

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1

Regulation 20

Commencement Information

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

“SCHEDULE 1

Regulations 3, 5, 6 and 11

MATTERS TO BE TAKEN INTO ACCOUNT IN DECIDING WHETHER RELEVANT PROJECT LIKELY TO HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT

Characteristics of the project

1. The characteristics of the relevant project having regard, in particular, to—
 - (a) the size and design of the project;
 - (b) the cumulation with other existing or approved projects;
 - (c) the use of natural resources in particular land, soil, water and biodiversity;
 - (d) the production of waste, pollution and nuisances;
 - (e) the risk of major accidents or disasters which are relevant to the project concerned including those caused by climate change, in accordance with scientific knowledge; and
 - (f) the risks to human health (for example, due to water contamination or air pollution).

Location of the project

2. The environmental sensitivity of geographical areas likely to be affected by the relevant project having regard, in particular, to—
 - (a) the existing and approved land use;
 - (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
 - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under national legislation, Natura 2000 areas designated by member states pursuant to [Directive 92/43/EEC\(1\)](#) or [Directive 2009/147/EC\(2\)](#);
 - (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in EU legislation and relevant to the project or in which it is considered that there is such a failure;
 - (vii) densely populated areas; and
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

(1) OJ L 206 22.7.92 p.7.

(2) OJ L 20 26.1.2010. p.7.

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Type and characteristics of the potential impact

3. The likely significant effects of the relevant project on the environment in relation to the criteria set out under paragraphs 1 and 2, and having regard in particular to the impact of the project on the factors specified in Article 3(1) of the Directive, taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing or approved projects; and
- (h) the possibility of effectively reducing the impact.”

SCHEDULE 2

Regulation 21

Commencement Information

I2 Sch. 2 in force at 16.5.2017, see [reg. 1](#)

“SCHEDULE 2

Regulation 3B

Information for the Environmental Statement

1. A description of the relevant project, including in particular:
 - (a) a description of the location of the project;
 - (b) a description of the physical characteristics of the whole project, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
 - (c) a description of the main characteristics of the operational phase of the project (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used; and
 - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.
2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the undertaker, which are relevant to the relevant project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

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4. A description of the factors set out in Article 3(1) of the Directive likely to be significantly affected by the project: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

5. A description of the likely significant effects of the project on the environment resulting from, inter alia—

- (a) the construction and existence of the project, including, where relevant, demolition works;
- (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- (e) the cumulation of effects with other existing or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
- (g) the technologies and the substances used, and

these descriptions of the likely significant effects on the factors set out in Article 3(1) of the Directive must cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project and should take into account environmental protection objectives established at EU or at national level relevant to the project.

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis).

8. The description in paragraph 7 should explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

9. A description of the expected significant adverse effects of the relevant project on the environment deriving from the vulnerability of the project to risks of major accidents or disasters which are relevant to the project.

10. Relevant information available and obtained through risk assessments pursuant to EU legislation such as [Directive 2012/18/EU](#) of the European Parliament and of the Council on the control of major accident hazards involving dangerous substances⁽³⁾ or Council Directive 2009/71/Euratom establishing a community framework for the nuclear safety of nuclear installations⁽⁴⁾ or

(3) OJ L 197 24.7.2012. p.1

(4) OJ L 172 2.7.2009. p.18.

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relevant assessments carried out pursuant to national legislation may be used for describing the matters in paragraph 9, provided that the requirements of the Directive are met.

11. In describing the matters in paragraph 9, the undertaker should, where appropriate, include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

12. A non-technical summary of the information provided under paragraphs 1 to 11.

13. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.”

