

1999 No. 1672

GAS

PIPE-LINES

The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999

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| <i>Made</i> | <i>12th June 1999</i> |
| <i>Laid before Parliament</i> | <i>15th June 1999</i> |
| <i>Coming into force</i> | <i>15th July 1999</i> |

The Secretary of State, being a Minister designated¹ for the purposes of section 2(2) of the European Communities Act 1972² in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred on him by that section hereby makes the following Regulations:-

Notes

¹ S.I. 1988/785.

² . By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c. 51) regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).

Extent

Preamble: England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland and Wales](#) | [England](#)

✓ Law In Force

Scotland and Wales

1.— Citation, commencement, extent and application

(1) These Regulations may be cited as the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999 and shall come into force on 15th July 1999.

(2) These Regulations do not extend to Northern Ireland.

(3) These Regulations apply to pipe-line works which fall within the class of development described as permitted development in Class F(a) of Part 17 of Schedule 2 to the 1995 Order or specified in Class 39(1)(a) of Part 13 of Schedule 1 to the 1992 Order, as appropriate, but do not apply to any such pipe-line works—

(a) which were commenced by a public gas transporter or for the execution of which a public gas transporter invited tenders, before the date on which these Regulations come into force;

(b) to the extent specified by regulations 4 (pipe-line works subject to planning permission in England and Wales) and 5 (pipe-line works subject to planning permission in Scotland) below.

England

[1.— Citation, commencement, extent and application

(1) These Regulations may be cited as the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999 and shall come into force on 15th July 1999.

(2) These Regulations do not extend to Northern Ireland.

(3) These Regulations apply to pipe-line works which fall within the class of development described as permitted development in Class F(a) of Part 17 of Schedule 2 to the 1995 Order or specified in Class 39(1)(a) of Part 13 of Schedule 1 to the 1992 Order, as appropriate, but do not apply to any such pipe-line works—

(a) which were commenced by a public gas transporter or for the execution of which a public gas transporter invited tenders, before the date on which these Regulations come into force;

(b) to the extent specified by regulations 4 (pipe-line works subject to planning permission in England and Wales) and 5 (pipe-line works subject to planning permission in Scotland) below.

(c) for which development consent is required under section 31 of the Planning Act 2008, by virtue of those works falling within section 14(1)(f) of that Act.²

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Notes

- ¹ Added by Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) (England) Regulations 2014/557 reg.2 (April 6, 2014)
- ² Section 14(1)(f) is qualified by section 20 of the Planning Act 2008; section 20 sets out what pipe-line works by a gas transporter are a nationally significant infrastructure project falling within section 14(1)(f) of that Act (and therefore require development consent under section 31).


Commencement

reg. 1(1)-(3)(b): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 1(1)-(3)(b): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland and Wales](#) | [England](#)

 Law In Force

Scotland and Wales

2.— Interpretation

(1) In these Regulations—

“the 1986 Act” means the Gas Act 1986;

[“the 1999 Scottish EIA Regulations” means the Environmental Impact Assessment (Scotland) Regulations 1999;]¹

“the 1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992²;

“the 1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995³;

[“the 2017 Regulations” means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017;]⁴

[“additional information” means information which—

(a) is made available to the Secretary of State—

(i) after the date on which the application for consent accompanied by an environmental statement is received by the Secretary of State; and

(ii) before determination by the Secretary of State of the application for consent pursuant to regulation 14(1) below;

(b) is of material relevance to the environmental statement; and

(c) is not further information or supplementary information;

“application for consent” means an application made by a gas transporter to the Secretary of State for his consent to the carrying out of proposed pipe-line works;]⁵

“appropriate local planning authority” has the same meaning as in article 4(6) of the 1995 Order⁶;

[“appropriate particulars” means, in relation to a request for an environmental determination or a request under regulation 7(1) (pre-application request to the Secretary of State etc.), the name and address of the gas transporter and a description of the proposed pipe-line works which—

(a) includes—

(i) the physical characteristics of the whole works, and where relevant, of demolition works;

(ii) the location of the works with particular regard to the environmental sensitivity of the geographical areas likely to be affected by the works;

(iii) the aspects of the environment likely to be significantly affected by the works;

(iv) any likely significant effects, to the extent of the information available on such effects, of the works on the environment resulting from—

(aa) the expected residues and emissions and the production of waste, where relevant; and

(bb) the use of natural resources, in particular soil, land, water and biodiversity;

(b) takes into account the matters set out in Schedule 2 (matters to be taken into account in making an environmental determination etc.) and, where relevant, the results of other relevant assessments of the effects on the environment carried out pursuant to [retained EU law other than any law that implemented]⁸ the Directive; and

(c) may also include any features of the proposed pipe-line works or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment;

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“authorised area”, in relation to a public gas transporter, means so much of any area specified in the licence granted to the transporter concerned under section 7 of the 1986 Act or an extension of such licence as is not specified in a subsequent licence or extension granted under that section to another person;

“construction”, in relation to a pipe-line, includes placing and cognate expressions shall be construed accordingly;

“the consultation bodies”, in relation to proposed pipe-line works, means—

(a) the relevant planning authority;

(b) in the case of proposed pipe-line works in England, the Countryside Commission⁹, [English Nature]^{10 11} and the Environment Agency¹²;

(c) in the case of proposed pipe-line works in Scotland, Scottish Natural Heritage¹³ and the Scottish Environment Protection Agency¹⁴;

(d) in the case of proposed pipe-line works in Wales, [the Natural Resources Body for Wales]¹⁵; [and]¹⁶

[(e) any other body designated by statutory provision as having specific environmental responsibilities which the Secretary of State considers is likely to have an interest in the pipe-line works in question;]¹⁶

[“the Directive” means Directive 2011/92/EU¹⁸ of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment;]¹⁷

“distribution main”, in relation to a public gas transporter, means any main of the transporter through which the transporter is for the time being distributing gas and which is not being used only for the purpose of conveying gas in bulk;

[“EEA State” means a member State, Norway, Iceland or Liechtenstein;]¹⁹

“effect” includes, except where the context otherwise requires, any direct, indirect, secondary, cumulative, short, medium or long-term, permanent or temporary, or positive or negative effect;

“EIA development” means pipe-line works which are likely to have significant effects on the environment by virtue of factors such as their nature, size or location;

“emergency works” means any works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent which are likely to cause danger to persons or property;

“environmental determination”, in relation to any proposed pipe-line works, means a determination by the Secretary of State as to whether the proposed works are EIA development;

[“environmental impact assessment” shall be interpreted in accordance with regulation 2A;

“environmental statement” has the meaning set out in regulation 2B;]²⁰

(a)-(b) [...]²¹

[“further information” is to be construed in accordance with regulation 11(1);]²²

“gas” means—

(a) any substance in a gaseous state which consists wholly or mainly of—

(i) methane, ethane, propane, butane, hydrogen or carbon monoxide;

(ii) a mixture of two or more of those gases; or

(iii) a combustible mixture of one or more of those gases and air; and

(b) any other substance in a gaseous state which is gaseous at a temperature of 15°C and a pressure of 1013.25 millibars and is specified in an order made by the Secretary of State under the 1986 Act²³;

[“the Gazette” means—

(a) in relation to proposed pipe-line works along a route lying wholly in England and Wales, the London Gazette;

(b) in relation to proposed pipe-line works along a route lying wholly in Scotland, the Edinburgh Gazette; and

(c) in relation to pipe-line works along a route lying partly in England and Wales and partly in Scotland, the London Gazette and the Edinburgh Gazette;

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“in”, in a context referring to a pipe-line or works or operations in land, includes a reference to a pipe-line, works or operations under, over, across, along or upon it;

“local planning authority” means an authority which is a local planning authority for the purposes of the Town and Country Planning Act 1990;

“notice” means notice in writing and cognate expressions shall be construed accordingly;

“notice of preparation of environmental statement”, in relation to proposed pipe-line works, means a notice to the Secretary of State—

- (a) stating that the public gas transporter proposing to carry out the works in question will prepare and submit to the Secretary of State an environmental statement relating to those works;
- (b) including the information necessary to identify, or being accompanied by documents identifying, the proposed pipe-line works, the land in which the proposed pipe-line works would be carried out and the nature and purpose of the works; and
- (c) indicating the main environmental consequences to which the public gas transporter proposes to refer in his environmental statement.

“pipe-line” means a pipe-line, other than a small service pipe, within the meaning of section 65 of the Pipe-lines Act 1962 which is intended to convey gas;

“pipe-line works” means the carrying out of building, engineering or other operations in land for the construction of a pipe-line, not being emergency works;

“planning authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“public gas transporter” means the holder of a licence under section 7(1) of the 1986 Act²⁵ except where the holder is acting otherwise than for purposes connected with—

- (a) the carrying on of activities authorised by the licence;
- (b) the conveyance of gas through pipes which—
 - (i) are situated in an authorised area of his; or
 - (ii) are situated in an area which was an authorised area of his, or an authorised area of a previous holder of the licence, and were so situated at a time when it was such an area; or
- (c) the conveyance through pipes of gas which is in the course of being conveyed to or from a country or territory outside Great Britain;

[“public website” means a website accessible to the public where the public can view and download information placed on it;]²⁶

“register” means—

- (a) in relation to proposed pipe-line works in England and Wales, a register kept pursuant to section 69 (registers of applications etc.) of the Town and Country Planning Act 1990; and
- (b) in relation to proposed pipe-line works in Scotland, a register kept pursuant to section 36 (registers of applications etc.) of the Town and Country Planning (Scotland) Act 1997,

and in each case, “appropriate register” means the register on which particulars of a planning application for the relevant pipe-line works would fall to be placed in the event of such an application being made;

“relevant planning authority” means in the case of proposed pipe-line works the subject of—

- (a) a request for an environmental determination;
- (b) a notice of preparation of environmental statement; or
- (c) a direction by the Secretary of State pursuant to regulation 3(3) below (direction that an environmental statement is required) [or in regulation 3A(1) (exempt pipe-line works)]²⁷,

as the case may be, each local planning authority or planning authority within whose area any of the works are proposed to be carried out;

“request for an environmental determination” means a request for an environmental determination which is made to the Secretary of State in writing and is accompanied by the appropriate particulars;

“selection criteria” means the criteria set out in Schedule 2 to these Regulations;

“sensitive area” means any of the following—

- (a) land notified under subsection (1) of section 28 (areas of special scientific interest) of the Wildlife and Countryside Act 1981²⁸;
- (b) an area to which paragraph (u)(ii) in the table in article 10 of the Town and Country Planning (General Development Procedure) Order 1995²⁹ applies;
- (c) land to which subsection (3) of section 29 (nature conservation orders) of the Wildlife and Countryside Act 1981 applies;
- (d) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949³⁰;
- (e) the Broads³¹;
- (f) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage³²;
- (g) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979³³;
- [(h) an area of outstanding natural beauty designated as such by an order made under section 82 (designation of areas) of the Countryside and Rights of Way Act 2000,³⁵]³⁴
- (i) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats, etc.) Regulations 1994 [or [regulation 8 of the Conservation of Habitats and Species Regulations 2017]³⁷]³⁶;
- (j) an area designated as a Natural Heritage Area by a direction made by the Secretary of State under section 6(2) of the Natural Heritage (Scotland) Act 1991 or [[as a National Scenic Area by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997]³⁹]³⁸ ; [...]⁴⁰
- (k) a national nature reserve designated by Scottish Natural Heritage¹³ under section 35 of the Wildlife and Countryside Act 1981; [and]⁴¹
- [(l) a wetland designated under paragraph 1 of Article 2 of the Ramsar Convention, as defined in section 37A of the Wildlife and Countryside Act 1981, for inclusion in the list of wetlands of international importance referred to in that Article⁴³ .]⁴²

“small service pipe” means a pipe-line, other than a distribution main of a public gas transporter, not exceeding 500 metres in length which has a design operating pressure not exceeding 2 bar gauge and the purpose of which is the conveyance of gas from such a main to any premises, and includes part of any such pipe-line;

[“supplementary information” means information which is—

- (a) provided to the Secretary of State by the applicant in order to supplement the environmental statement; and
- (b) submitted to the Secretary of State no later than 14 days after the date of receipt by the Secretary of State of the environmental statement; and

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“working width” means in relation to a proposed pipe-line, the area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for the construction or installation of the pipe-line.

