(2) shall be determined by the competent authority so as to enable the public to prepare and participate effectively. (3) Reasonable time-frames shall be provided allowing sufficient time for each of the different stages of public participation required by these regulations.
Non-applicability of these regulations.	5. (1) These regulations shall not apply to plans and programmes designed for the sole purpose of serving national defence, or taken in case of civil emergencies. (2) These regulations shall not apply to plans and programmes set out in the schedule to these regulations for which a public participation procedure is carried out under the Strategic Environmental Assessment Regulations, or under the Water Policy Framework Regulations.
S.L. 549.35. S.L. 423.20	

SCHEDULE

PROVISIONS FOR PLANS AND PROGRAMMES REFERRED TO IN ARTICLE 3

S.L. 549.63	(a) Regulation 7(1) of the Waste Regulations.
S.L. 549.54	(b) Regulation 7 of the Waste Management (Waste Batteries and Accumulators) Regulations.
S.L. 549.25	(c) Regulation 4(4) of the Protection of Waters against Pollution caused by Nitrates from Agricultural Sources Regulations.
S.L. 549.63	(d) Regulation 4(3) of the Waste Regulations.
S.L. 549.43	(e) Regulation 10(1)(b) of the Waste Management (Packaging and Packaging Waste) Regulations.
S.L. 549.59	(f) Regulation 7(2) of the Ambient Air Quality Regulations.