

# [Detailed guide: Consents and planning applications for national energy infrastructure projects](#)

*Updated:* Llanbrynmair and Carnedd Wen wind farm applications redetermination – new documentation and second round representations published.

## **Electricity development consents**

Guidance on the consent process for onshore and offshore generating stations with a generating capacity above 50MW and 100MW in England and Wales.

Projects with a generating capacity of 50MW and less are considered under the provision of the [Town and Country Planning Act 1990](#).

It is the government's intention to implement its manifesto commitment to give local people greater say in determining applications to build onshore wind farms in their local areas. Government is seeking to achieve this by removing new onshore wind farms above 50MW from the consenting regimes in the Planning Act 2008 and the Electricity Act 1989. The effect of this will be that new applications for onshore wind farms in England and Wales will need to apply for planning permission through the Town and Country Planning Act 1990. More detail on this can be found below.

### **Planning Act 2008**

The Planning Act (as amended by the Localism Act 2011) passed responsibility for dealing with development consent applications for nationally significant infrastructure projects to the Planning Inspectorate, which will examine applications and make recommendations to the Secretary of State at Department for Business, Energy & Industrial Strategy (BEIS) for decisions on energy applications.

Developers of proposed nationally significant energy infrastructure projects should contact the Planning Inspectorate if considering submitting a development consent application. Details can be found on the [national infrastructure planning portal](#).

The Planning Inspectorate has produced [a guidance note for developers – PDF](#) wishing to submit an application for a development consent for a nationally significant infrastructure project.

Developers should also have due regard to the [Energy National Policy Statements – archived page](#).

## Electricity Act 1989

The Planning Act 2008 disapplied the provisions of the Electricity Act in relation to consents for projects in England and Wales except in certain circumstances:

BEIS continues to deal with consent applications made under the [Electricity Act 1989](#) that were submitted to it prior to the provisions of the Planning Act 2008 coming into force and which have not yet been determined.

You can find out more of the consenting process under section 36 of the Electricity Act in the [BEIS guidance note](#).

In addition, the Marine Management Organisation (MMO) is responsible for considering and determining applications for consent under section 36 of the Electricity Act for offshore generating stations with a generating capacity of more than 1MW but less than or equal to 100MW. Details can be found on the [MMO's website](#).

BEIS also administers the Electricity Act 1989 for overhead lines below 132kV and associated permissions (necessary wayleaves and compulsory purchase orders) in England and Wales. Section 37 (overhead lines) of the Electricity Act 1989 takes into account the views of the local planning authority, local people, statutory bodies (such as the Environment Agency), and other interested parties. All applications go through the local planning authority and appear on the local planning register. In some cases, there may be a public inquiry before the Secretary of State makes a decision, usually as a consequence of an objection being received from the local planning authority.

In July 2014 DECC published revised guidance on the section 37 statutory consents regime for overhead lines in England and Wales:

[Guidance note: statutory consenting process in England and Wales under section 37 of the Electricity Act 1989](#)

(PDF, 566KB, 30 pages)

## Variations of S36 Consents

This guidance is about varying consents which have been granted under section 36 of the Electricity Act 1989 for the construction or extension, and operation, of electricity generating stations ("section 36 consents") granted by the Secretary of State for Business, Energy and Industrial Strategy (or his predecessors) or the Marine Management Organisation (MMO). It explains how to lodge an application for variation under the [Electricity Generating Stations \(Applications for Variation of Consent\) Regulations 2013](#).

By applying to vary a section 36 consent it may be possible to obtain authorisation for a generating station to be constructed, extended and/or operated in a way that would not be consistent with the existing consent.

This guidance applies to England and Wales (and adjacent offshore areas)

only. It does not apply to Scotland, where applications to vary section 36 consents must be made to Scottish Ministers.

This guidance is likely to be of interest to:

- developers and operators of generating stations (or proposed generating stations) which are the subject of section 36 consents; and
- local authorities, statutory consultees and other interested parties who are given an opportunity to comment on applications from developers or operators to vary section 36 consents.



## [Variations of S36 Consents: Guidance](#)

PDF, 415KB, 18 pages

## Offshore Wind

### Call for Information on the Southern North Sea cSAC Review of Consents

In January 2017, a candidate Special Area of Conservation (cSAC) was submitted to the European Commission to designate an area of the southern North Sea for the protection of harbour porpoise – a species of marine mammal. This designation has triggered a statutory duty, under the Habitats Regulations, for the Department to review a number of planning consents for offshore wind farm developments and to assess the impacts of these projects on the new cSAC.

