
STATUTORY INSTRUMENTS

1996 No. 422

ELECTRICITY

PIPE-LINES

The Electricity and Pipe-line Works (Assessment of Environmental Effects) (Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>26th February 1996</i>
<i>Laid before Parliament</i>		<i>26th February 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred by that section hereby makes the following Regulations:—

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Electricity and Pipe-line Works (Assessment of Environmental Effects) (Amendment) Regulations 1996 and shall come into force on 1st April 1996.

(2) In these Regulations, “the 1990 Regulations” means the Electricity and Pipe-line Works (Assessment of Environmental Effects) Regulations 1990⁽³⁾.

(3) In so far as they relate to applications under section 36 of the Electricity Act 1989⁽⁴⁾ for consent to construct, extend or operate a generating station and to applications under section 37 of that Act for consent to install or keep installed an electric line above ground, these Regulations extend to England and Wales only.

(4) In so far as they relate to applications in relation to pipe-lines to convey oil or gas these Regulations do not extend to Northern Ireland.

(1) S.I.1988/785.
(2) 1972 c. 68.
(3) S.I. 1990/442.
(4) 1989 c. 29.

Amendments to the Regulations

2.—(1) Regulation 3 of the 1990 Regulations (prohibition of grant of consent or authorisation without consideration of environmental information) shall be amended as follows.

(2) In regulation 3(1), after the word “consideration” there shall be inserted “and states in his decision in relation to that consent or authorisation that he has done so”.

(3) In regulation 3(2)—

(a) in sub-paragraph (a), the words from “or to extend” to “less than 300 megawatts; or” shall be omitted;

(b) after sub-paragraph (a) there shall be inserted the following sub-paragraph—

(aa) an application falling within paragraph (1)(a) to extend any generating station; or”;

and

(c) in the words following sub-paragraph (b), the words from “in relation to the application” to “in his opinion” shall be omitted.

(4) After regulation 3(2) there shall be inserted the following paragraph—

“(3) For the purposes of paragraph (2), a determination as to whether a proposed development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location shall be carried out by the Secretary of State.”.

3. In regulation 4(1) of the 1990 Regulations (opinion of the Secretary of State in advance of application), for the words from “he is of the opinion” to “into account” there shall be substituted “an environmental statement is required”.

4. In regulation 8(3) of the 1990 Regulations (procedure where the Secretary of State receives an environmental statement), for the words “paragraph 2(b)” there shall be substituted “paragraph (2) (b)”.

5. At the end of regulation 9 of the 1990 Regulations (charges) there shall be inserted “or a copy of further information made available in accordance with regulation 10A”.

6. After regulation 10 of the 1990 Regulations there shall be inserted—

“Publicity in relation to further information and timing of determination

10A.—(1) In any case in which an applicant is required in accordance with regulation 10 to provide further information the following provisions of this regulation shall apply.

(2) The applicant shall publish in two successive weeks, in one or more newspapers circulating in the locality in which the land to which the application relates is situated, a notice—

(a) describing the application in question and stating that further information is available supplementing the environmental statement which has already been provided;

(b) giving an address, in the locality in which the land to which the application relates is situated, at which copies of the further information may be obtained, stating that a copy of the further information may be obtained there so long as stocks last and, if a charge is to be made for a copy in accordance with regulation 9, specifying that charge; and

(b) stating a date not less than twenty-eight days after the date on which the notice is to be last published by which any person wishing to make representations in relation to the further information should make them to the Secretary of State and specifying the address to which any such representations should be sent.

(3) The applicant shall ensure that a reasonable number of copies of the further information is available at the address specified in the notice published by virtue of paragraph (2) as the address at which such copies may be obtained.

(4) The applicant shall serve a copy of the further information on any person on whom was served a copy of the environmental statement, or any part thereof to which the additional information relates, and shall serve with that copy a copy of the notice mentioned in paragraph (2).

(5) The Secretary of State shall not determine the application until after the later of the fourteenth day after the last date on which a copy of the further information was served in accordance with this regulation and the date specified in the notice published by virtue of paragraph (2).”.

Transitional provision

7. The amendments made to the 1990 Regulations by these Regulations shall not apply in relation to any application which was received by the Secretary of State before the coming into force of these Regulations.

Department of Trade and Industry
26th February 1996

Richard Page
Parliamentary Under Secretary of State for Small
Business, Industry and Energy,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Electricity and Pipe-line Works (Assessment of Environmental Effects) Regulations 1990, which implement Council Directive 85/337/EEC (OJNo. L175, 5.7.85, p. 40) on the assessment of the effects of certain public and private projects on the environment in so far as they relate to applications—

- (a) for consent to construct, extend or operate a generating station;
- (b) for consent to install or keep installed an electric line above ground;
- (c) for authorisations to construct or divert an oil or gas pipe-line.

The changes are—

- (1) the amendment of regulation 3 to require the Secretary of State to state that he has taken the environmental information (as defined in regulation 2) into consideration;
- (2) the amendment of regulation 3(2) to require an environmental assessment in respect of proposals to extend any type of generating station, only where the development is likely to have significant effects on the environment;
- (3) the amendment of regulation 3 to clarify the requirement that the Secretary of State determine whether a development is likely to have significant effects on the environment, with a consequential amendment to regulation 4;
- (4) the correction of a minor error in regulation 8(3);
- (5) the insertion of a new regulation 10A in order to require publicity to be provided in relation to further information supplied pursuant to regulation 10 and for the provision of copies of such information; and
- (6) the insertion into regulation 9 of a power to make a reasonable charge in relation to the supply of copies of additional information provided pursuant to the new regulation 10A.

The amendments do not apply in relation to any applications which have been made before these Regulations come into force.