(2) References in these Regulations to proposed pipe-line works include, in the case of pipe-line works in respect of which the Secretary of State has made a direction under regulation 3(3) below

(direction that an environmental statement is required) after the works in question have already been commenced, references to any pipe-line works necessary for the completion of those works.

Notes

- ¹ Definition substituted by Environmental Impact Assessment (Scotland) Regulations 1999/1 (Scottish SI) Pt II(11) reg.47(8)(a) (August 1, 1999)
- ² Relevant amending instruments are S.I. 1993/1036, S.I. 1994/3294, S.I. 1996/252 and S.I. 1997/1871 and S.I. 1992/223 should be read with Part IV of S.I. 1994/2716.
- ³ Relevant amending instruments are S.I. 1996/252 and S.I. 1996/528.
- ⁴ Definition substituted by Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017/567 Sch.10 para.2(2) (May 16, 2017)
- ⁵ Definitions inserted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.4(a) (August 20, 2007)
- ⁶ Article 4(6) of the 1995 Order was amended by S.I. 1996/528.
- ⁷ Definition substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(a) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁸ Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- ⁹ Seesection 1(1) of the National Parks and Access to the Countryside Act 1949 (c.97), as substituted by the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1.
- ¹⁰ Words substituted by Countryside and Rights of Way Act 2000 c. 37 Pt III s.73(2) (January 30, 2001)
- ¹¹ Seesection 128 of the Environmental Protection Act 1990.
- ¹² Seesection 1(1) of the Environment Act 1995 (c. 25).
- ¹³ Seesection 1 of the Natural Heritage (Scotland) Act 1991 (c. 28).
- ¹⁴ Seesection 20 of the Environment Act 1995.
- ¹⁵ Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.4 para.93(2) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)
- ¹⁶ Added by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.4(b) (August 20, 2007)
- ¹⁷ Definition inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(b) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ¹⁸ OJ L 26 28.1.2012 p1.
- ¹⁹ Definition substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.4(c) (August 20, 2007)
- ²⁰ Definitions inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(c) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ²¹ Definition revoked by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(c) (May 16, 2017: revocation has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ²² Definition inserted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.4(d) (August 20, 2007)
- ²³ On the date these Regulations were made no such order (under section 48(1) of the 1986 Act) had been made.
- ²⁴ Definition inserted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.4(e) (August 20, 2007)
- ²⁵ Section 7 of the Gas Act 1986 was substituted by section 5 of the Gas Act 1995.

- 26 Definition inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(d) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 27 Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(e) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 28 Amended by the Wildlife and Countryside (Amendment) Act 1985 (c. 31), the Wildlife and Countryside (Service of Notices) Act 1985 (c. 59), the Norfolk and Suffolk Broads Act 1988 (c. 4) and the Planning (Consequential Provisions) Act 1990 (c. 11).
- 29 To which there are amendments not relevant to these Regulations.
- 30 Relevant amendments were made by the Environment Act 1995 (c. 25), Schedule 10, paragraph 2.
- 31 See the Norfolk and Suffolk Broads Act 1988 (c. 4).
- 32 See Cm 9424.
- 33 . See the definition in section 1(11).
- 34 Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(f)(i) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 35 2000 c. 37. Section 82 was amended by the Natural Environment and Rural Communities Act 2006 (c.16)section 105(1), Schedule 11, Part 1, paragraph 163(a) and (b), and SI 2013/755.
- 36 Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(f)(ii) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 37 Words substituted by Conservation of Habitats and Species Regulations 2017/1012 Sch.6(2) para.9(2) (November 30, 2017)
- 38 Words substituted by National Scenic Areas (Scotland) Regulations 2008/202 (Scottish SI) reg.3 (June 20, 2008)
- 39 Words substituted by National Scenic Areas (Consequential Modifications) (Scotland) Order 2010/460 (Scottish SI) art.8 (December 17, 2010)
- 40 Word revoked by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(f)(iii) (May 16, 2017: revocation has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 41 Word inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(f)(iii) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 42 Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(f)(iv) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 43 1981 c.69. Section 37A was inserted by the Countryside and Rights of Way Act 2000 (c. 37) and amended by the Natural Environment and Rural Communities Act 2006 (c.16)section 105(1), Schedule 11, Part 1, paragraph 86, the Planning (Wales) Act 2015 (anaw.4)section 16, Schedule 2, paragraphs 5 and 7 and S.I. 2013/755.
- 44 Definition inserted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.4(f) (August 20, 2007)

England

[2.— Interpretation

(1) In these Regulations—

“the 1986 Act” means the Gas Act 1986;

“the 1999 Scottish EIA Regulations” means the Environmental Impact Assessment (Scotland) Regulations 1999;

“the 1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992²;

“the 1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995³;

“the 2011 EIA Regulations” means the Town and Country Planning (Environmental Impact Assessment) Regulations 2011;

“additional information” means information which—

(a) is made available to the Secretary of State—

(i) after the date on which the application for consent accompanied by an environmental statement is received by the Secretary of State; and

(ii) before determination by the Secretary of State of the application for consent pursuant to regulation 14(1) below;

(b) is of material relevance to the environmental statement; and

(c) is not further information or supplementary information;

“application for consent” means an application made by a gas transporter to the Secretary of State for his consent to the carrying out of proposed pipe-line works;

“appropriate local planning authority” has the same meaning as in article 4(6) of the 1995 Order⁴;

[“appropriate particulars” means, in relation to a request for an environmental determination or a request under regulation 7(1) (pre-application request to the Secretary of State etc.), the name and address of the gas transporter and a description of the proposed pipe-line works which—

(a) includes—

(i) the physical characteristics of the whole works, and where relevant, of demolition works;

(ii) the location of the works with particular regard to the environmental sensitivity of the geographical areas likely to be affected by the works;

(iii) the aspects of the environment likely to be significantly affected by the works;

(iv) any likely significant effects, to the extent of the information available on such effects, of the works on the environment resulting from—

(aa) the expected residues and emissions and the production of waste, where relevant; and

(bb) the use of natural resources, in particular soil, land, water and biodiversity;

(b) takes into account the matters set out in Schedule 2 (matters to be taken into account in making an environmental determination etc.) and, where relevant, the results of other relevant assessments of the effects on the environment carried out pursuant to [retained EU law other than any law that implemented]⁶ the Directive; and

(c) may also include any features of the proposed pipe-line works or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment;

] ⁵

“authorised area”, in relation to a public gas transporter, means so much of any area specified in the licence granted to the transporter concerned under section 7 of the 1986 Act or an extension of such licence as is not specified in a subsequent licence or extension granted under that section to another person;

“construction”, in relation to a pipe-line, includes placing and cognate expressions shall be construed accordingly;

“the consultation bodies”, in relation to proposed pipe-line works, means–

- (a) the relevant planning authority;
- (b) in the case of proposed pipe-line works in England, the Countryside Commission⁷, English Nature⁸ and the Environment Agency⁹;
- (c) in the case of proposed pipe-line works in Scotland, Scottish Natural Heritage¹⁰ and the Scottish Environment Protection Agency¹¹;
- (d) in the case of proposed pipe-line works in Wales, [the Natural Resources Body for Wales]¹² ; and
- (e) any other body designated by statutory provision as having specific environmental responsibilities which the Secretary of State considers is likely to have an interest in the pipe-line works in question;

[“the Directive” means Directive 2011/92/EU¹⁴ of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment;]¹³

“distribution main”, in relation to a public gas transporter, means any main of the transporter through which the transporter is for the time being distributing gas and which is not being used only for the purpose of conveying gas in bulk;

“EEA State” means a member State, Norway, Iceland or Liechtenstein;

“effect” includes, except where the context otherwise requires, any direct, indirect, secondary, cumulative, short, medium or long-term, permanent or temporary, or positive or negative effect;

“EIA development” means pipe-line works which are likely to have significant effects on the environment by virtue of factors such as their nature, size or location;

“emergency works” means any works whose execution at the time when they are executed is required in order to put an end to, or to prevent the occurrence of, circumstances then existing or imminent which are likely to cause danger to persons or property;

“environmental determination”, in relation to any proposed pipe-line works, means a determination by the Secretary of State as to whether the proposed works are EIA development;

[“environmental impact assessment” shall be interpreted in accordance with regulation 2A;

“environmental statement” has the meaning set out in regulation 2B;]¹⁵

(a)-(b) [...] ¹⁶

“further information” is to be construed in accordance with regulation 11(1);

“gas” means–

- (a) any substance in a gaseous state which consists wholly or mainly of–
 - (i) methane, ethane, propane, butane, hydrogen or carbon monoxide;
 - (ii) a mixture of two or more of those gases; or
 - (iii) a combustible mixture of one or more of those gases and air; and
- (b) any other substance in a gaseous state which is gaseous at a temperature of 15°C and a pressure of 1013.25 millibars and is specified in an order made by the Secretary of State under the 1986 Act¹⁷;

“the Gazette” means—

- (a) in relation to proposed pipe-line works along a route lying wholly in England and Wales, the London Gazette;
- (b) in relation to proposed pipe-line works along a route lying wholly in Scotland, the Edinburgh Gazette; and
- (c) in relation to pipe-line works along a route lying partly in England and Wales and partly in Scotland, the London Gazette and the Edinburgh Gazette;

“in”, in a context referring to a pipe-line or works or operations in land, includes a reference to a pipe-line, works or operations under, over, across, along or upon it;

“local planning authority” means an authority which is a local planning authority for the purposes of the Town and Country Planning Act 1990;

“notice” means notice in writing and cognate expressions shall be construed accordingly;

“notice of preparation of environmental statement”, in relation to proposed pipe-line works, means a notice to the Secretary of State—

- (a) stating that the public gas transporter proposing to carry out the works in question will prepare and submit to the Secretary of State an environmental statement relating to those works;
- (b) including the information necessary to identify, or being accompanied by documents identifying, the proposed pipe-line works, the land in which the proposed pipe-line works would be carried out and the nature and purpose of the works; and
- (c) indicating the main environmental consequences to which the public gas transporter proposes to refer in his environmental statement.

“pipe-line” means a pipe-line, other than a small service pipe, within the meaning of section 65 of the Pipe-lines Act 1962 which is intended to convey gas;

“pipe-line works” means the carrying out of building, engineering or other operations in land for the construction of a pipe-line, not being emergency works;

“planning authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“public gas transporter” means the holder of a licence under section 7(1) of the 1986 Act¹⁸ except where the holder is acting otherwise than for purposes connected with—

- (a) the carrying on of activities authorised by the licence;
- (b) the conveyance of gas through pipes which—
 - (i) are situated in an authorised area of his; or
 - (ii) are situated in an area which was an authorised area of his, or an authorised area of a previous holder of the licence, and were so situated at a time when it was such an area; or
- (c) the conveyance through pipes of gas which is in the course of being conveyed to or from a country or territory outside Great Britain;

[“public website” means a website accessible to the public where the public can view and download information placed on it;]¹⁹

“register” means—

- (a) in relation to proposed pipe-line works in England and Wales, a register kept pursuant to section 69 (registers of applications etc.) of the Town and Country Planning Act 1990; and
- (b) in relation to proposed pipe-line works in Scotland, a register kept pursuant to section 36 (registers of applications etc.) of the Town and Country Planning (Scotland) Act 1997,

and in each case, “appropriate register” means the register on which particulars of a planning application for the relevant pipe-line works would fall to be placed in the event of such an application being made;

“relevant planning authority” means in the case of proposed pipe-line works the subject of–

- (a) a request for an environmental determination;
- (b) a notice of preparation of environmental statement; or
- (c) a direction by the Secretary of State pursuant to regulation 3(3) below (direction that an environmental statement is required) [or in regulation 3A(1) (exempt pipe-line works)]²⁰ ,

as the case may be, each local planning authority or planning authority within whose area any of the works are proposed to be carried out;

“request for an environmental determination” means a request for an environmental determination which is made to the Secretary of State in writing and is accompanied by the appropriate particulars;

“selection criteria” means the criteria set out in Schedule 2 to these Regulations;

