
STATUTORY INSTRUMENTS

2017 No. 582

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

PART 1

Amendment of the 1999 Offshore Regulations

New regulation 5A (decision as to whether agreement is to be given)

8. After regulation 5, insert—

“Decision as to whether agreement is to be given

5A.—(1) When making a decision as to whether to agree to the grant of a consent in respect of a relevant project for which an environmental statement has been submitted, the Secretary of State shall—

- (a) examine the environmental statement, including any information provided under regulation 10, any representations made by any person required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the project;
- (b) reach a reasoned conclusion on the significant effects of the relevant project on the environment, taking into account the examination referred to in sub-paragraph (a); and
- (c) integrate that conclusion into the decision as to whether agreement to the grant of consent is to be given.

(2) If agreement to the grant of consent is to be given under paragraph (1)(c), the decision shall set out—

- (a) any environmental conditions attached to the decision;
- (b) a description of any features of the relevant project or measures envisaged to avoid, prevent or reduce, and if possible, offset any significant adverse effects on the environment; and
- (c) any measures to monitor conditions imposed to avoid, prevent or reduce, and if possible, offset any significant adverse effects on the environment (“a monitoring condition”).

(3) If agreement is to be refused, the decision shall state the main reasons for the refusal.

(4) The reasoned conclusion referred to in paragraph (1)(b) shall be up to date at the time that the decision referred to in paragraph (1)(c) is made, but that conclusion shall be taken to be up to date if, in the opinion of the Secretary of State, it continues to address the significant effects that are likely to arise as a result of the relevant project.

(5) When considering whether to impose a monitoring condition referred to in paragraph (2)(c), the Secretary of State shall—

- (a) consider whether to make provision for potential remedial action;
- (b) consider whether there are appropriate existing monitoring arrangements under EU legislation other than the Directive, or under national legislation, to make the imposition of a monitoring condition unnecessary; and
- (c) take steps to ensure that the type of parameters to be monitored and the duration of the monitoring are proportionate to the nature, location and size of the relevant project and the significance of its effects on the environment.

(6) The decision of the Secretary of State referred to in paragraph (1)(c) shall be made within a reasonable period of time, taking into account the nature and complexity of the relevant project, from the date on which the Secretary of State has been provided with the information and representations referred to in paragraph (1)(a).

(7) The Secretary of State shall promptly publish a notice of the decision referred to in paragraph (1)(c) in the Gazettes and on a public website and shall send a copy of the notice to those authorities specified in the notice given to the undertaker in accordance with regulation 9(1).

(8) A notice published under paragraph (7) shall—

- (a) set out—
 - (i) the contents of the decision;
 - (ii) the main reasons and considerations on which the decision is based; and
 - (iii) a summary of all representations made to the Secretary of State by any person in respect of the project including where regulation 12 (projects affecting other states) applies, any representations made by an EEA State affected by the relevant project, the public concerned or authorities in that state, together with details of how those representations were taken into account; and
- (b) specify where details of these matters may be obtained, including the address of the public website on which a copy of the notice is published.”.

Commencement Information

II Reg. 8 in force at 16.5.2017, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017, Section 8.