The Secretary of State has identified an indicative timeline and an approach to this review. This information can be viewed in the covering letter and supporting annexes available on the [BEIS Energy Infrastructure site](#). Stakeholders are invited to respond with any comments by email to [RoC@beis.gov.uk](mailto:RoC@beis.gov.uk) or in writing to the Department for Business, Energy and Industrial Strategy, Energy Infrastructure Planning, Level 3, Orchard 2, 1 Victoria Street, London SW1H 0ET. All responses must be received before 3 November 2017.

# Onshore Wind

## Consultation

As mentioned above government is seeking to achieve the manifesto commitment to give local people a greater say in determining onshore wind applications by removing new onshore wind farms above 50MW from the consenting regimes in the Planning Act 2008 and the Electricity Act 1989. New applications for onshore wind farms in England and Wales will therefore need to apply for planning permission through the Town and Country Planning Act 1990.

Views on this proposal were sought on 3 July 2015 from the two developers that had notified the Planning Inspectorate of three proposed applications for onshore wind farms but who had not yet completed the pre-application stage and submitted an application. A letter was therefore sent to SSE with regards to Keadby onshore wind farm extension and to Vattenfall with regards to Nocton Fen and Mynydd Lluest y Graig onshore wind farms.

View a copy of the letter:

[Letter to SSE re Keadby onshore wind farm extension and to Vattenfall re Nocton Fen and Mynydd Lluest y Graig onshore wind farms](#)

(PDF, 115KB, 3 pages)

One developer provided a nil response and one provided a response which was fed in to the Impact Assessment for this policy proposal. This response included a request that government introduce a grace period that would allow onshore wind farm projects, which were registered under the Planning Act process within 12 months from any legislation coming in to effect that would otherwise require such schemes to be considered under the Town and County Planning Act 1990, to be able to continue to progress through the Planning Act process.

Consideration was given to this proposal but as government has made a clear manifesto commitment to give local people the final say on onshore wind farm applications a grace period is not considered to be in line with this commitment. This is because it could result in government taking decisions on onshore wind farm applications long after legislation with the purpose of ensuring these decisions are made at a local level has come in to force.

## Next Steps

- government's manifesto commitment will therefore be implemented by transferring powers for decision making for new onshore wind farms to local planning authorities through two sets of changes – the primary clause already included in the Energy Bill and two Statutory Instruments.
- The Statutory Instruments (Orders) will shortly be introduced and

include;

- an Order under an existing power in the Planning Act 2008 to remove onshore wind in England and Wales from the defined types of development which are required to have development consent under the Planning Act 2008; and
  - in advance of the Energy Bill coming into force (should it be passed), an Order to direct that the requirement for a consent under section 36 of the Electricity Act 1989 to construct, extend or operate generating stations will not apply to onshore wind farms.
- if the Energy Bill is passed, once in force, it will replace the Order under the Electricity Act 1989.
  - the Orders will have the effect that new applications for all onshore wind farms in England and Wales, including those which are in the pre-application stage of the Planning Act 2008 process, would have to apply for planning permission under the Town and Country Planning Act 1990 – where the local planning authority is the principal decision maker.

## **The TEN- E Regulation EU347/2013 UK Manual of Procedures**



## **[The TEN- E Regulation EU347/2013 UK Manual of Procedures](#)**

PDF, 823KB, 60 pages

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The Regulation on guidelines for trans-European energy infrastructure EU 347/2013 (the TEN-E Regulation) sets out guidelines for streamlining the permitting processes for major energy infrastructure projects that contribute to European energy networks, referred to as “Projects of Common Interest” (PCIs). The first Union List of PCIs was published in the Official Journal of the European Union on 21 December 2013 and came into force on 10 January 2014.

The TEN-E Regulation establishes that PCIs are necessary to take forward EU energy networks policy and should be given the most rapid consideration in the permitting process that is legally possible. To ensure rapid treatment the TEN-E Regulation sets an overall timetable of 3.5 years for the permitting process, with an indicative period of 2 years for “pre-application procedures” – e.g. preparation of the necessary schedules, concept for public participation and public consultation on PCI proposals – and 1.5 years for determination of applications for “permits”. In the UK this may include planning permissions, development consent orders, marine licences and works authorisations as appropriate, depending on the type of PCI infrastructure and consenting regimes.

The Secretary of State for Business, Energy & Industrial Strategy is the designated national competent authority for PCIs in the UK.