“sensitive area” means any of the following–

- (a) land notified under subsection (1) of section 28 (areas of special scientific interest) of the Wildlife and Countryside Act 1981²¹ ;
- (b) an area to which paragraph (u)(ii) in the table in article 10 of the Town and Country Planning (General Development Procedure) Order 1995²² applies;
- (c) land to which subsection (3) of section 29 (nature conservation orders) of the Wildlife and Countryside Act 1981 applies;
- (d) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949²³ ;
- (e) the Broads²⁴ ;
- (f) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage²⁵ ;
- (g) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979²⁶ ;
- [(h) an area of outstanding natural beauty designated as such by an order made under section 82 (designation of areas) of the Countryside and Rights of Way Act 2000;²⁸]²⁷
- (i) a European site within the meaning of regulation 10 of the Conservation (Natural Habitats, etc.) Regulations 1994 [or [regulation 8 of the Conservation of Habitats and Species Regulations 2017]³⁰]²⁹ ;
- (j) an area designated as a Natural Heritage Area by a direction made by the Secretary of State under section 6(2) of the Natural Heritage (Scotland) Act 1991 or as a National Scenic Area by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997 ; [...] ³¹
- (k) a national nature reserve designated by Scottish Natural Heritage¹⁰ under section 35 of the Wildlife and Countryside Act 1981; [and]³²
- [(l) a wetland designated under paragraph 1 of Article 2 of the Ramsar Convention, as defined in section 37A of the Wildlife and Countryside Act 1981, for inclusion in the list of wetlands of international importance referred to in that Article³⁴ .]³³

“small service pipe” means a pipe-line, other than a distribution main of a public gas transporter, not exceeding 500 metres in length which has a design operating pressure not

exceeding 2 bar gauge and the purpose of which is the conveyance of gas from such a main to any premises, and includes part of any such pipe-line;

“supplementary information” means information which is—

(a) provided to the Secretary of State by the applicant in order to supplement the environmental statement; and

(b) submitted to the Secretary of State no later than 14 days after the date of receipt by the Secretary of State of the environmental statement; and

“working width” means in relation to a proposed pipe-line, the area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for the construction or installation of the pipe-line.

(2) References in these Regulations to proposed pipe-line works include, in the case of pipe-line works in respect of which the Secretary of State has made a direction under regulation 3(3) below (direction that an environmental statement is required) after the works in question have already been commenced, references to any pipe-line works necessary for the completion of those works.

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Notes

- ¹ Definition substituted by Town and Country Planning (Environmental Impact Assessment) Regulations 2011/1824 Sch.6 para.5 (August 24, 2011)
- ² Relevant amending instruments are S.I. 1993/1036, S.I. 1994/3294, S.I. 1996/252 and S.I. 1997/1871 and S.I. 1992/223 should be read with Part IV of S.I. 1994/2716.
- ³ Relevant amending instruments are S.I. 1996/252 and S.I. 1996/528.
- ⁴ Article 4(6) of the 1995 Order was amended by S.I. 1996/528.
- ⁵ Definition substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(a) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁶ Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- ⁷ Seesection 1(1) of the National Parks and Access to the Countryside Act 1949 (c.97), as substituted by the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1.
- ⁸ Seesection 128 of the Environmental Protection Act 1990.
- ⁹ Seesection 1(1) of the Environment Act 1995 (c. 25).
- ¹⁰ Seesection 1 of the Natural Heritage (Scotland) Act 1991 (c. 28).
- ¹¹ Seesection 20 of the Environment Act 1995.
- ¹² Words substituted by Natural Resources Body for Wales (Functions) Order 2013/755 Sch.4 para.93(2) (April 1, 2013: substitution has effect subject to transitional provisions and savings specified in SI 2013/755 art.10 and Sch.7)
- ¹³ Definition inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(b) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ¹⁴ OJ L 26 28.1.2012 p1.
- ¹⁵ Definitions inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(c) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ¹⁶ Definition revoked by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(c) (May 16, 2017: revocation has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ¹⁷ On the date these Regulations were made no such order (under section 48(1) of the 1986 Act) had been made.


- ¹⁸ Section 7 of the Gas Act 1986 was substituted by section 5 of the Gas Act 1995.
- ¹⁹ Definition inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(d) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ²⁰ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(e) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ²¹ Amended by the Wildlife and Countryside (Amendment) Act 1985 (c. 31), the Wildlife and Countryside (Service of Notices) Act 1985 (c. 59), the Norfolk and Suffolk Broads Act 1988 (c. 4) and the Planning (Consequential Provisions) Act 1990 (c. 11).
- ²² To which there are amendments not relevant to these Regulations.
- ²³ Relevant amendments were made by the Environment Act 1995 (c. 25), Schedule 10, paragraph 2.
- ²⁴ See the Norfolk and Suffolk Broads Act 1988 (c. 4).
- ²⁵ See Cm 9424.
- ²⁶ . See the definition in section 1(11).
- ²⁷ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(f)(i) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ²⁸ 2000 c. 37. Section 82 was amended by the Natural Environment and Rural Communities Act 2006 (c.16)section 105(1), Schedule 11, Part 1, paragraph 163(a) and (b), and SI 2013/755.
- ²⁹ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(f)(ii) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ³⁰ Words substituted by Conservation of Habitats and Species Regulations 2017/1012 Sch.6(2) para.9(2) (November 30, 2017)
- ³¹ Word revoked by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(f)(iii) (May 16, 2017: revocation has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ³² Word inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(f)(iii) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ³³ Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.26(f)(iv) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ³⁴ 1981 c.69. Section 37A was inserted by the Countryside and Rights of Way Act 2000 (c. 37) and amended by the Natural Environment and Rural Communities Act 2006 (c.16)section 105(1), Schedule 11, Part 1, paragraph 86, the Planning (Wales) Act 2015 (anaw.4)section 16, Schedule 2, paragraphs 5 and 7 and S.I. 2013/755.

Commencement

reg. 2(1)-(2): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 2(1)-(2): England, Wales, Scotland

 Law In Force

[2A.— Environmental impact assessment

(1) In these Regulations, “environmental impact assessment” means the process consisting of—

- (a) the preparation and submission of an environmental statement by a gas transporter;
- (b) the carrying out of the consultations referred to in regulations 9 to 11A and, where relevant, regulation 13;
- (c) the Secretary of State's consideration of the information presented in the environmental statement, any further information or additional information provided in accordance with regulation 11 or 11A, and any representations or opinions received as the result of the consultations referred to in sub-paragraph (b);
- (d) the Secretary of State's reasoned conclusion as required by regulation 14(1); and
- (e) the integration of that conclusion into the decision as to whether the grant of consent is to be given as required by regulation 14(1).

(2) In carrying out the steps described in paragraph (1)(a), the gas transporter shall identify, describe and assess in an appropriate manner—

- (a) the direct and indirect significant effects of the proposed pipe-line works on the following factors—
 - (i) population and human health;
 - (ii) biodiversity, with particular attention to species and habitats protected under [any law of any part of the United Kingdom that implemented]² Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds;
 - (iii) land, soil, water, air and climate;
 - (iv) material assets, cultural heritage and the landscape; and
 - (v) the interaction between the factors referred to in sub-paragraphs (i) to (iv); and
- (b) the operational effects of the proposed pipe-line works (where the works will have operational effects) and the expected effects deriving from the vulnerability of the works to risks of major accidents or disasters that are relevant to the works concerned.


] ¹

Notes

- ¹ Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.27 (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ² Words inserted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

reg. 2A(1)-(2)(b): England, Wales, Scotland

 Law In Force

[2B.— Environmental statement

(1) In these Regulations, an “environmental statement” means a report prepared as part of an environmental impact assessment in respect of proposed pipe-line works which includes—

- (a) a description of the works comprising information on the site, design, size and other relevant features of the works;
 - (b) a description of the likely significant effects of the works on the environment;
 - (c) a description of the features of the works or measures envisaged in order to avoid, prevent or reduce, and if possible, offset likely significant adverse effects on the environment;
 - (d) a description of the reasonable alternatives studied by the gas transporter which are relevant to the works and their specific characteristics and an indication of the main reasons for the option chosen, taking into account the effects of the works on the environment;
 - (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and
 - (f) any additional information set out in Schedule 1 (information for the environmental statement) relevant to the specific characteristics of the particular proposed pipe-line works or type of works and to the environmental features likely to be affected.
- (2) In preparing the environmental statement, the gas transporter shall also take into account any available results of other relevant assessments under [the law of any part of the United Kingdom]².
- (3) Where the Secretary of State has given an opinion under regulation 7 on the matters to be included in the environmental statement, the statement shall be based on that opinion and include the information that may be reasonably required for reaching a reasoned conclusion on the significant effects of the proposed pipe-line works on the environment, taking into account current knowledge and methods of assessment.
- (4) In order to ensure the completeness of the environmental statement, the gas transporter shall ensure that—
- (a) the statement is prepared by competent experts; and
 - (b) the statement is accompanied by a statement from the gas transporter outlining the relevant expertise or qualifications of such experts.

] ¹

Notes

- ¹ Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.27 (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ² Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(4) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

reg. 2B(1)-(4)(b): England, Wales, Scotland

 Law In Force

3.— Environmental statements

(1) Subject to paragraph (5) and [regulations 3A (exempt pipe-line works), 4]¹ (pipe-line works subject to planning permission in England and Wales) and 5 (pipe-line works subject to planning permission in Scotland) below, where a public gas transporter proposes to carry out any pipe-line

works of the kind described in Part 1 of Schedule 3 to these Regulations, he shall not commence such works without first giving the Secretary of State a notice of preparation of environmental statement.

(2) Subject to paragraph (5) and regulations 4 and 5 below, where a public gas transporter proposes to carry out any pipe-line works of a kind described in Part 2 of Schedule 3 to these Regulations, he shall not commence such works unless either—

(a) in response to a request from the public gas transporter, the Secretary of State has made an environmental determination and such determination has not at the time of commencement of such works ceased to have effect in accordance with regulation 6(8) below (determination to cease to have effect where works not commenced within 5 years), or

(b) the public gas transporter has given the Secretary of State a notice of preparation of environmental statement.

(3) Subject to paragraph (4) and regulations 4 and 5 below, in any case (other than in response to a request for an environmental determination) where it appears to the Secretary of State, having taken into account the selection criteria, that a public gas transporter proposes to carry out or is carrying out any pipe-line works which are EIA development, and the public gas transporter has not given a notice of preparation of environmental statement, the Secretary of State shall—

(a) giving his reasons for his opinion, in writing direct the public gas transporter to prepare an environmental statement, and

(b) send a copy of the direction to the relevant planning authority and to such other persons as he thinks fit, together with, where necessary, documents sufficient to identify the proposed pipe-line works and the land in which the proposed pipe-line works would be carried out.

(4) Before making a direction pursuant to paragraph (3) above, the Secretary of State shall consult the public gas transporter who is proposing to carry out or is carrying out such works and such other persons as he thinks fit.

(5) Where—

(a) the Secretary of State determines in response to a request for an environmental determination that the pipe-line works in question are EIA development,

(b) the Secretary of State directs that an environmental statement be prepared pursuant to paragraph (3) above, or

(c) the public gas transporter gives the Secretary of State a notice of preparation of environmental statement,

the public gas transporter shall not commence or continue the pipe-line works in question without first making an application for and obtaining the consent of the Secretary of State under regulation 14 below (consent to pipe-line works) to the carrying out of those works.

[(5A) Where in relation to EIA development there is, in addition to a requirement for an environmental statement to be prepared in accordance with these Regulations, also a requirement to carry out a Habitats Regulations Assessment, the Secretary of State shall where appropriate ensure that the preparation of that assessment and the environmental statement are coordinated.]²

(6) An application under paragraph (5) above for the consent of the Secretary of State to the carrying out of proposed pipe-line works shall be made by letter addressed to the Secretary of State, shall be accompanied by a copy of the environmental statement and shall include, or be accompanied by documents containing, the following information—

(a) the name and address of the public gas transporter;

(b) the location of the proposed pipe-line works; and

(c) a brief description of the nature and purpose of the proposed pipe-line works and of the main environmental consequences referred to in the environmental statement relating to the works.