SCHEDULE 3

Regulation 41

Commencement Information

I3 Sch. 3 in force at 16.5.2017, see [reg. 1](#)

“SCHEDULE 1

Regulation 2B

Information for the Environmental Statement

1. A description of the proposed pipe-line works, including in particular:
 - (a) a description of the location of the works;
 - (b) a description of the physical characteristics of the whole works, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
 - (c) a description of the main characteristics of the operational phase of the works (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
 - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.
2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the gas transporter, which are relevant to the proposed pipe-line works and their specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the proposed pipe-line works as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
4. A description of the factors set out in Article 3(1) of the Directive likely to be significantly affected by the proposed pipe-line works: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

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5. A description of the likely significant effects of the proposed pipe-line works on the environment resulting from, inter alia:

- (a) the construction and existence of the works, including, where relevant, demolition works;
- (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- (e) the cumulation of effects with other existing or approved pipe-line works, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- (f) the impact of the works on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the works to climate change;
- (g) the technologies and the substances used, and

these descriptions of the likely significant effects on the factors set out in Article 3(1) of the Directive must cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the works and should take into account environmental protection objectives established at EU or at national level relevant to the works.

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis).

8. The description in paragraph 7 should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

9. A description of the expected significant adverse effects of the proposed pipe-line works on the environment deriving from the vulnerability of the works to risks of major accidents or disasters which are relevant to the works concerned.

10. Relevant information available and obtained through risk assessments pursuant to EU legislation such as [Directive 2012/18/EU](#) of the European Parliament and of the Council on the control of major accident hazards involving dangerous substances or Council Directive 2009/71/Euratom establishing a community framework for the nuclear safety of nuclear installations or relevant assessments carried out pursuant to national legislation may be used for describing the matters in paragraph 9, provided that the requirements of the Directive are met.

11. In describing the matters in paragraph 9, the gas transporter should, where appropriate, include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

12. A non-technical summary of the information provided under paragraphs 1 to 11.

13. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.”

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SCHEDULE 4

Regulation 42

Commencement Information

I4 Sch. 4 in force at 16.5.2017, see [reg. 1](#)

“SCHEDULE 2

Regulations 2(1) and 6(7)

MATTERS TO BE TAKEN INTO ACCOUNT IN MAKING AN ENVIRONMENTAL DETERMINATION OR GIVING A DIRECTION UNDER REGULATION 3(3)

Characteristics of proposed pipe-line works

1. The characteristics of the proposed pipe-line works having regard, in particular, to—
 - (a) the size and design of the proposed pipe-line works and of the proposed pipe-line;
 - (b) the cumulation with other existing or approved pipe-line works;
 - (c) the use of natural resources in particular land, soil, water and biodiversity;
 - (d) the production of waste, pollution and nuisances;
 - (e) the risk of major accidents or disasters which are relevant to the proposed pipe-line works or to the proposed pipe-line, including those caused by climate change, in accordance with scientific knowledge; and
 - (f) the risks to human health (for example, due to water contamination or air pollution).

Location of proposed pipe-line works

2. The environmental sensitivity of geographical areas likely to be affected by the proposed pipe-line works, having regard, in particular, to—
 - (a) the existing and approved land use;
 - (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
 - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under national legislation, Natura 2000 areas designated by member states pursuant to [Directive 92/43/EEC](#)(**5**) or [Directive 2009/147/EC](#)(**6**);
 - (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in EU legislation and relevant to the works or in which it is considered that there is such a failure;
 - (vii) densely populated areas; and
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

(5) OJ L 206 22.7.92 p.7

(6) OJ L 20 26.1.2010. p.7.

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Type and characteristics of the potential impact

3. The likely significant effects of the proposed pipe-line works on the environment in relation to the criteria set out under paragraphs 1 and 2, and having regard in particular to the impact of the works on the factors specified in Article 3(1) of the Directive, taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing or approved pipe-line works; and
- (h) the possibility of effectively reducing the impact.”

