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STATUTORY INSTRUMENTS

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**2017 No. 582**

**The Offshore Petroleum Production and Pipelines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017**

**PART 1**

**Amendment of the 1999 Offshore Regulations**

**Amendment of regulation 6 (provisions as to directions that no environmental statement need be prepared)**

**9.** In regulation 6—

- (a) in paragraph (1) after “subject to paragraphs” insert “(1D),”;
- (b) after paragraph (1), insert—

“(1A) When making a direction under paragraph (1), the Secretary of State shall, where proposed by the undertaker, include in the direction any features of the relevant project or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects of the project on the environment.

(1B) If the Secretary of State considers that a relevant project is highly likely to have a significant effect on the environment given the environmental sensitivity of the location of the project, the Secretary of State may direct that an environmental statement is required before the Secretary of State can make a decision whether to agree to the grant of a consent in respect of that project.

(1C) When giving a direction under paragraph (1B), the Secretary of State shall publish a notice of the direction in the Gazettes and by any other means the Secretary of State considers appropriate, which shall include making the notice available on a public website.

(1D) Where a direction made under paragraph (1B) is in force in respect of a relevant project, the Secretary of State shall not make a direction under paragraph (1) in respect of that project (whether or not that project has been modified or is to be carried out in any particular manner or time).”;

- (c) in paragraph (2)(b), for “sub-paragraphs (a) to (d)”, substitute “sub-paragraphs (a) to (f)”;
- (d) in paragraph (3)—
  - (i) after “under paragraph (1)”, insert “, (1B)”;
  - (ii) at the end insert “and the results of any preliminary verifications or assessments on the environment of the geographical areas likely to be affected by the relevant project carried out pursuant to EU legislation other than the Directive.”;
- (e) for paragraph (4), substitute—

“(4) An undertaker shall—

- (a) provide to the Secretary of State such further information in relation to any application made by the undertaker under paragraph (1)(a) or (2) as the Secretary of State may require; and
  - (b) where the circumstances described in paragraph (1B) apply, provide to the Secretary of State any information in respect of the relevant project, as the Secretary of State may require.”;
- (f) in paragraph (5)—
- (i) at the end of sub-paragraph (c), omit “or”;
  - (ii) in sub-paragraph (d), for “member State” substitute “EEA State”; and
  - (iii) after sub-paragraph (d), insert—
    - “(e) to the carrying on of a storage or unloading activity; or
    - (f) to the erection of a structure in relation to a project which has as its main object a storage or unloading activity.”;
- (g) after paragraph (10), insert—
- “(10A) The Secretary of State shall make a decision in relation to an application referred to in paragraph (1) or (2) as soon as possible and in any event within 90 days of receiving the application containing the appropriate particulars, unless paragraph (10B) applies.
- (10B) Where an application referred to in paragraph (1) is for a relevant project that is, in the Secretary of State’s opinion, an exceptional case, for example in relation to its nature, complexity, location or size, the Secretary of State may extend the time limit referred to in paragraph (10A) by notifying the undertaker in writing as to when the decision is expected to be made and the reasons why the Secretary of State considers the extra time is needed.”;
- and
- (h) for paragraph (11), substitute—
- “(11) Where the Secretary of State makes a decision in relation to any application referred to in paragraph (1) or (2), the Secretary of State shall promptly publish a notice of the decision in the Gazettes and on a public website.
- (12) A notice published under paragraph (11) shall set out—
- (a) the contents of the decision;
  - (b) the main reasons and considerations on which the decision is based, making references to the relevant matters set out in Schedule 1; and
  - (c) where the decision is that an environmental statement is not required, and where proposed by the undertaker, state any features of the project or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.”.