[(7) In this regulation, a “Habitats Regulations Assessment” means an assessment under [regulation 63 of the Conservation of Habitats and Species Regulations 2017]⁴ in respect of the proposed pipe-line works.]³

Notes


- ¹ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.28(a) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ² Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.28(b) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ³ Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.28(c) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁴ Words substituted by Conservation of Habitats and Species Regulations 2017/1012 Sch.6(2) para.9(3) (November 30, 2017)

Commencement

reg. 3(1)-(6)(c): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 3(1)-(7): England, Wales, Scotland

 Law In Force

[3A.— Exempt pipe-line works

(1) The Secretary of State may direct that—

(a) these Regulations do not apply in relation to proposed pipe-line works if those works comprise or form part of works—

(i) having national defence as their sole purpose; or

(ii) having the response to a civil emergency as their sole purpose, and

in the opinion of the Secretary of State compliance with these Regulations would have an adverse effect on that purpose; or

(b) where the proposed pipe-line works are the subject of an Act of Parliament or a measure made under powers contained in such an Act, and providing that the objectives of [any law of any part of the United Kingdom that implemented]² the Directive are met, the provisions of these Regulations relating to public consultation do not apply in respect of those works.

(2) Subject to paragraph (4), the Secretary of State may, in exceptional cases, direct that any proposed pipe-line works shall be exempt in whole or in part from the requirements of these Regulations if circumstances exist such that the application of all or some of the provisions of these Regulations would adversely affect the purpose of those works.

- (3) Where a direction is given under paragraph (1) or (2), the Secretary of State shall send a copy of any such direction to the relevant planning authority.
- (4) A direction shall not be given under paragraph (2) unless the Secretary of State —
- (a) has considered whether another form of assessment is appropriate, and
 - (b) in a case where the Secretary of State considers that the proposed pipe-line works are likely to have significant environmental effects on the environment in [an EEA State]³, is satisfied that a form of consultation with that state broadly equivalent to the form described in regulation 13 (projects affecting other states) will take place before any consent is given in respect of the works [.]⁴
 - (c) [...] ⁴
- (5) A direction given by the Secretary of State under paragraph (2) may disapply such provisions of the Regulations as may in the circumstances appear to the Secretary of State to be appropriate and shall—
- (a) require the carrying out of such form of assessment as the Secretary of State considers appropriate in order to ensure a high level of protection of the environment and of human health;
 - (b) require that all information relating to the main effects the works are likely to have on the environment collected pursuant to sub-paragraph (a) is to be made available to the public and specify the manner in which it is to be made available;
 - (c) specify the extent to which these Regulations are to apply or that they are not going to apply at all; and
 - (d) include a statement of the Secretary of State's reasons for giving the direction and the information on which that decision is based.
- (6) The Secretary of State shall publish—
- (a) details of the direction given under paragraph (2) in the Gazettes together with information as to how the public concerned may obtain a copy of the direction; and
 - (b) the direction itself on a public website.

] ¹

Notes

¹ Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.29 (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

² Words inserted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(5)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

³ Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(6) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

⁴ Revoked by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(5)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

reg. 3A(1)-(6)(b): England, Wales, Scotland

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Scotland and Wales](#) | [England](#)

✓ Law In Force

Scotland and Wales

4.— Pipe-line works subject to planning permission in England and Wales

(1) Regulation 3 above (environmental statements) shall not apply or, subject to paragraph (3) below, shall cease to apply, as the case may be, in respect of any pipe-line works in relation to which a direction has been given pursuant to article 4(1) of the 1995 Order that the planning permission granted by article 3 of that Order shall not apply.

(2) A direction given by the appropriate local planning authority pursuant to article 4(1) of the 1995 Order which requires the approval of the Secretary of State under that Order shall not be treated for the purposes of this regulation as having been given until the date on which notice of such approval is served, or first published, as the case may be, by the authority in accordance with the provisions of article 5 of the 1995 Order.

(3) Where, in relation to proposed pipe-line works, the Secretary of State makes an environmental determination or gives a direction pursuant to regulation 3(3) above (direction that an environmental statement is required) before the date on which a direction pursuant to article 4(1) of the 1995 Order is given, that determination or direction shall, notwithstanding any provisions to the contrary in [the [2017]² EIA Regulations]¹ ,

(a) be conclusive for the purposes of those Regulations of the question of whether the pipe-line works in question are, or are not, EIA development within the meaning of [the [2017]² EIA Regulations]¹ ; and

(b) [be treated for the purposes of those Regulations as if it were a direction of the Welsh Ministers under [regulation 7(6)]⁴]³ .

Notes

¹ Words substituted by Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016/58 Sch.9 para.2(3)(b) (March 1, 2016)

² Word substituted by Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017/567 Sch.10 para.2(3)(b) (May 16, 2017)

³ Substituted by Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016/58 Sch.9 para.2(3)(a) (March 1, 2016)

⁴ Words substituted by Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017/567 Sch.10 para.2(3)(a) (May 16, 2017)

England

[4.— Pipe-line works subject to planning permission in England and Wales

(1) Regulation 3 above (environmental statements) shall not apply or, subject to paragraph (3) below, shall cease to apply, as the case may be, in respect of any pipe-line works in relation to which a direction has been given pursuant to article 4(1) of the 1995 Order that the planning permission granted by article 3 of that Order shall not apply.

(2) A direction given by the appropriate local planning authority pursuant to article 4(1) of the 1995 Order which requires the approval of the Secretary of State under that Order shall not be treated for the purposes of this regulation as having been given until the date on which notice of such approval is served, or first published, as the case may be, by the authority in accordance with the provisions of article 5 of the 1995 Order.

(3) Where, in relation to proposed pipe-line works, the Secretary of State makes an environmental determination or gives a direction pursuant to regulation 3(3) above (direction that an environmental statement is required) before the date on which a direction pursuant to article 4(1) of the 1995 Order is given, that determination or direction shall, notwithstanding any provisions to the contrary in the 2011 EIA Regulations,

(a) be conclusive for the purposes of those Regulations of the question of whether the pipe-line works in question are, or are not, EIA development within the meaning of the 2011 EIA Regulations; and

(b) be treated for the purposes of those Regulations as if it were a direction by the Secretary of State under regulation 6 of the 1999 EIA Regulations.

]¹

Notes

¹ Words substituted by Town and Country Planning (Environmental Impact Assessment) Regulations 2011/1824 Sch.6 para.6 (August 24, 2011)

Commencement

reg. 4(1)-(3)(b): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 4(1)-(3)(b): England, Wales, Scotland

 Law In Force

5.— Pipe-line works subject to planning permission in Scotland

(1) Regulation 3 above (environmental statements) shall not apply or, subject to paragraph (3) below, shall cease to apply, as the case may be, in respect of any pipe-line works in relation to which a direction has been given pursuant to article 4(1) of the 1992 Order that the planning permission granted by article 3 of that Order shall not apply.

(2) A direction given by a planning authority pursuant to article 4(1) of the 1992 Order which requires the approval of the Secretary of State under that Order shall not be treated for the purposes of this regulation as having been given until the date on which notice of such approval is served, or first published, as the case may be, by the planning authority in accordance with the provisions of article 5 of the 1992 Order.

(3) Where in relation to proposed pipe-line works the Secretary of State makes an environmental determination or gives a direction pursuant to regulation 3(3) above (direction that an environmental statement is required) before the date on which a direction pursuant to article 4(1) of the 1992 Order is given, that determination or direction shall, notwithstanding any provisions to the contrary in the [1999]¹ Scottish EIA Regulations,

- (a) be conclusive for the purposes of those Regulations of the question of whether [the pipe-line works in question are, or are not, EIA development within the meaning of the 1999 Scottish EIA Regulations]¹ ; and
- [(b) be treated for the purposes of those Regulations as if it were a direction by the Scottish Ministers under regulation 6 of the 1999 Scottish EIA Regulations.]¹

Notes


- ¹ Words substituted by Environmental Impact Assessment (Scotland) Regulations 1999/1 (Scottish SI) Pt II(11) reg.47(8)(b) (August 1, 1999)

Commencement

reg. 5(1)-(3)(b): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 5(1)-(3)(b): England, Wales, Scotland

 Law In Force

6.— Requests to the Secretary of State for an environmental determination

- (1) [Subject to paragraph (1B), this]¹ regulation applies where a public gas transporter—
- (a) makes a request for an environmental determination as referred to in regulation 3(2)(a) above, or
 - (b) proposes to carry out pipe-line works which are not of a kind described in either Part 1 or Part 2 of Schedule 3 to these Regulations, but nevertheless, before commencing such works, makes a request for an environmental determination.

[(1A) If the Secretary of State considers that proposed pipe-line works are 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 determine that no request for an environmental determination may be made under regulation 6 in respect of those works and direct that an environmental statement be prepared in respect of those works, and sub-paragraphs (a) and (b) to regulation 3(3) shall apply.

(1B) Where a direction under paragraph (1A) is in force in respect of proposed pipe-line works, the Secretary of State shall not make an environmental determination under paragraph (2) in respect of those works (whether or not that project has been modified or is to be carried out in any particular manner or time).]²

- (2) The Secretary of State shall, subject to paragraph (4) below, having—
- (a) taken into account the selection criteria [and the results of preliminary verifications or assessments on the environment carried out pursuant to [retained EU law other than any law that implemented]⁴ the Directive]³ ; and

(b) consulted the relevant planning authority, unless the public gas transporter making the request has already conveyed the written views of the relevant planning authority concerned to the Secretary of State,

make such environmental determination as he thinks fit and send a copy to the public gas transporter who made the request.

(3) The public gas transporter making the request shall supply the Secretary of State with such number of additional copies of the plan accompanying the request as the Secretary of State may reasonably require.

(4) The Secretary of State on receiving a request for an environmental determination shall, if he considers that he has not been provided with sufficient information to enable him to make a determination or to consult in accordance with paragraph (2)(b) above, notify the public gas transporter making the request of the particular points on which he requires further information.

(5) If the relevant planning authority wishes to give any views to the Secretary of State, it shall do so by a date no later than [30 days]⁵ after the date on which it was consulted under paragraph (2)(b) above.

(6) The Secretary of State shall make an environmental determination in response to a request for the same [as soon as possible and in any event]⁶ by a date no later than [30 days]⁵ after whichever is the latest of—

- (a) the date of the receipt of the request by the Secretary of State;
- (b) the date of receipt by him of further information pursuant to a notice under paragraph (4) above; or
- (c) if the Secretary of State has consulted the relevant planning authority under paragraph (2)(b) above, the expiry of the period for the relevant planning authority to give its views to the Secretary of State in accordance with paragraph (5) above, or, if earlier, the date by which he has received the views of the relevant planning authority,

or by such later date as may be agreed in writing with the public gas transporter [where the application is in respect of proposed pipe-line works that are, in the Secretary of State's opinion, an exceptional case, for example in relation to their nature, complexity, location or size, and the agreement shall include the reasons why the Secretary of State considers the extra time is needed]⁷

[(7) Where in response to a request for an environmental determination, the Secretary of State determines that either—

- (a) the proposed pipe-line works are EIA development; or
- (b) the proposed pipe-line works are not EIA development,

the Secretary of State shall provide with the determination a written statement of the main reasons for the determination and these reasons shall make reference to the relevant criteria set out in Schedule 2 and where it is determined that the proposed works are not EIA development, shall state any features of the proposed works or measures imposed that are proposed by the gas transporter to avoid or prevent significant adverse effects.

] ⁸

(8) A determination made by the Secretary of State in response to a request for an environmental determination that proposed pipe-line works are not EIA development shall cease to have effect after the expiration of 5 years from the date on which the determination is made, unless the pipe-line works to which it relates have been substantially begun before the expiration of that period.

(9) Where the Secretary of State makes an environmental determination, he shall forthwith send a copy of the determination and the statement of reasons, if any, accompanying the determination to the relevant planning authority and to such other persons as he considers should receive a copy and shall also send a copy of the relevant request and the documents which accompanied it.

Notes


- ¹ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.30(a) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ² Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.30(b) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ³ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.30(c) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁴ Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(7) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- ⁵ Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.25 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁶ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.30(d)(i) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁷ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.30(d)(ii) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁸ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.30(e) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

reg. 6(1)-(9): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 6(1)-(9): England, Wales, Scotland

 Law In Force

7.— Pre-application requests to the Secretary of State for an opinion as to content of environmental statement

(1) This regulation applies where a public gas transporter, either at the same time as making a request for an environmental determination or at any other time before applying to the Secretary of State for his consent to the carrying out of proposed pipe-line works, makes a request to the Secretary of State accompanied by the appropriate particulars for the Secretary of State's opinion in writing as to [the scope and level of detail to be included by the gas transporter]¹ in the

environmental statement to be submitted by the public gas transporter to the Secretary of State under these Regulations.

