

2014 No. 557

GAS

PIPE-LINES

The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) (England) Regulations 2014

<i>Made</i> - - - -	<i>6th March 2014</i>
<i>Laid before Parliament</i>	<i>10th March 2014</i>
<i>Coming into force</i> - -	<i>6th April 2014</i>

The Secretary of State has been designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the environment.

The Secretary of State, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) (England) Regulations 2014 and come into force on 6th April 2014.

(2) In these Regulations—

“gas transporter” has the meaning given by section 7(1) of the Gas Act 1986^(c);

“the 1999 Regulations” means the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999^(d).

(3) These Regulations apply in relation to England only.

(4) These Regulations do not apply to any pipe-line works which were commenced by a gas transporter, or for the execution of which a gas transporter invited tenders, before the date on which these Regulations come into force.

(a) S.I. 2008/301.

(b) 1972 c. 68; section 2(2) was amended by section 27(1)(a) 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).

(c) 1986 c. 44; section 7(1) was amended by section 76(1), (2) of the Utilities Act 2000 (c. 27). By virtue of section 76(7) of that Act, existing references to a public gas transporter have effect as if they were references to a gas transporter.

(d) S.I. 1999/1672. Amended by section 73(2) (now repealed) of the Countryside and Rights of Way Act 2000 (c. 37) and S.I.s 2007/1996, 2011/1043, 2011/1824, 2013/755, S.S.I. 1999/1, 2008/202 and 2010/460. Modified by paragraph 17 of Schedule 15 to the Countryside and Rights of Way Act 2000, section 76(7) of the Utilities Act 2000, section 1(4) of the Natural Environment and Rural Communities Act 2006 (c. 16) and by S.I. 1999/416.

Amendment of the 1999 Regulations

2. In regulation 1(3) of the 1999 Regulations, after sub-paragraph (b) insert—

“(c) for which development consent is required under section 31 of the Planning Act 2008, by virtue of those works falling within section 14(1)(f) of that Act.”(a)

Gregory Barker
Minister of State

6th March 2014

Department of Energy and Climate Change

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the application of the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999 (“the 1999 Regulations”). The amendment made by regulation 2 makes clear that the 1999 Regulations do not apply to pipe-line works for which development consent is required.

Environmental impact assessment (“EIA”) is a requirement under Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment (O.J. No. L 26, 28.1.2012, p. 1). Directive 2011/92/EU codifies and repeals Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment (the original text is at O.J. No. L 175, 5.7.1985, p. 40).

Development consent is required under section 31 of the Planning Act 2008 (“the 2008 Act”) for development that is or forms part of a nationally significant infrastructure project, as defined in Part 3 of that Act. Such projects include the construction of a pipe-line by a gas transporter (see section 14(1)(f) of the 2008 Act which is qualified by section 20 of that Act). The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (S.I. 2009/2263) (“the 2009 Regulations”) implement the requirement for EIA in respect of development which requires development consent under the 2008 Act.

The 1999 Regulations implement the requirement for EIA in respect of pipe-line works by gas transporters which fall within the class of development described as permitted development in Class F(a) of Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).

The amendment made by the Regulations removes any overlap between the 1999 Regulations and the 2009 Regulations.

An impact assessment has not been produced for this instrument as no impact is foreseen on the private, voluntary or public sectors.

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(a) 2008 c. 29. Section 14(1)(f) is qualified by section 20 of the Planning Act 2008; section 20 sets out what pipe-line works by a gas transporter are a nationally significant infrastructure project falling within section 14(1)(f) of that Act (and therefore require development consent under section 31).

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