DECC published the Manual of Procedures on the permit granting process for PCIs in the UK. This Manual is of interest to developers responsible for PCIs on the first Union List, parties considering an application for PCI status for a proposed energy network project, regulatory authorities in the UK and other interested parties, who wish to comment on applications for consent for PCIs. This Manual will be updated as necessary to take account of any future changes in the permitting processes in the UK.

## **Scotland**

Marine Scotland, a directorate of the [Scottish Executive](#) is responsible for dealing with applications for consent under section 36 of the Electricity Act for offshore generating stations in Scottish waters. The Scottish Executive is responsible for dealing with application for consent made under the same legislative regime for generating projects onshore.

## **Other consenting mechanisms**

BEIS also administers applications made under the [Transport and Works Act 1992](#) in respect of energy-related projects in those UK territorial waters adjoining England. For similar developments adjacent to Wales, the [National Assembly for Wales](#) is the determining body. (NB: the Transport and Works Act does not apply in Scotland.)

# Environmental Impact Assessment Regulations (England & Wales)

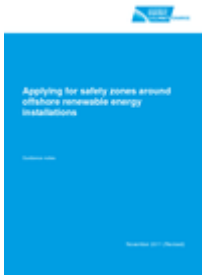
When processing development applications, BEIS considers the environmental consequences of proposals, applying European requirements for Environmental Impact Assessments (EIAs). You can download our guidance on the [Electricity Works \(Environmental Impact Assessment\) \(England and Wales\) Regulations 2000](#).

These regulations were updated in 2007 to reflect the EU's Public Participation Directive, covered in [the supplementary guidance note](#).

## Offshore generating stations safety zones

**The Electricity (offshore generating stations) (safety zones) (application procedures and control of access) Regulations 2007**

[Ministry of Justice: The UK Statute Law Database – The Electricity \(offshore generating stations\) \(safety zones\) \(application procedures and control of access\) Regulations 2007](#)



## [Applying for safety zones around offshore renewable energy installations: guidance notes](#)

PDF, 153KB, 19 pages

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## Decommissioning offshore renewable energy installations (OREIs)

Sections 105 to 114 of the Energy Act 2004 introduce a decommissioning scheme for offshore wind and marine energy installations. Under the terms of the

Act, the Secretary of State may require a person who is responsible for one of these installations to submit (and eventually carry out) a decommissioning programme for the installation.

These decommissioning provisions reflect the department's view – taking into account our international obligations under UNCLOS (United Nations Convention on the Law of the Sea) and OSPAR – that anyone who constructs, extends, operates or uses an installation should be responsible for ensuring that it is decommissioned at the end of its useful life. They should also be responsible for meeting the costs of decommissioning – the 'polluter pays' principle.

BEIS believes it is imposing a legal obligation on businesses to prepare and carry out a decommissioning programme – and potentially requiring them to provide financial security – reduces the risk of them defaulting on their decommissioning liabilities. At the same time, we do not want to hinder the development of offshore renewable energy installations.

The approach is to seek decommissioning solutions which are consistent with our international obligations, as well as UK legislation, and which have a proper regard for safety, the environment, other legitimate uses of the sea and economic considerations. BEIS will act in line with the principles of sustainable development, and we aim to ensure that interested parties are given clear information on the operation of the decommissioning scheme. It is intended that processes for approving decommissioning programmes should be open and transparent, and that decisions should be taken in an efficient way, with as little administrative work as possible.



## [Full guidance on decommissioning offshore renewable energy installations](#)

PDF, 379KB, 66 pages

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## **Decommissioning offshore wind installations: cost estimation**

BEIS commissioned an independent report to inform thinking around the range of possible future decommissioning costs and liabilities (the report does not necessarily reflect BEIS policy or views):

[Decommissioning offshore wind installations: cost estimation](#)

## **Exploring combined heat and power (CHP)**

When submitting power station proposals (except renewable energy projects) under section 36 and under section 14, developers need to show they have explored opportunities to use [combined heat and power](#). You can find the latest guidance on this in [English](#) and [Welsh](#).

The guidance also applies to applications to the National Infrastructure Directorate of the Planning Inspectorate for generating stations of 50MW or more, under the Planning Act 2008.

## **Carbon capture readiness (CCR)**

DECC published [guidance on the government's policy on carbon capture readiness \(CCR\)](#) (implemented through section 36 of the Electricity Act 1989). It is intended to supplement the existing guidance on the full application process for consent under section 36. The guidance also applies to applications to the National Infrastructure Directorate of the Planning Inspectorate for generating stations of 50MW or more, under the Planning Act 2008.