SCHEDULE 5

Regulation 56

Commencement Information

I5 Sch. 5 in force at 16.5.2017, see [reg. 1](#)

“SCHEDULE 1

Regulation 2B

Information for the Environmental Statement

1. A description of the relevant pipe-line works, including in particular:
 - (a) a description of the location of the works;
 - (b) a description of the physical characteristics of the whole works, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
 - (c) a description of the main characteristics of the operational phase of the works (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
 - (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.
2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the prospective applicant, which are relevant to the relevant pipe-line works and their specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the relevant pipe-line works as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

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4. A description of the factors set out in Article 3(1) of the Directive likely to be significantly affected by the relevant pipe-line works: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.

5. A description of the likely significant effects of the relevant pipe-line works on the environment resulting from, inter alia:

- (a) the construction and existence of the works, including, where relevant, demolition works;
- (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
- (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
- (e) the cumulation of effects with other existing or approved pipe-line works, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
- (f) the impact of the works on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the works to climate change;
- (g) the technologies and the substances used, and

these descriptions of the likely significant effects on the factors set out in Article 3(1) of the Directive must cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the works and should take into account environmental protection objectives established at EU or at national level relevant to the works.

6. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis).

8. The description in paragraph 7 should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.

9. A description of the expected significant adverse effects of the relevant pipe-line works on the environment deriving from the vulnerability of the works to risks of major accidents or disasters which are relevant to the works concerned.

10. Relevant information available and obtained through risk assessments pursuant to EU legislation such as [Directive 2012/18/EU](#) of the European Parliament and of the Council on the control of major accident hazards involving dangerous substances⁽⁷⁾ or Council Directive 2009/71/Euratom establishing a community framework for the nuclear safety of nuclear installations⁽⁸⁾ or

(7) OJ L 197 24.7.2012. p.1.

(8) OJ L 172 2.7.2009. p.18.

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relevant assessments carried out pursuant to national legislation may be used for describing the matters in paragraph 9, provided that the requirements of the Directive are met.

11. In describing the matters in paragraph 9, the applicant should, where appropriate, include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

12. A non-technical summary of the information provided under paragraphs 1 to 11.

13. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.”

SCHEDULE 6

Regulation 57

Commencement Information

16 Sch. 6 in force at 16.5.2017, see [reg. 1](#)

“SCHEDULE 2

Regulations 2 and 4

MATTERS TO BE TAKEN INTO ACCOUNT IN GIVING A DIRECTION UNDER REGULATION 4(2)

Characteristics of relevant pipe-line works

1. The characteristics of the relevant pipe-line works having regard, in particular, to—
 - (a) the size and design of the relevant pipe-line works and of the pipe-line;
 - (b) the cumulation with other existing or approved pipe-line works;
 - (c) the use of natural resources in particular land, soil, water and biodiversity;
 - (d) the production of waste, pollution and nuisances;
 - (e) the risk of major accidents or disasters which are relevant to the relevant pipe-line works or to the pipe-line, including those caused by climate change, in accordance with scientific knowledge; and
 - (f) the risks to human health (for example, due to water contamination or air pollution).

Location of relevant pipe-line works

2. The environmental sensitivity of geographical areas likely to be affected by the relevant pipe-line works, having regard in particular, to—
 - (a) the existing and approved land use;
 - (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
 - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;

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- (iv) nature reserves and parks;
- (v) areas classified or protected under national legislation, Natura 2000 areas designated by member states pursuant to [Directive 92/43/EEC](#) or [Directive 2009/147/EC](#);
- (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in EU legislation and relevant to the project or in which it is considered that there is such a failure;
- (vii) densely populated areas; and
- (viii) landscapes and sites of historical, cultural or archaeological significance.

Type and characteristics of the potential impact

3. The likely significant effects of the relevant pipe-line works on the environment in relation to the criteria set out under paragraphs 1 and 2, and having regard in particular to the impact of the works on the factors specified in Article 3(1) of the Directive, taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing or approved developments; and
- (h) the possibility of effectively reducing the impact.”

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Changes and effects yet to be applied to :

- Pt. 1 omitted by [S.I. 2020/1497 reg. 2\(4\)\(d\)](#)