
STATUTORY INSTRUMENTS

1999 No. 360

**The Offshore Petroleum Production and Pipe-lines
(Assessment of Environmental Effects) Regulations 1999**

Grant of consent by Secretary of State in respect of relevant projects

5.—^[F1](1) The Secretary of State shall not grant a consent in respect of a relevant project unless the application for that consent is—

- (a) one to which paragraph (2) or (2A) below applies;
- (b) accompanied by an environmental statement in respect of that project; or
- (c) the subject of a direction given under regulation 6 below (provision as to directions that no environmental statement need be prepared).]

^[F2](2) This paragraph applies to any application for consent to the construction of a pipe-line or the augmentation of an existing pipe-line where—

- (a) no part of the pipe-line to be constructed or augmented would extend more than 500 metres from a well or any part of a fixed installation to which that pipe-line would be directly or indirectly attached; and
- (b) the Secretary of State has decided that having regard to the matters set out in Schedule 1 to these Regulations the operation in respect of which consent is sought would not be likely to have a significant effect on the environment and that accordingly no environmental statement need be prepared in respect of the relevant project in question.]

^[F3](2A) This paragraph applies to any application for a renewal of a consent to the getting of petroleum in relation to a relevant project (other than as the by-product of the drilling or testing of a well) where the Secretary of State has decided that, having regard to the matters set out in Schedule 1 to these Regulations, the operation in respect of which the renewal is sought would not be likely to have a significant effect on the environment and that accordingly no environmental statement need be prepared in respect of that project.

(2B) For the purposes of paragraph (2A), a consent is renewed where the term of the consent is increased, but without any other variation in the conditions attached to the consent.]

(3) Where the Secretary of State receives an application for a consent in respect of a relevant project to which ^[F4]paragraph (2) or (2A) above applies], the undertaker in question shall provide the Secretary of State with such information as he may require regarding that application.

(4) Where an application for consent in respect of a relevant project is accompanied by an environmental statement, the Secretary of State shall not grant a consent in respect of that project unless he—

- (a) is satisfied that the requirements of regulations 9 and 10 below (requirements as to consultation and publicity) have been substantially met; and
- (b) has taken into consideration—
 - (i) the environmental statement;
 - (ii) any information in respect of that relevant project of the kind referred to in regulation 10(2) below (information omitted from environmental statement);

Status: Point in time view as at 22/07/2015. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999, Section 5. (See end of Document for details)

- (iii) the representations of any environmental authority to which a copy of that statement was required to be sent pursuant to these Regulations; and
- (iv) any opinions expressed by the public.

(5) Where pursuant to regulation 12(2) below (request by member State to participate in procedure under the Regulations in relation to relevant project affecting it) a member State has requested to participate in the procedure pursuant to these Regulations in relation to the decision whether to grant consent in respect of a relevant project, the Secretary of State shall not grant consent in respect of that project unless—

- (a) he is satisfied that the requirements of regulation 12(1) and (2) below (projects affecting other States) have been complied with;
- (b) he has communicated to that member State the response that he proposes to make to the application for consent (including information as to any measures envisaged to reduce or eliminate any trans-boundary effects of the project);
- (c) he is satisfied that—
 - (i) the member State has been consulted regarding the application for consent and arrangements for consulting persons in that member State (including any authorities likely to be interested in the relevant project in question by virtue of their particular environmental responsibilities);
 - (ii) a reasonable time has been allowed for the consultation of the persons referred to in sub-sub-paragraph (i) above and for any representations made by them regarding the relevant project to be forwarded to the Secretary of State; and
 - (iii) any timetable agreed with that member State regarding consultation with the persons referred to in sub-sub-paragraph (i) above has been observed; and
- (d) he has taken into consideration any representations made by the member State, members of the public and authorities in that member State and any information regarding the relevant project supplied by any of them.

(6) Where the Secretary of State has made a direction under regulation 6(2) below (provision as to directions that no further environmental statement need be prepared where one already prepared), he shall not grant a consent to an application which falls within the terms of that direction unless he has taken into consideration—

- (a) the environmental statement prepared in respect of the relevant project in question;
- (b) any information in respect of that relevant project of the kind referred to in regulation 10(2) below (information omitted from environmental statement);
- (c) any representations previously made by an environmental authority to whom that statement was required to be sent;
- (d) any opinions originally expressed by the public; and
- (e) any representations or information relating to the relevant project of the kind referred to in paragraph (5)(d) above.

(7) Where the Secretary of State gives his consent to a relevant project, he may (to the extent that he has no power to do so apart from this paragraph (7)) attach conditions to that consent for the purpose of reducing or eliminating any significant adverse effects of that project on the environment.

[^{F5}(8) The Secretary of State shall publish a notice of his decision in relation to any application for consent accompanied by an environmental statement—

- (a) in the Gazettes; and
- (b) by any other means he considers appropriate (which may include an electronic communication).]

[^{F6}(8A) A notice published under paragraph (8) above shall either—

(a) set out—

- (i) the contents of the decision and any conditions attached to the decision;
- (ii) the main reasons and considerations on which the decision is based;
- (iii) a summary of any representations made to the Secretary of State by third parties in respect of the project in question, together with details of how those representations were taken into account; and
- (iv) a description, where necessary, of the main measures required to be taken to avoid, reduce and, if possible, offset major adverse effects on the environment; or

(b) specify where details of the matters referred to in paragraph (a) above may be obtained.]

(9) Where pursuant to paragraph (8) above the Secretary of State publishes in the Gazettes a notice of a decision in relation to an application for consent accompanied by an environmental statement, he shall communicate that decision including the information referred to in [^{F7}paragraph (8A)(a)] above to any EEA State which has, pursuant to regulation 12 below (projects affecting other States), been provided with a copy of the environmental statement that accompanied that application.

[^{F8}(10) Where the Secretary of State decides that no environmental statement is required to be prepared in respect of a relevant project which is the subject of an application for a consent to which paragraph (2) or (2A) above applies, he shall publish notice of that decision—

(a) in the Gazettes; and

(b) by any other means he considers appropriate (which may include an electronic communication).]

^{F9}(11)

Textual Amendments

- F1** Reg. 5(1) substituted (16.4.2007) by The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007 (S.I. 2007/933), regs. 1, **5(a)** (with reg. 14)
- F2** Reg. 5(2) substituted (16.4.2007) by The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007 (S.I. 2007/933), regs. 1, **5(b)** (with reg. 14)
- F3** Reg. 5(2A)(2B) inserted (16.4.2007) by The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007 (S.I. 2007/933), regs. 1, **5(c)** (with reg. 14)
- F4** Words in reg. 5(3) substituted (16.4.2007) by The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007 (S.I. 2007/933), regs. 1, **5(d)** (with reg. 14)
- F5** Reg. 5(8) substituted (16.4.2007) by The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007 (S.I. 2007/933), regs. 1, **5(e)** (with reg. 14)
- F6** Reg. 5(8A) inserted (16.4.2007) by The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007 (S.I. 2007/933), regs. 1, **5(f)** (with reg. 14)
- F7** Words in reg. 5(9) substituted (16.4.2007) by The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007 (S.I. 2007/933), regs. 1, **5(g)** (with reg. 14)
- F8** Reg. 5(10) substituted (16.4.2007) by The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007 (S.I. 2007/933), regs. 1, **5(h)** (with reg. 14)
- F9** Reg. 5(11) omitted (16.4.2007) by virtue of The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007 (S.I. 2007/933), regs. 1, **5(i)** (with reg. 14)

Status:

Point in time view as at 22/07/2015. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999, Section 5.