The guidance is relevant to applications for power stations with an electrical generating capacity at or over 300 MW (gross capacity) and of a type covered by the EU Large Combustion Plant Directive and only covers consent applications in England and Wales.

The purpose of the CCR guidance is to ensure these relevant power stations can be retrofitted with carbon capture and storage (CCS) equipment at some point in the future when it is technically and economically viable.

Table 1 in the CCR guidance provides an indicative requirement of the amount of space required based on a generating station with 500MW capacity. Since the publication of the CCR guidance, that requirement has been reviewed by Imperial College, London in the [Assessment of the validity of "Approximate minimum land footprint for some types of CO2 capture plant" report](#).

## **Wayleaves and compulsory purchase orders**

BEIS also administers the process for necessary (compulsory) wayleaves and compulsory purchase orders sought by electricity companies for rights over third party land. You can download [our guidance on wayleave procedures for](#)

[applicants, landowners and occupiers.](#)

BEIS follows the practice set out in the [planning circular DoE 1990/14 and WO 1990/20](#).

Public inquiries relating to electric lines are held in accordance with [The Acquisition of Land Act 1981, The Compulsory Purchase \(Inquiries Procedure\) Rules 2007](#). You can [download guidance](#) on the rules.

## **Local Authorities' role in new planning regime/new nuclear power stations**

The Planning Act 2008 changed the role of local authorities in the new planning regime with particular regard to the development consent process for new nuclear power stations. This [letter from the Office for Nuclear Development \(OND\) and Department for Communities and Local Government \(CLG\)](#) explains the changes.

## **National Policy Statements for energy infrastructure**

On 18 July 2011 the House of Commons debated and approved the six National Policy Statements for Energy (NPS). On 19th July 2011, the Secretary of State for Energy and Climate Change designated the NPSs under the [Planning Act 2008](#).

Designation of the energy NPSs ensures that we have a planning system that is rapid, predicable and accountable. Planning decisions will be taken within the clear policy framework set out in the NPSs, making these decisions as transparent as possible.

The energy NPSs set out national policy against which proposals for major energy projects will be assessed and decided on by the National Infrastructure Directorate (NID) within the Planning Inspectorate. NID will use NPSs in its examination of applications for development consent, and ministers will use them when making decisions.

It is essential that ministers and officials working on development consent decisions act, and are seen to act, fairly and even-handedly by bringing an unbiased, properly directed and independent mind to the consideration of the matter. DECC therefore [published the guidance](#) they follow when dealing with stakeholders who are interested in such cases.

The energy NPSs designated on 19 July 2011 are:

- [EN-1 Overarching Energy NPS](#) [PDF, filesize: 960.06Kb]
- [EN-2 Fossil Fuel Electricity Generating Infrastructure NPS](#) [PDF, filesize: 232.06Kb]
- [EN-3 Renewable Energy Infrastructure NPS](#) [PDF, filesize: 344.8Kb]
- [EN-4 Gas Supply Infrastructure & Gas and Oil Pipelines NPS](#) [PDF, filesize: 289.82Kb]

- [EN-5 Electricity Networks Infrastructure NPS](#) [PDF, filesize: 322.06Kb]
- [En-6 Nuclear Power Generation NPS – Volume I](#) [PDF, filesize: 312.2Kb]
- [En-6 Nuclear Power Generation NPS – Volume II](#)

Prior to designation, the energy NPSs were subject to two rounds of Parliamentary Scrutiny and public consultation. The previous government consulted on the draft energy NPSs between November 2009 and February 2010. The second consultation was conducted between 18th October 2010 and 24th January 2011.

Material relating to these consultations can be found at the [Energy National Policy Statement \(NPS\) consultation archive](#).

You can also download the [government response to Parliament](#), the [government response to the consultation](#) and [impact assessment](#).

