
STATUTORY INSTRUMENTS

2017 No. 582

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

PART 3

Amendment of the 2000 Regulations

New regulation 2A (environmental impact assessment), regulation 2B (environmental statement) and regulation 2C (exempt pipe-line works)

47. After regulation 2, insert—

“Environmental impact assessment

2A.—(1) In these Regulations, the “environmental impact assessment” means the process consisting of—

- (a) the preparation and submission of an environmental statement by a prospective applicant;
- (b) the carrying out of the consultations referred to in regulations 6 to 8A and, where relevant, regulation 10;
- (c) the Secretary of State’s consideration of the information presented in the environmental statement, any further information or additional information provided in accordance with regulations 8 or 8A and any representations or opinions received as the result of the consultations referred to in subparagraph (b);
- (d) the Secretary of State’s reasoned conclusion as required by regulation 3(2); and
- (e) the integration of that conclusion into the decision as to whether the grant of pipe-line construction authorisation is to be given as required by regulation 3(2).

(2) In carrying out the steps described in paragraph (1), the applicant shall identify, describe and assess in an appropriate manner—

- (a) the direct and indirect significant effects of the relevant pipe-line works on the following factors—
 - (i) population and human health;
 - (ii) biodiversity, with particular attention to species and habitats protected under Council [Directive 92/43/EEC\(1\)](#) on the conservation of natural habitats and of wild fauna and flora and [Directive 2009/147/EC\(2\)](#) of the European Parliament and of the Council on the conservation of wild birds;

(1) OJ L 206 22.7.92 p.7.
(2) OJ L 20 26.1.2010. p.7.

- (iii) land, soil, water, air and climate;
 - (iv) material assets, cultural heritage and the landscape; and
 - (v) the interaction between the factors referred to in paragraphs (i) to (iv); and
- (b) the operational effects of the relevant pipe-line works (where the works will have operational effects) and the expected effects deriving from the vulnerability of the works to risks of major accidents or disasters that are relevant to the works concerned.

Environmental statement

2B.—(1) In these Regulations, an “environmental statement” means a report prepared as part of an environmental information assessment in respect of the relevant pipe-line works which includes—

- (a) a description of the works comprising information on the location, design, size and other relevant features of the works;
- (b) a description of the likely significant effects of the works on the environment;
- (c) a description of the features of the works or measures envisaged in order to avoid, prevent or reduce, and if possible, offset likely significant adverse effects on the environment;
- (d) a description of the reasonable alternatives studied by the applicant which are relevant to the works and their specific characteristics and an indication of the main reasons for the option chosen, taking into account the effects of the works on the environment;
- (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d), and
- (f) any additional information set out in Schedule 1 (information for the environmental statement) relevant to the specific characteristics of the relevant pipe-line works or type of works and to the environmental features likely to be affected.

(2) In preparing the environmental statement, the applicant shall also take into account any available results of other relevant assessments under EU or national legislation.

(3) Where the Secretary of State has given an opinion under regulation 5 on the matters to be included in the environmental statement, the statement shall be based on that opinion and include the information that may be reasonably required for reaching a reasoned conclusion on the significant effects of the relevant pipe-line works on the environment, taking into account current knowledge and methods of assessment.

(4) In order to ensure the completeness of the environmental statement, the applicant shall ensure that—

- (a) the statement is prepared by competent experts; and
- (b) the statement is accompanied by a statement from the applicant outlining the relevant expertise or qualifications of such experts.

Exempt pipe-line works

2C.—(1) The Secretary of State may direct that—

- (a) these Regulations do not apply in relation to relevant 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 relevant 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 relevant 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 relevant 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 10 (projects affecting other EEA states) will take place before any pipe-line construction authorisation is given in respect of the relevant pipe-line works, and
 - (c) has informed the Commission of the EU 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 these 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 Gazette 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.”.