(2) Subject to paragraph (3) below, the Secretary of State shall give an opinion in response to a request under paragraph (1) above, having first—

(a) taken into account [on the information provided]² –

(i) the specific characteristics of the particular proposed pipe-line works [including its location and technical capacity]³ ;

(ii) the specific characteristics of pipe-line works of the type concerned;

(iii) the environmental features likely to be affected by the pipe-line works; and

(iv) [...]⁴

(b) consulted the public gas transporter who made the request and the consultation bodies.

(3) The Secretary of State on receiving a request under paragraph (1) above shall, if he considers that he has not been provided with sufficient information to enable him to give an opinion on the questions raised or to consult in accordance with paragraph (2)(b) above, notify the public gas transporter making the request of the particular points on which he requires further information.

(4) The public gas transporter making the request shall supply the Secretary of State with such number of additional copies of the plan accompanying the request as the Secretary of State may reasonably require.

(5) If the public gas transporter and the consultation bodies wish to give any views to the Secretary of State, they shall do so by a date no later than [30 days]⁵ after the date on which they were consulted under paragraph (2)(b) above.

(6) The Secretary of State shall give an opinion in response to a request under paragraph (1) above no later than [30 days]⁵ after whichever is the latest of—

(a) the date of the receipt of the request by the Secretary of State;

(b) the date of receipt by him of further information pursuant to a notice under paragraph (3) above; or

(c) the expiry of the period for the public gas transporter and the consultation bodies to give their views to the Secretary of State in accordance with paragraph (5) above, or, if earlier, the date by which he has received the views of the public gas transporter and all the consultation bodies consulted under paragraph (2)(b) above,

or by such later date as may be agreed in writing with the public gas transporter.

(7) Where the Secretary of State has given an opinion in response to a request under paragraph (1) above, he shall not be precluded from requiring of the public gas transporter to whom that opinion was given further information in connection with any environmental statement that may be submitted by the public gas transporter in connection with the same, or substantially the same, pipe-line works as were referred to in the request.

[(8) Where the Secretary of State has given an opinion in response to a request pursuant to paragraph (1) above, he shall forthwith send to the relevant planning authority, any other consultation body and such other persons he considers appropriate—

(a) a copy of that opinion; and

(b) a copy of the relevant request and the documents which accompanied it.

] ⁶

Notes


- ¹ Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.31(a) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ² Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.31(b)(i) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ³ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.31(b)(ii) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁴ Revoked by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.31(b)(iii) (May 16, 2017: revocation has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁵ Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.25 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁶ Added by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.5 (August 20, 2007)

Commencement

reg. 7(1)-(7): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 7(1)-(8)(b): England, Wales, Scotland

 Law In Force

8. Availability of directions, determinations etc. for inspection

Where the Secretary of State sends a relevant planning authority a copy of a direction made pursuant to [regulation 3(3) above,]¹ an environmental determination made pursuant to regulation 6(1) [or a direction pursuant to 6(1A)]² above, [or an opinion given in response to a request made pursuant to regulation 7(1) above (pre-application requests to the Secretary of State for an opinion as to content of environmental statement),]³ the relevant planning authority shall ensure that a copy of the determination or direction and the documents sent with it are as soon as reasonably practicable [published on a public website and]⁴ made available for public inspection at all reasonable hours at the place where the appropriate register (or relevant section of that register) is kept and that all such copies remain so available for a period of two years.

Notes

- ¹ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.6(a) (August 20, 2007)
- ² Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.32(a) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ³ Words inserted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.6(b) (August 20, 2007)


- ⁴ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.32(b) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

reg. 8: July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 8: England, Wales, Scotland

 Law In Force

9.— Provision of information

(1) Where the Secretary of State determines in response to a request for an environmental determination that proposed pipe-line works are EIA development, receives a notice of preparation of environmental statement or directs that such a statement be prepared pursuant to regulation 3(3) [or regulation 6(1A)]¹ above, he shall,

- (a) notify the consultation bodies of the name and address of the public gas transporter concerned and of the duty imposed on them by paragraph (2) below to make information available to the public gas transporter; and
- (b) inform the public gas transporter in writing of the names and addresses of the [consultation]² bodies so notified.

(2) Subject to paragraph (3) below, any consultation body notified in accordance with paragraph (1) above that a public gas transporter is to submit an environmental statement shall, if so requested in writing by the public gas transporter, enter into consultation with the public gas transporter to determine whether the body has in its possession any information which it or the public gas transporter considers relevant to the preparation of an environmental statement and which, but for the provisions of this paragraph, could not readily be obtained by the public gas transporter, and if it has such information, the body shall make it available to the public gas transporter.

(3) A reasonable charge reflecting the cost of making the relevant information available may be made by any body supplying it.

(4) Nothing in this regulation shall require the disclosure of any information which is by virtue of any rule of the law of any part of Great Britain subject to any obligation of confidentiality.

Notes

¹ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.33 (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

² Word inserted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.7 (August 20, 2007)

Commencement

reg. 9(1)-(4): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 9(1)-(4): England, Wales, Scotland

✔ Law In Force

10.— Publicity for environmental statements

(1) In any case where a public gas transporter has made an application to the Secretary of State for consent to the carrying out of proposed pipe-line works, accompanied by an environmental statement relating to those works, the following provisions of this regulation shall apply.

[(2) The gas transporter shall serve on the consultation bodies as soon as is reasonably practicable—

- (a) a copy of the application for consent, the environmental statement and any supplementary information; and
- (b) a notice stating that representations may be made to the Secretary of State by a date specified in the notice which shall be at least [30 days]² after the date on which the application for consent, the environmental statement and any supplementary information were served on the body,

and he shall inform the Secretary of State in writing of the names and addresses of every such body on whom he has served copies, and the dates on which they were served, in each case no later than 7 days after the date of such service.

(3) The gas transporter shall, as soon as is reasonably practicable, publish a notice which states—

- (a) the gas transporter's name and address and that he is an applicant for consent under these Regulations for proposed pipe-line works;
- (b) the location and the nature of the proposed pipe-line works and, where relevant, the fact that such works would be likely to have a significant effect on the environment in [an EEA State]³ ;
- (c) that an environmental statement has been prepared and that a copy of the application for consent, the environmental statement and any supplementary information may be inspected by members of the public at all reasonable hours;
- (d) the address of the relevant planning authority premises referred to in paragraph (6) below at which the application for consent, the environmental statement and any supplementary information may be inspected and the latest date (being a date not less than [30 days]² after the date on which the notice is to be last published, pursuant to paragraph (4) below) on which they will be available for inspection;
- (e) the address in Great Britain referred to in paragraph (5)(b) below at which copies of the application for consent, the environmental statement and any supplementary information may be obtained and that copies of the environmental statement may be obtained there and, subject to regulation 12 (charges) below, specify the amount of any charge to be made for a copy of the statement;
- (f) that any person wishing to make representations in relation to the application for consent should make them in writing to the Secretary of State by the date stated in accordance with sub-paragraph (d) above and specify the address to which any such representations should be sent;
- (g) the nature of possible decisions to be taken in response to the application for consent;

and

(h) the arrangements made for consulting the public pursuant to this regulation.

[(4) The gas transporter shall publish the notice referred to in paragraph (3)—

(a) in two successive weeks in—

(i) the Gazette, and

(ii) one or more local newspapers circulating in each area in which the proposed pipe-line works would be carried out; and

(b) on a public website, alongside the application for consent and the environmental statement.

] ⁴

] ¹

(5) The public gas transporter shall—

(a) at least 7 days before the date on which the notice referred to in paragraph (3) above is to be first published, [...] ⁵ supply free of charge to the relevant planning authority [a copy of the application for consent, environmental statement and any supplementary information] ⁶ for the purposes of inspection by members of the public in accordance with paragraph (6) below and notify the authority of the intended date of first publication;

(b) make available at an address in Great Britain enough copies of the [application for consent, the environmental statement and any supplementary information] ⁷ to be likely to satisfy all reasonable demands for copies pursuant to paragraph (3)(e) above; and

(c) subject to sub-paragraph (b) above and to the receipt by the public gas transporter of any sum referred to in paragraph (3)(e) above, supply during the period referred to in paragraph (6) below to any person on request a copy of the [application for consent, the environmental statement and any supplementary information] ⁸ .

(6) The relevant planning authority shall make available premises at which copies of the [application for consent, the environmental statement and any supplementary information] ⁹ may be inspected by members of the public free of charge at all reasonable hours for a period commencing on the date of first publication notified to it by the public gas transporter in accordance with paragraph (5)(a) above and expiring on the date stated in accordance with paragraph (3)(d) above.

(7) The public gas transporter shall provide the Secretary of State with copies of each of the newspapers and Gazettes in which the [notice] ¹⁰ referred to in paragraphs (3) and (4) above appeared in each case no later than 7 days after the date of publication of those newspapers or Gazettes [and also the address of the public website on which the notice was published in accordance with paragraph (4)] ¹¹ .

Notes

¹ Substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.8(a) (August 20, 2007)

² Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.25 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

³ Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(6) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

⁴ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.34(a) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)


- ⁵ Words revoked by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.8(b)(i)(aa) (August 20, 2007)
- ⁶ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.8(b)(i)(bb) (August 20, 2007)
- ⁷ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.8(b)(ii) (August 20, 2007)
- ⁸ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.8(b)(iii) (August 20, 2007)
- ⁹ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.8(c) (August 20, 2007)
- ¹⁰ Word substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.8(d) (August 20, 2007)
- ¹¹ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.34(b) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

reg. 10(1)-(7): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 10(1)-(7): England, Wales, Scotland

 Law In Force

11.— Further information and evidence respecting environmental statements

(1) Where the Secretary of State has been provided with an environmental statement he may in writing require the public gas transporter to provide in respect of such statement such further information as he may specify [which is directly relevant to enabling the Secretary of State to reach the reasoned conclusion on the significant effects of the proposed pipe-line works on the environment under regulation 14 (consent to pipe-line works)]¹ [, and such information provided by the gas transporter is referred to in this regulation, and regulations 2, 12 and 14 as “further information”]² .

(2) Where, in the opinion of the Secretary of State, [any further information]³ ought to have been included in the environmental statement in question, the Secretary of State shall notify the public gas transporter and the relevant planning authority in writing accordingly, specifying the information in question, and the provisions of paragraphs (3) to (7) below shall apply in respect of [such further information]⁴ .

(3) The public gas transporter shall serve a copy of the further information on the consultation bodies, together with a notice referring to the material previously served on that body and stating that further representations may be made in writing to the Secretary of State by a date specified in the notice which shall be at least [30 days]⁵ after the date on which the further information and notice were served on the body and the public gas transporter shall inform the Secretary of State in writing of the names and addresses of every such body on whom he has served those documents, and the dates on which they were served.

(4) The public gas transporter and the relevant planning authority shall make available to the public copies of the application for consent, the environmental statement and the further information in the same way as they each previously made available [the application for consent, the environmental statement and any supplementary information]⁶ for the period commencing on the date of first publication of the notice referred to in paragraph (5) below and expiring on a date not less than [30 days]⁵ after the date on which the notice is to be last published [pursuant to that paragraph]⁷ .
[

[(5) The gas transporter shall publish a notice containing the information specified in paragraph (6)—

(a) in two successive weeks in—

(i) the Gazette, and

(ii) one or more local newspapers circulating in each area in which the proposed pipe-line works would be carried out; and

(b) on a public website alongside the further information and any supplementary information.