You can read further information on:

- [Appraisals of Sustainability \(AoS\)](#) which informed the drafting of the NPSs
- [Habitats Regulations Assessment \(HRA\)](#) for the NPSs
- the [Strategic Environmental Assessment post-adoption statement](#) which explains:
  - how environmental considerations have been integrated into the NPSs
  - how the AoSs, the views of statutory consultees and others have been taken into account in preparing them
  - why the NPSs set out the development control policies they do rather than any of the reasonable alternatives to them set out in the AoSs
- the [Monitoring Strategy](#) which sets out how we will monitor significant environmental effects of implementation of the NPSs
- [responses received during the second consultation](#)

## Welsh translations of documents

- [EN-1 Datganiad Polisi Cenedlaethol Cyffredinol am Ynni](#) [PDF, filesize: 960.06Kb]
- [EN-2 Datganiad Polisi Cenedlaethol am Seilwaith Cynhyrchu Trydan Tanwydd Ffosil](#) [PDF, filesize: 232.06Kb]
- [EN-3 Datganiad Polisi Cenedlaethol am Seilwaith Ynni Adnewyddadwy](#) [PDF, filesize: 344.8Kb]
- [EN-4 Datganiad Polisi Cenedlaethol am Seilwaith Cyflenwi Nwy a Phiblinellau Nwy ac Olew](#) [PDF, filesize: 289.82Kb]
- [EN-5 Datganiad Polisi Cenedlaethol am Seilwaith Rhwydweithiau Trydan](#) [PDF, filesize: 322.06Kb]
- [EN-6 Datganiad Polisi Cenedlaethol am Gynhyrchu Ynni Niwclear – fersiwn mis Ebrill 2011 Cyfrol I o II](#) [PDF, filesize: 312.2Kb]
- [EN-6 Datganiad Polisi Cenedlaethol am Gynhyrchu Ynni Niwclear Cyfrol II o II – Atodiadau](#)

# Public inquiries for energy infrastructure

## Section 36 of the Electricity Act 1989 – Redetermination of Llanbrynmair / Carnedd Wen wind farm applications

All documentation relating to the redetermination of the Llanbrynmair and Carnedd Wen wind farm applications are available here:

[Llanbrynmair and Carnedd Wen wind farm applications redetermination](#)

## Environmental consultations for overhead line applications

[Application from National Grid Electricity Transmission plc](#) seeking consent to keep installed a replacement tower and 2 sections of overhead conductors on the Pentir to Trawsfynydd 400kV Overhead Electricity Transmission Line. Request by the Secretary of State for further information from the applicant under The Conservation of Habitats and Species Regulations 2010. The Secretary of State is seeking any comments by 27 January 2017.

## Recent decisions on energy Infrastructure applications

[Recent decision documentation for energy infrastructure applications](#) (including those considered at public Inquiry)

## Related information

You can find more information on the [Ministry for Justice: The Electricity Generating Stations and Overhead Lines \(Inquiries Procedure\) \(England and Wales\) Rules 2007](#) webpage.

Guidance on the inquiries procedure is available in [English](#) and [Welsh](#).

## Codes of practice on optimum phasing for high voltage power lines

In October 2009 the government made its [Response to the Stakeholder Advisory Group on Extremely Low Frequency Electric and Magnetic Fields First Interim Assessment: Power Lines and Property, Wiring in Homes and Electrical Equipment in Homes](#) that was delivered to the Public Health Minister in April 2007.

In that response, the government supported the Stakeholder Advisory Group on Extremely Low Frequency Electromagnetic Fields (SAGE) recommendation to introduce the optimum phasing of all new double-circuit high voltage overhead power lines of 132kV and above and to convert existing power lines where practicable in those circumstances where this would significantly reduce public exposure to extremely low frequency (ELF) electromagnetic fields (EMF) and would be cost effective to do so.

Current government policy on electric and magnetic fields (EMFs) is that power lines should comply with the 1998 [International Commission on Non-](#)

[Ionizing Radiation Protection \(ICNIRP\) Guidelines](#) on exposure to EMFs in terms of the 1999 EU Recommendation.

In 2009 2 voluntary codes of practice were developed and agreed between the Energy Networks Association (ENA) and the government. Both codes of practice applied in England, Scotland and Wales. We are pleased to issue a new version of both codes that have now been agreed with the Northern Ireland Executive. These two codes of practice will apply in England, Scotland, Wales and Northern Ireland.

The [first voluntary code](#) is intended to provide information to the general public and other interested parties about how the optimal phasing of high voltage double circuit overhead lines can help reduce public exposure to EMFs. The code also sets out clearly what the electricity industry is agreeing to undertake and also how government will monitor compliance with the code.

A second voluntary code of practice has also been developed – [Power Lines: demonstrating compliance with EMF public exposure guidelines](#). This code of practice implements current government policy in relation to public exposure to EMFs and is intended to introduce clarity to the important process by which industry will demonstrate compliance. It sets out the measures the electricity industry will utilise to calculate and demonstrate compliance with assessment field levels in accordance with ICNIRP exposure limits to protect public health.

