
STATUTORY INSTRUMENTS

2017 No. 582

The Offshore Petroleum Production and Pipe-
lines (Environmental Impact Assessment and other
Miscellaneous Provisions) (Amendment) Regulations 2017

PART 2

Amendment of the 1999 Pipe-line Regulations

New regulation 3A (exempt pipe-line works)

29. After regulation 3, insert—

“Exempt pipe-line works

3A.—(1) The Secretary of State may direct that—

- (a) these Regulations do not apply in relation to proposed pipe-line works if those works comprise or form part of works—
 - (i) having national defence as their sole purpose; or
 - (ii) having the response to a civil emergency as their sole purpose, and in the opinion of the Secretary of State compliance with these Regulations would have an adverse effect on that purpose; or
- (b) where the proposed pipe-line works are the subject of an Act of Parliament or a measure made under powers contained in such an Act, and providing that the objectives of the Directive are met, the provisions of these Regulations relating to public consultation do not apply in respect of those works.

(2) Subject to paragraph (4), the Secretary of State may, in exceptional cases, direct that any proposed pipe-line works shall be exempt in whole or in part from the requirements of these Regulations if circumstances exist such that the application of all or some of the provisions of these Regulations would adversely affect the purpose of those works.

(3) Where a direction is given under paragraph (1) or (2), the Secretary of State shall send a copy of any such direction to the relevant planning authority.

(4) A direction shall not be given under paragraph (2) unless the Secretary of State —

- (a) has considered whether another form of assessment is appropriate, and
- (b) in a case where the Secretary of State considers that the proposed pipe-line works are likely to have significant environmental effects on the environment in another EEA State, is satisfied that a form of consultation with that state broadly equivalent to the form described in regulation 13 (projects affecting other states) will take place before any consent is given in respect of the works, and

- (c) has informed the Commission of the European Union of the reasons justifying the exemption to be granted and has provided it with details of the information to be made available to the public pursuant to paragraph (5).
- (5) A direction given by the Secretary of State under paragraph (2) may disapply such provisions of the Regulations as may in the circumstances appear to the Secretary of State to be appropriate and shall—
 - (a) require the carrying out of such form of assessment as the Secretary of State considers appropriate in order to ensure a high level of protection of the environment and of human health;
 - (b) require that all information relating to the main effects the works are likely to have on the environment collected pursuant to sub-paragraph (a) is to be made available to the public and specify the manner in which it is to be made available;
 - (c) specify the extent to which these Regulations are to apply or that they are not going to apply at all; and
 - (d) include a statement of the Secretary of State’s reasons for giving the direction and the information on which that decision is based.
- (6) The Secretary of State shall publish—
 - (a) details of the direction given under paragraph (2) in the Gazettes together with information as to how the public concerned may obtain a copy of the direction; and
 - (b) the direction itself on a public website.”.