
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

Amendment of regulation 4 (directions that no environmental statement need be prepared)

49. In regulation 4—

(a) for paragraph (1)(a) substitute—

“(a) no direction under paragraph (1A) is in force in respect of the relevant pipe-line works and a prospective applicant makes an application containing the appropriate particulars in respect of those works to the Secretary of State for the exercise the power conferred on the Secretary of State by sub-paragraph (b); and”;

(b) after paragraph (1), insert—

“(1A) If the Secretary of State considers that a relevant pipe-line works is highly likely to have a significant effect on the environment given the environmental sensitivity of the location of the works, the Secretary of State may direct that no application may be made under paragraph (1) in respect of those works and that an environmental statement shall be required before the Secretary of State can agree to the grant of a pipe-line construction authorisation in respect of those works.”;

(c) at the end of paragraph (2), insert “and the results of any preliminary determinations or assessments on the environment carried out pursuant to EU legislation other than the Directive”;

(d) after paragraph (6), insert—

“(6A) The Secretary of State shall make a decision in relation to any application made under paragraph (1) as soon as possible and in any event within 90 days of receiving the application, unless paragraph (6B) applies.

(6B) Where an application referred to in paragraph (1) is for relevant pipe-line works that are, in the opinion of the Secretary of State, an exceptional case, for example in relation to their nature, complexity, location or size, the Secretary of State may extend the time limit referred to in paragraph (6A) by notifying the applicant 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

(e) for paragraph (7), substitute—

“(7) Paragraph (8) applies where either the Secretary of State—

(a) makes a direction under paragraph (1A); or

- (b) directs, in response to an application under paragraph (1) that either—
 - (i) an EIA application in respect of those relevant pipe-line works needs to be accompanied by an environmental statement; or
 - (ii) an EIA application in respect of those relevant pipe-line works does not need to be accompanied by an environmental statement.
- (8) Where this paragraph applies, the Secretary of State shall—
 - (a) publish notice of the direction in the Gazette and on a public website; and
 - (b) publish with the notice a written statement of the main reasons for the direction, making references to the relevant criteria set out in Schedule 2 and where the direction is that the EIA application does not need to be accompanied by an environmental statement, shall state any features of the proposed works or measures imposed that are proposed by the prospective applicant to avoid or prevent significant adverse effects.”.