] ⁹

(6) A notice published pursuant to paragraph (5) above shall—

(a) refer to the previous notice in respect of the application for consent, the environmental statement and any supplementary information and state that further information has been provided;

(b) state that a copy of the application for consent, the environmental statement, any supplementary information and the further information may be inspected by members of the public at all reasonable hours;

(c) give the address at which copies of those documents may be inspected and the latest date (being a date not less than [30 days]⁵ after the date on which the notice is to be last published pursuant to paragraph (5) above) on which they will be available for inspection;

(d) give the address at which copies of the application for consent, the environmental statement, any supplementary information and the further information may be obtained and state that copies of those documents may be obtained there and, subject to regulation 12 (charges) below, specify the amount of any charge to be made for a copy of the statement or information; and

(e) state that any person wishing to make representations about the application for consent should make them in writing to the Secretary of State by a date not less than [30 days]⁵ after the date on which the notice is to be last published pursuant to (5) above and specify the address to which any such representations should be sent.

] ⁸

(7) The public gas transporter shall provide the Secretary of State with copies of each of the newspapers and Gazettes in which the [notice referred to in paragraph (5) above]¹⁰ appeared in each case no later than 7 days after the date of publication of those newspapers and Gazettes [and also the address of the public website on which the notice was published in accordance with paragraph (5)]¹¹ .

(8) The Secretary of State may in writing require a public gas transporter to produce such evidence as he may reasonably require in support of anything contained in the public gas transporter's environmental statement.

Notes


- ¹ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.35(a) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ² Words inserted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.9(a) (August 20, 2007)
- ³ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.9(b)(i) (August 20, 2007)
- ⁴ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.9(b)(ii) (August 20, 2007)
- ⁵ Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.25 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁶ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.9(c)(i) (August 20, 2007)
- ⁷ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.9(c)(ii) (August 20, 2007)
- ⁸ Substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.9(d) (August 20, 2007)
- ⁹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.35(b) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ¹⁰ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.9(e) (August 20, 2007)
- ¹¹ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.35(c) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

reg. 11(1)-(8): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 11(1)-(8): England, Wales, Scotland

 Law In Force

[11A.— Additional information and publicity

(1) Where additional information is received by the Secretary of State, he shall serve a copy of the additional information on the consultation bodies and either—

- (a) in any case where the additional information is provided to the Secretary of State by the applicant, notify the applicant that the information has been served on the consultation bodies; or
- (b) in any case where the additional information is provided to the Secretary of State by a person other than the applicant, serve a copy of the additional information on the applicant.

(2) Where the applicant has been notified that additional information has been served on the consultation bodies in accordance with paragraph (1)(a) above or been served with a copy of the additional information pursuant to paragraph (1)(b) above, the applicant shall—

- (a) publish in accordance with paragraph (4) below a notice containing the information specified in paragraph (5) below; and
- (b) serve a copy of that notice on the Secretary of State.

(3) Where the Secretary of State receives a notice which has been served on him by the gas transporter pursuant to paragraph (2)(b) above, he shall serve a copy of that notice on the consultation bodies.

[(4) The notice referred to in paragraph (2)(a) shall be published—

- (a) in two successive weeks in—
 - (i) the Gazette, and
 - (ii) one or more local newspapers circulating in each area in which the proposed pipe-line works would be carried out; and
- (b) on a public website alongside the additional information.

] ²

(5) The notice referred to in paragraph (2)(a) above shall—

- (a) describe the application for consent in question and state that the Secretary of State has received additional information;
- (b) identify the relevant planning authority on whom the Secretary of State is required to serve a copy of the additional information pursuant to paragraph (1)(b) above;
- (c) state that the relevant planning authority identified in (b) above is required to take steps to ensure that the additional information is made available for inspection by the public at all reasonable hours;
- (d) state that requests for copies of the additional information may be sent to the Secretary of State and specify an address for that purpose;
- (e) state a date not less than [30 days] ³ after the date on which the notice is to be last published in accordance with paragraph (4) above by which any person may make representations to the Secretary of State in relation to the additional information and specify the address to which any such representations are to be sent; and
- (f) state that the requirements set out in sub-paragraphs (b) to (d) above will also apply in respect of any additional information received by the Secretary of State after the date of the notice.

(6) Paragraphs (2) to (5) above shall not apply where a notice containing the information specified in paragraph (5) has previously been—

- (a) published by the applicant in accordance with paragraph (4) above; and
- (b) served on the Secretary of State pursuant to paragraph (3) above.

(7) The gas transporter shall provide the Secretary of State with copies of each of the newspapers and Gazettes in which the notice referred to in paragraph (2)(a) above appeared in each case no later than 7 days after the date of publication of that newspaper or Gazette [and also the address of the public website on which the notice was published in accordance with paragraph (4)] ⁴ .

(8) The Secretary of State shall not determine the application for consent until the later of—


- (a) fourteen days after the last date on which a copy of the notice published pursuant to paragraph (2)(a) above was served in accordance with paragraph (3) above; or
- (b) the date stated in the notice pursuant to paragraph (5)(e) above.

] ¹**Notes**

- ¹ Added by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.10 (August 20, 2007)
- ² Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.36(a) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ³ Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.25 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁴ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.36(b) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Extent

reg. 11A(1)-(8)(b): United Kingdom

 Law In Force

12. Charges

A public gas transporter may make—

- (a) the supply to a member of the public of a copy of an [environmental statement, any supplementary information or any further information] ¹ in accordance with regulations 10 (publicity for environmental statements) and 11 (further information and evidence respecting environmental statements) above; and
- (b) the supply to the consultation bodies of any copy, in excess of one, of an [environmental statement, any supplementary information or any further information] ¹ in accordance with regulations 10(2) or 11(3) above,

conditional on the receipt by the public gas transporter, in relation to each supply, of a reasonable sum (in case of dispute, to be determined by the Secretary of State) calculated by reference to the cost of printing and distributing copies [of the environmental statement, any supplementary information or any further information] ² , as the case may be.

Notes

- ¹ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.11(a) (August 20, 2007)
- ² Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.11(b) (August 20, 2007)

Commencement

reg. 12(a)-(b): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 12(a)-(b): England, Wales, Scotland

✓ Law In Force

13.— Projects affecting other States

(1) Where in the case of any pipe-line works proposed to be carried out in Great Britain the Secretary of State determines in response to a request for an environmental determination that proposed pipe-line works are EIA development, or receives a notice of preparation of environmental statement or directs that an environmental statement be prepared pursuant to regulation 3(3) [or regulation 6(1A)]¹ above and—

(a) it appears to the Secretary of State that such works are likely to have significant effects on the environment of [an EEA State]² ; or

(b) [an EEA State]² which considers its environment is likely to be significantly affected by such works so requests,

the Secretary of State shall send the [EEA State]³ in question as soon as possible and no later than the date on which the environmental statement in respect of the proposed pipe-line works is made available to the public (except in a case where a request is made by a [EEA State]³ after that date)—

(i) a description of the proposed pipe-line works, together with any available information on the possible significant effects of the proposed pipe-line works on the environment of the [...] ⁴ [EEA State]³ ; and

(ii) a notice explaining the nature of the decision to be taken as to whether or not to grant consent for the carrying out of the proposed pipe-line works and informing the [EEA State]³ in question that it may within such reasonable period as may be specified in the notice request to participate in the procedure relating to the taking of the decision pursuant to these Regulations.

(2) Where [an EEA State]² requests to participate in the procedure under these Regulations in relation to particular proposed pipe-line works, the Secretary of State shall—

(a) save to the extent that he has not already done so, send that [EEA State]³ –

(i) a copy of the application for consent [...] ⁵ ;

(ii) the environmental statement in respect of the proposed pipe-line works; and

(iii) to the extent that it is not included in the items referred to in sub-sub-paragraph (i) or (ii) above and subject to paragraph (4) below, any other available information which is relevant to the procedure under these Regulations [including the address of the public website referred to in regulation 10(4)]⁶ ; and

(b) enter into consultations with the [EEA State]³ concerned, for such reasonable period as may have been agreed with that [EEA State]³ , regarding, inter alia, the possible significant effects of the proposed pipe-line works on the environment of that [EEA State]³ and the measures envisaged to reduce or eliminate such effects.

(3) [...] ⁷

(4) Nothing in this regulation shall require the disclosure by the Secretary of State of any information which is by virtue of any rule of the law of any part of Great Britain subject to any obligation of confidentiality.

(5) Where the Secretary of State notifies a public gas transporter that the provisions of paragraph (1) [...] ⁸ of this regulation [applies]⁹ in respect of a particular application for consent [...] ¹⁰ , the public gas transporter, in any case where he has not already done so, shall not make available to the public in accordance with regulation 10 above (publicity for environmental statement) the items referred to in that regulation until the Secretary of State has notified the public gas transporter that

he has sent to the EEA State concerned the information referred to [...] ⁸ in paragraph (1)(i) and (ii) above [...] ⁸ .

Notes


- ¹ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.37(b) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ² Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(6) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- ³ Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.37(a) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁴ Word revoked by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(8) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- ⁵ Words revoked by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.12(a) (August 20, 2007)
- ⁶ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.37(c) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁷ Revoked by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.37(d) (May 16, 2017: revocation has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁸ Words revoked by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.37(e)(i) (May 16, 2017: revocation has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ⁹ Word substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.37(e)(ii) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ¹⁰ Words revoked by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.12(b) (August 20, 2007)

Commencement

reg. 13(1)-(5): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 13(1)-(5): England, Wales, Scotland

 Law In Force

14.— Consent to pipe-line works

(1) In any case where a public gas transporter has made an application to the Secretary of State, accompanied by an environmental statement, for his consent to the carrying out of proposed pipe-line works, the Secretary of State—

- (a) being satisfied that the requirements of [regulations 10, 11 and 11A above] ¹ (requirements as to consultation and publicity) have been substantially met; and
- (b) after considering—

[(i) the environmental statement and any supplementary information [, ensuring that where necessary, advice has been obtained from persons with appropriate expert knowledge who have examined the statement]³ ;

(ii) any further information or additional information;]²

(iii) any representations made by the consultation bodies in respect of the proposed pipe-line works; and

(iv) any opinions expressed by the public; [...]⁴

(c) after having regard both to the effect of the proposed pipe-line works on the environment and to the desirability of those works being carried out in the interests of the development and maintenance of an efficient and economical system for the conveyance of gas as respects the public gas transporter's authorised area [; and]⁵

[(d) having reached a reasoned conclusion on the significant effects of the proposed pipe-line works on the environment, taking into account the information and representations referred to in sub-paragraph (b),

shall, subject to paragraph (2), integrate that conclusion into the Secretary of State's decision as to whether or not to consent to the carrying out of the proposed pipe-line works.]⁵

[(1A) If consent is to be given under paragraph (1), the consent should set out—

(a) any environmental conditions attached to the consent;

(b) a description of any features of the proposed pipe-line works or measures envisaged to avoid, reduce or prevent and if possible offset any significant adverse effect on the environment; and

(c) any measures to monitor conditions imposed to avoid, prevent, or reduce and if possible offset significant adverse effects on the environment (“a monitoring condition”).

(1B) If consent is to be refused under paragraph (1), the decision to refuse consent shall state the main reasons for the refusal.

(1C) The reasoned conclusion referred to in paragraph (1)(d) shall be up to date at the time that the decision to consent to the carrying out of the proposed pipe-line works is made but that conclusion shall be take 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 proposed works.

(1D) When considering whether to impose a monitoring condition under paragraph (1A)(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 [the law of any part of the United Kingdom, other than any law that implemented the Directive,]⁷ 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 proposed pipe-line works and the significance of their effects on the environment.

(1E) The decision of the Secretary of State referred to in paragraph (1) shall be taken within a reasonable period of time, taking into account the nature and complexity of the proposed pipe-line works, from the date on which the Secretary of State has been provided with the information referred to in paragraph (1)(b).]⁶

(2) In any case where [an EEA State]⁸ has, in relation to an application [...]⁹ , requested in accordance with regulation 13(2) above to participate in the procedure under these Regulations,

the Secretary of State shall not grant any consent for such works pursuant to paragraph (1) above unless he–

- (a) is satisfied that the requirements of regulation 13(1) and (2) above (projects affecting other States) have been complied with;
- (b) has communicated to that [EEA State]¹⁰ the response that he proposes to make to the application for consent (including information as to any measures envisaged to reduce or eliminate any possible significant effects of the proposed pipe-line works on the environment of the [...]¹¹ [EEA State]¹⁰);
- (c) is satisfied that–
 - (i) the [EEA State]¹⁰ concerned has been consulted regarding the proposed pipe-line works for such reasonable period as may have been agreed with such [EEA State]¹⁰ pursuant to regulation 13(2)(b) above and in particular that it has been afforded a reasonable opportunity to make representations regarding the pipe-line works in question and the proposed response referred to in sub-paragraph (b) above; and
 - (ii) an opportunity has been afforded to the public in that [EEA State]¹⁰ and to those authorities which by reason of their particular environmental responsibilities in that [EEA State]¹⁰ are likely to be interested in the proposed pipe-line works to forward to the Secretary of State within a reasonable time [(in respect of the public, at least 30 days);]¹² representations regarding the information referred to in regulation 13(1) and (2)(a) above (information to be supplied to [...]¹¹ [EEA States]¹⁰); and
- (d) has taken into consideration any representations made by the [EEA State]¹⁰ , members of the public and authorities in that [EEA State]¹⁰ and any information regarding the proposed pipe-line works supplied by any of them.

(3) Any consent given by the Secretary of State pursuant to paragraph (1) above to the carrying out of the proposed works shall cease to have effect after the expiration of five years beginning with the date on which the consent is given unless the pipe-line works to which it relates have been substantially begun before the expiration of that period.

(4) The Secretary of State shall [promptly]¹³ –

- (a) notify the public gas transporter, the relevant planning authority, [other consultation bodies,]¹⁴ any EEA State which has been sent a copy of the environmental statement pursuant to regulation 13 above (projects affecting other States) and such other persons as the Secretary of State considers appropriate, in writing of his decision; and
- (b) provide to such persons together with the notification mentioned in sub-paragraph (a) above a statement containing–
 - [(i) the content of the decision and any conditions attached to it [including any monitoring conditions]¹⁶ ;
 - (ii) a summary of the concerns and opinions expressed by the persons affected or likely to be affected by, or having an interest in, the procedure for consent to development [including where regulation 13 (projects affecting other states) applies, any representations made by an EEA State affected by the proposed pipe-line works or the public concerned and authorities in that state.]¹⁷ ;
 - (iii) in the light of those concerns and opinions, the main reasons and considerations upon which the Secretary of State's decision is based;

- (iv) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the proposed pipe-line works; and
- (v) an explanation of the right of a person aggrieved by a decision of the Secretary of State to make an application pursuant to regulation 16 below (application to court by person aggrieved).]¹⁵

[(5) The gas transporter shall, no later than 14 days after the date of the notification under paragraph (4)(a) above, inform the public of the decision by publishing a notice containing the information specified in paragraph (5A) below—

- (a) in the Gazette; and
- (b) in one or more local newspapers circulating in each area in which the proposed pipe-line works would be carried out [; and]¹⁹
- [(c) on a public website.]¹⁹

] ¹⁸

[(5A) A notice published under paragraph (5) shall—

- (a) set out—
 - (i) the contents of the decision;
 - (ii) the main reasons and considerations on which the decision is based;
 - (iii) a summary of all representations made to the Secretary of State by any person in respect of the proposed pipe-line works, including where regulation 13 (projects affecting other states) applies, any representations made by an EEA State affected by the works, 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.

] ²⁰

(5B) [...] ²¹

(6) The public gas transporter shall provide the Secretary of State with copies of each of the newspapers [and the Gazettes]²² in which the notices referred to in paragraph (5) above appeared in each case by a date no later than 7 days after the date of publication of those newspapers [or the Gazettes]²³ [and also the address of the public website on which the notice was published in accordance with paragraph (5)]²⁴ .

(7) Where the Secretary of State sends a relevant planning authority the statement referred to in paragraph (4)(b) above, the relevant planning authority shall take steps to ensure that a copy of the statement is as soon as reasonably practicable made available for public inspection at all reasonable hours and free of charge at the place where the appropriate register (or relevant section of that register) is kept and that such copy remains so available for a period of two years.

Notes

- ¹ Words substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.13(a)(i) (August 20, 2007)
- ² Substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.13(a)(ii) (August 20, 2007)
- ³ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(a)(i) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

- 4 Word revoked by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(a)(ii) (May 16, 2017: revocation has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 5 Reg.14(1)(d) and words substituted for words by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(a)(iii) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 6 Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(b) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 7 Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(9) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 8 Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(6) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 9 Words revoked by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.13(b) (August 20, 2007)
- 10 Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(c)(i) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 11 Word revoked by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(8) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 12 Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(c)(ii) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 13 Word inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(d)(i) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 14 Words inserted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.13(c)(i) (August 20, 2007)
- 15 Reg.14(4)(b)(i)-(v) substituted for reg.14(4)(b)(i)-(iii) by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.13(c)(ii) (August 20, 2007)
- 16 Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(d)(ii) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 17 Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(d)(iii) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 18 Substituted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.13(d) (August 20, 2007)
- 19 Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(e) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 20 Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(f) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 21 Revoked by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(g) (May 16, 2017: revocation has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- 22 Words inserted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.13(f)(i) (August 20, 2007)


- ²³ Words inserted by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.13(f)(ii) (August 20, 2007)
- ²⁴ Words inserted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.38(h) (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

reg. 14(1)-(7): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 14(1)-(7): England, Wales, Scotland

 Law In Force

15.— Applications to court

(1) Subject to paragraph (2) below, for the purposes of regulations 16 (application to court by person aggrieved) and 17 (application to court by Secretary of State) below, the expression “the court” means—

- (a) in respect of proposed pipe-line works in England and Wales, the High Court; and
- (b) in respect of proposed pipe-line works in Scotland, the Court of Session.


(2) Where any proposed pipe-line works are situated in both of the areas referred to in paragraph (1) above, then either of the courts having jurisdiction in those areas shall have jurisdiction in relation to any question arising under regulation 16 or 17 below.

Commencement

reg. 15(1)-(2): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 15(1)-(2): England, Wales, Scotland

 Law In Force

16.— Application to court by person aggrieved

(1) On the application of any person aggrieved by—

- (a) the grant of consent in respect of any proposed pipe-line works under regulation 14 above (consent to pipe-line works), or
- (b) the attaching by the Secretary of State of a condition to such a consent under [paragraph (1A)]¹ of that regulation,

the court may grant an order quashing the grant of consent or, as the case may be, the attaching by the Secretary of State of the condition where it is satisfied that the consent was granted or, as the case may be, the condition was attached in contravention of regulation 14(1)(b) above (consideration of environmental statement etc.) or that the interests of the applicant have been substantially prejudiced by a failure to comply with any other requirement of these Regulations.

(2) An application to the court under this regulation shall be made no later than 6 weeks after the date of last publication by the public gas transporter of details of the consent or, as the case may be, the relevant condition pursuant to regulation 14(5) above.

(3) The court may by interim order, pending the determination of any question referred to in paragraph (1) above, stay the operation of the consent or, as the case may be, the relevant condition on such terms as it may think fit.

Notes


- ¹ Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.39(1) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

reg. 16(1)-(3): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 16(1)-(3): England, Wales, Scotland

 Law In Force

17.— Application to the court by Secretary of State

(1) If a public gas transporter carries out pipe-line works—

- (a) without all applicable requirements of these Regulations having first been complied with; or
- (b) without any necessary consent of the Secretary of State under regulation 14 above (consent to pipe-line works), or in breach of a condition attached to such a consent under [paragraph (1A)]¹ of that regulation,

the court may, on the application of the Secretary of State, make an order restraining the public gas transporter from proceeding or continuing with the works or compelling him to the performance of any act required of him by any such condition.

(2) Subject to paragraph (3) below, the court may, in addition to making such an order as is mentioned in paragraph (1) above, make an order requiring—

- (a) the removal, so far as is practicable in all the circumstances, of any pipe-line works already carried out—
 - (i) without any such requirements as are mentioned in paragraph (1)(a) above having been complied with; or
 - (ii) without any such consent or in breach of any such condition as are mentioned in paragraph (1)(b) above; and
- (b) where it orders the removal of any works, the reinstatement of the site where the works had been carried out.

(3) The court shall not make an order under this regulation in respect of a breach of any such condition as is mentioned in paragraph (1)(b) above where it is satisfied that—

(a) the breach in question was due to circumstances beyond the control of the public gas transporter and the breach could not reasonably have been prevented by the public gas transporter; or

(b) the breach occurred as a result of anything required to be done as a matter of urgency for the purposes of securing the safety of any person.

(4) Where the public gas transporter fails to comply with an order made pursuant to paragraph (2) above within such time as may be specified in it or, in default of such specification, within a reasonable time of the making of the order, the Secretary of State may himself take the action required by the order and the reasonable costs and expenses of doing so shall be recoverable as a debt from the public gas transporter.

(5) Where the Secretary of State takes action in accordance with paragraph (4) above, that action shall be without prejudice to any consequences which may flow from the public gas transporter's failure to comply with the order.

Notes


- ¹ Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.39(1) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

reg. 17(1)-(5): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 17(1)-(5): England, Wales, Scotland

 Law In Force

18.— Offences

(1) Subject to paragraph (3) below, any person who intentionally or recklessly submits to the Secretary of State—

[(a) an environmental statement;

(b) supplementary information;

(c) appropriate particulars;

(d) additional information; or

(e) any information required to be submitted by virtue of any provision of these Regulations,]¹

which is false or misleading in a material particular shall be guilty of an offence.

(2) Subject to paragraph (3) below, a public gas transporter who—

(a) intentionally acts in breach of the terms of a condition imposed by virtue of [regulation 14(1A)]² above; or

(b) carries out any proposed pipe-line works without any necessary consent of the Secretary of State granted in accordance with these Regulations,

shall be guilty of an offence.

(3) It shall be a defence to a charge under paragraph (2)(a) above for the public gas transporter to show—

- (a) that he took all reasonable steps and exercised all due diligence to avoid committing the offence; or
- (b) that the acts in question were attributable to anything required to be done as a matter of urgency for the purposes of securing the safety of any person.

(4) A person guilty of an offence under this regulation shall on summary conviction be liable to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

(5) Where an offence under any provision of this regulation committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) Where the affairs of a body corporate are managed by its members, paragraph (5) above shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(7) No proceedings for an offence under this regulation shall be instituted in England and Wales except—

- (a) by or with the consent of the Director of Public Prosecutions; or
- (b) by the Secretary of State or a person authorised by him in that behalf.

Notes


- ¹ Reg.18(1)(a)-(e) substituted for reg.18(1)(a)-(c) subject to transitional provisions specified in SI 2007/1996 reg.16 by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.14 (August 20, 2007: substitution has effect subject to transitional provisions specified in SI 2007/1996 reg.16)
- ² Words substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.39(2) (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

reg. 18(1)-(7)(b): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 18(1)-(7)(b): England, Wales, Scotland

 Law In Force

19.— Service of notices

(1) Any notice or other document required or authorised to be given to or served on any person under these Regulations may be given or served by—

- (a) delivering it to that person; or
- (b) leaving it at his proper address; or
- (c) sending it to his proper address by the recorded delivery service.

(2) Any notice or other document required or authorised to be given to or served on any body corporate or unincorporated association other than a partnership shall be duly given to or served on the secretary or clerk or other similar officer of that body.

(3) Any notice or other document required or authorised to be given to or served on any partnership may be given to or served on a partner or a person having the control or management of the partnership business.

(4) Subject to paragraphs 5 and 6 below, for the purposes of this regulation, the proper address of any person to whom or on whom any such notice or document is to be given or served shall be his last known address except that such address shall be—

(a) in the case of a body corporate or their secretary or clerk, the address of the registered office or principal office of the body corporate;

(b) in the case of an unincorporated association (other than a partnership) or their secretary or clerk, the address of the principal office of the association; and

(c) in the case of a partnership or a person having control or the management of the partnership business, the address of the principal office of the partnership,

and for the purposes of this paragraph the principal office of a company registered outside Great Britain or of a partnership carrying on business outside Great Britain shall be its principal office within Great Britain.

(5) If the person to be given or served with any such notice or document has furnished the person by whom the notice or document is to be given or served with an address pursuant to any provision of these Regulations, that address shall also be treated for the purposes of this regulation as his proper address.

(6) Any notice or other document relating to pipe-line works which is to be given to or served on a public gas transporter, who has for the purposes of section 46 of the 1986 Act fixed particular offices as appropriate offices in relation to notices concerning matters arising in particular areas, may be given or served by delivering it at or sending it in a pre-paid letter to any office which is an appropriate office in relation to notices concerning matters arising in an area in which any part of the pipe-line works is to be carried out.

Commencement

reg. 19(1)-(6): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

reg. 19(1)-(6): England, Wales, Scotland

 Law In Force

[20.— Review

(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 16th May 2022.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015² requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the Directive is implemented in other member States.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

] ¹


Notes

¹ Added by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Pt 2 reg.40 (May 16, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

² 2015 c. 26; section 30 was amended by the Enterprise Act 2016 (c. 12), section 19.

Extent

reg. 20(1)-(6): England, Wales, Scotland

 Law In Force

John Battle
Minister for Energy and Industry,
Department of Trade and Industry

12th June 1999

[SCHEDULE 1

Information for the Environmental Statement

Regulation 2B

] ¹

Notes

¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

✓ Law In Force

[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.

] ¹

Notes

- ¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

Sch. 1 para. 1(a)-(c): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 1 para. 1(a)-(d): England, Wales, Scotland

✓ Law In Force

[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.

] ¹

Notes


- ¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

Sch. 1 para. 2: July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 1 para. 2: England, Wales, Scotland

 Law In Force

[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.

]¹

Notes


¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

Sch. 1 para. 3(a)-(c): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 1 para. 3(a)-(c): England, Wales, Scotland

 Law In Force

[4.

A description of the factors set out in [regulation 2A(2)(a)]² 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.

]¹

Notes

¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)


² Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(10)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Commencement

Sch. 1 para. 4: July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 1 para. 4: England, Wales, Scotland

 Law In Force

[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 [regulation 2A(2)(a)]² 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.

] ¹

Notes

- ¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ² Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(10)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Commencement

Sch. 1 para. 5: July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 1 para. 5(a)-(g): England, Wales, Scotland

✓ Law In Force

[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.

] ¹

Notes

¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Extent

Sch. 1 para. 6: England, Wales, Scotland

✓ Law In Force

[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).

] ¹

Notes

¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Extent

Sch. 1 para. 7: England, Wales, Scotland

✓ Law In Force

[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.


] ¹

Notes

¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Extent

Sch. 1 para. 8: England, Wales, Scotland

 Law In Force

[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.


]¹

Notes

- ¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Extent

Sch. 1 para. 9: England, Wales, Scotland

 Law In Force

[10.

Relevant information available and obtained through risk assessments pursuant to [retained EU law or relevant assessments carried out pursuant to any other law of any part of the United Kingdom]² may be used for describing the matters in paragraph 9 , provided that the requirements of [any law of any part of the United Kingdom that implemented]³ the Directive are met.

]¹

Notes

- ¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ² Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(10)(c)(i) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- ³ Words inserted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(10)(c)(ii) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

Sch. 1 para. 10: England, Wales, Scotland

✓ Law In Force

[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.
]¹

Notes

¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Extent

Sch. 1 para. 11: England, Wales, Scotland

✓ Law In Force

[12.

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

Notes

¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Extent

Sch. 1 para. 12: England, Wales, Scotland

✓ Law In Force

[13.

A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.
]¹

Notes

¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.3 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)


Extent

Sch. 1 para. 13: England, Wales, Scotland

[SCHEDULE 2

MATTERS TO BE TAKEN INTO ACCOUNT IN MAKING AN ENVIRONMENTAL DETERMINATION OR GIVING A DIRECTION UNDER REGULATION 3(3)**Regulations 2(1) and 6(7)**] ¹**Notes**

- ¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.4 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)


 Law In Force

Regulation 2(1)—definition of selection criteria**Commencement**

Sch. 2 para.: July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 2 para.: England, Wales, Scotland

 Law In Force

[1. Characteristics of proposed pipe-line works

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).

] ¹**Notes**


- ¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.4 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

Commencement

Sch. 2 para. 1(a)-(f): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 2 para. 1(a)-(f): England, Wales, Scotland

 Law In Force

[2. Location of proposed pipe-line works

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 [or Natura 2000 as defined in regulation 3(1) of the Conservation of Habitats and Species Regulations 2017;]²
 - (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in [retained EU law]³ 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.

] ¹

Notes

- ¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.4 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)
- ² Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(11)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- ³ Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(11)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Commencement

Sch. 2 para. 2(a)-(c)(viii): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 2 para. 2(a)-(c)(viii): England, Wales, Scotland

✓ Law In Force

[3. Type and characteristics of the potential impact

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 [regulation 2A(2)(a)]², 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.

] ¹

Notes

¹ Substituted by Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017/582 Sch.4 para.1 (May 16, 2017: substitution has effect subject to transitional provisions as specified in SI 2017/582 reg.43)

² Words substituted by Pipe-lines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018/1325 reg.4(11)(c) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Commencement

Sch. 2 para. 3(a)-(e): July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 2 para. 3(a)-(h): England, Wales, Scotland

SCHEDULE 3

DESCRIPTIONS OF PIPE-LINE WORKS FOR THE PURPOSES OF REGULATION 3 (ENVIRONMENTAL STATEMENTS)

Regulation 3

PART 1

DESCRIPTIONS OF PIPE-LINE WORKS IN RESPECT OF WHICH AN ENVIRONMENTAL STATEMENT IS REQUIRED

✓ Law In Force

[Pipe-line works in respect of—

(a) a pipe-line with a diameter of more than 800 millimetres and a length of more than 40 kilometres; or

(b) an extension to a pipe-line which in itself meets the thresholds set out in (a) above.]¹

Notes

¹ Paras.(a) and (b) and words substituted for words subject to transitional provisions specified in SI 2007/1996 reg.16 by Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007/1996 reg.15 (August 20, 2007: substitution has effect subject to transitional provisions specified in SI 2007/1996 reg.16)

Commencement

Sch. 3(1) para. 1: July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 3(1) para. 1(a)-(b): England, Wales, Scotland

PART 2

DESCRIPTIONS OF PIPE-LINE WORKS IN RESPECT OF WHICH AN ENVIRONMENTAL STATEMENT MAY BE REQUIRED

✓ Law In Force

Pipe-line works (other than works of the kind described in Part 1 above) in respect of a pipe-line—

(a) the whole or any part of which, or the whole or any part of any working width for which, will be within a sensitive area; or

(b) which will have a design operating pressure exceeding 7 bar gauge.

Commencement

Sch. 3(2) para. 1: July 15, 1999 (SI 1999/1672 reg. 1(1))

Extent

Sch. 3(2) para. 1: England, Wales, Scotland

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which do not apply to Northern Ireland, implement Council Directive 85/337/EEC (O.J. No. L175, 5.7.85, p. 40) as amended by Council Directive 97/11/EC (O.J. No. L73, 3.3.97, p. 5) on the assessment of the effects of certain public and private projects on the environment insofar as it relates to proposed pipe-line works by a public gas transporter. In the Regulations, the expression “public gas transporter” means the holder of a licence under section 7(1) of the Gas Act 1986 (c. 44) authorised to convey gas through pipes (regulation 2(1)).

Directive 85/337/EEC in its unamended form applies to the European Economic Area (“EEA”) (see Article 74 of, and paragraph 1 of Annex XX to the Agreement on the European Economic Area (Cm 2073) as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cm 2183)—the Annexes to the Agreement have from time to time been amended by the EEA Joint Committee established under Article 92) with the result that there is only a requirement to provide a member of the EEA which is not a member of the European Union with information in respect of projects likely to have significant trans-boundary effects. Member States (of the European Union), however, are given rights to participate in the decision making process (regulation 13).

The Regulations require a public gas transporter proposing to undertake pipe-line works which meet criteria specified in Part 1 of Schedule 3 to submit an environmental statement in relation to those works and apply to the Secretary of State for consent to carrying them out (regulation 3(1) and (5)). (An environmental statement is a document or documents setting out the main features of the project in question and the likely environmental consequences of that project).

Where the proposed works instead meet criteria specified in Part 2 of Schedule 3, the public gas transporter must before commencing construction either—

- (a) obtain from the Secretary of State a determination as to whether the proposed works should be made the subject of an environmental statement by reason of the fact that they would be likely to have significant effects on the environment by virtue of factors such as their nature, size or location, or
- (b) give notice that he intends in any event to produce an environmental statement in respect of the pipe-line works (regulation 3(2)).

The matters to be covered by an environmental statement are specified in regulation 2(1) and Schedule 1.

In addition, where it appears to the Secretary of State that any pipe-line works falling outside the specified criteria would nevertheless be likely to have significant effects on the environment he is required to direct a public gas transporter to produce an environmental statement (regulation 3(3)). In any case where the Secretary of State has made a determination that an environmental statement is required, or has given a direction to that effect or the public gas transporter has given notice that he will provide an environmental statement, the consent of the Secretary of State is required before the works can be carried out (regulation 3(5)).

The Regulations set out the procedure to be followed by the Secretary of State in determining at the request of a public gas transporter whether an environmental statement is required (regulation 6), including a requirement for the Secretary of State to consult the relevant planning authorities.

Provision is made requiring the Secretary of State, when so requested, to give a preliminary opinion to a public gas transporter as to the information to be included in an environmental statement which the transporter is to submit (regulation 7). The Secretary of State is required to consult certain

public bodies (defined in regulation 2(1) as “the consultation bodies”) and the public gas transporter before giving an opinion.

Provision is made for copies of determinations and directions by the Secretary of State as to the need for an environmental statement to be made available to the public by local planning authorities (regulation 8).

Provision is made to enable persons proposing to carry out pipe-line works to obtain information from the consultation bodies to assist in the preparation of environmental statements (regulation 9).

The Regulations also lay down requirements for publicity for and public consultation on the environmental statement and the application for consent (regulation 10), after which the Secretary of State may give a consent to the carrying out of the pipe-line works, with or without conditions, if he judges it appropriate (regulation 14). The Secretary of State must be satisfied before granting a consent that the requirements of the Regulations as to publicity and consultation have been substantially complied with and must consider the representations of the consultation bodies and the public. Provision is also made for consent decisions by the Secretary of State to be made public.

Power is conferred on the Secretary of State to require persons proposing to carry out pipe-line works to provide further information in relation to environmental statements submitted to him and for such information to be subject to publication requirements similar to those laid down by regulation 10 (regulation 11).

Provision is made for other member States to participate in the decision making process in relation to pipe-line works likely to have a significant effect on their environment (regulation 13).

Provision is made by the Regulations for the making of applications to the court by persons challenging certain decisions of the Secretary of State. Subject to certain exceptions, provision is also made for the Secretary of State to make applications to the court to seek remedies in respect of the carrying out of pipe-line works without a consent granted in accordance with these Regulations or in breach of any conditions attached to such a consent (regulations 15, 16 and 17).

Provision is made creating offences in respect of the intentional or reckless submission of false or misleading information pursuant to the Regulations and subject to certain exceptions, the carrying out of pipe-line works without a consent granted pursuant to the Regulations or in breach of any conditions attached to such a consent (regulation 18).

Provision is made in relation to the service of notices and other documents pursuant to the Regulations (regulation 19).

Finally, regulations 4 and 5 deal with the interaction between these Regulations and the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I. 1999/293) and the Environmental Assessment (Scotland) Regulations 1988 (S.I. 1988/1221) in cases where planning permission is required in respect of proposed pipe-line works by virtue of directions given under article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) or, in Scotland, article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (S.I. 1992/223).

A regulatory impact assessment is available from Oil and Gas Directorate, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET (Tel: 0171 215 5151).

Command Paper 9424 (the UNESCO Convention referred to in paragraph (f) of the definition of “sensitive area” in regulation 2(1)) is out of print but photocopies of the document can be obtained

by HMSO from the British Lending Library Division (BLLD). Customers, unless already registered with BLLD, should order via HMSO (Photocopies), PO Box 276, London SW8 5DT, enclosing £5.50 per complete copy required.

Modifications

| Provision | Modification | Notes | Further Information |
|-----------------------|--|--|----------------------------|
| Whole Document | European Union (Withdrawal) Act 2018 c. 16, s. 2 | Despite the repeal of 1972 c.68 by 2018 c.16 s.1, EU-derived domestic legislation, as it has effect in domestic law immediately before exit day, continues to have effect in domestic law during the implementation period under 2018 c.16 s.1B and on and after IP completion day under 2018 c.16 s.2 | |

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