The ENA will also maintain a publicly available list on its website of types of equipment where the design is such that it is not capable of exceeding the ICNIRP exposure guidelines with evidence as to why this is the case. It will also detail equipment that normally complies with public exposure limits but also where this will need to be demonstrated on a case-by-case basis when required, for example when apply for consent or a wayleave for a line or cable.

Further information can be found on the [Energy Networks Association \(ENA\)](#) website.

The ENA has published [Guidelines for Best Practice in relation to Electric and Magnetic Fields \(EMFs\) in the Design and Management of Low Voltage Networks](#), the product of the work DECC asked the industry to undertake in order to fulfil the SAGE 2 recommendations in regard to measures relating to low voltage distribution networks and substations.

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**[Detailed guide: Oil and gas: offshore](#)**

# environmental legislation

*Updated:* The sections on the Pollution Prevention Control (Fees) Regulations 2015, 2016, 2016 (No. 2) & 2017, including guidance relating to all charging provisions and the latest versions of relevant charging schemes have all been removed from this page and can now be found on the new 'Oil and Gas: fees and charges' page.

## **The Environmental Assessment of Plans and Programmes Regulations 2004**

The Environmental Assessment of Plans and Programmes Regulations 2004 implements the European Strategic Environmental Assessment (SEA) Directive (2001/42/EC). Although the Directive was not incorporated into UK law until 2004, SEAs have been carried out since 1999 in accordance with its requirements.

- [Offshore Energy Strategic Environmental Assessment \(SEA\): An overview of the SEA process](#)

## **The Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999 (as amended)**

Council Directive 85/337/EEC on the Assessment of the Effects of Certain Public and Private Projects on the Environment (the "1985 Directive"), as amended by Council Directive 97/11/EC, Directive 2003/35/EC and Directive 2009/31/EC, requires environmental assessments to be carried out for certain types of project, including offshore oil and gas activities, throughout the European Union.

The 1985 Directive and its three amendments were codified by Directive 2011/92/EU ("the existing Directive"), in advance of the European Commission adopting a proposal in October 2012 to further review and amend the existing Directive. On 15 May 2014, Directive 2011/92/EU was subsequently amended by Directive 2014/52/EU.

The Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999 ("the EIA Regulations") implemented the original Directive and the 1997 amendment, and were amended in 2007, 2010 and 2017 by:

- The Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) (Amendment) Regulations 2007 to implement Directive 2003/35/EC which provided for public participation in respect to the drawing-up of certain plans and programmes relating to the environment.

- Article 2 of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (the “2010 Order”) which applied the provisions to offshore combustible gas and carbon dioxide unloading and storage operations (in addition to oil and gas production activities).
- Part One of the Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017 (the “2017 Regulations”) which implements the requirements of Directive 2014/52/EU, and also consolidates the provisions of Article 2 of the 2010 Order (revoking those provisions).

The relevant offshore hydrocarbon-related activities covered by the EIA Regulations (as amended) include, but are not limited to, the granting and renewal of production consents for field developments, the drilling of wells (deep drilling) and the construction and installation of production facilities and pipe-lines in the United Kingdom and on the United Kingdom Continental Shelf (UKCS). Full details of these and other requirements can be found in the published guidance.

## Regulations

- [The Offshore Petroleum Production and Pipe-lines \(Assessment of Environmental Effects\) Regulations 1999](#)
- [The Offshore Petroleum Production and Pipe-lines \(Assessment of Environmental Effects\) \(Amendment\) Regulations 2007](#)
- [The Energy Act 2008 \(Consequential Modifications\) \(Offshore Environmental Protection\) Order 2010](#)
- [The Offshore Petroleum Production and Pipe-lines \(Environmental Impact Assessment and other Miscellaneous Provisions\) \(Amendment\) Regulations 2017](#)

## Guidance

- [OPRED EIA Guidance 2018 Revision 4 22 March 2018](#)  
(PDF, 799KB, 82 pages)

## Applications and determinations

- Environmental Statements (ESs) must be submitted in hard copy to the Business Support Team, and developers should email [bst@beis.gov.uk](mailto:bst@beis.gov.uk) to confirm the submission requirements.

- Applications for Directions to confirm that an ES is not required should be submitted via the UK Energy Portal Environmental Tracking System (PETS), and developers should email [bst@beis.gov.uk](mailto:bst@beis.gov.uk) if they require further information about PETS.
- Interested parties can review records relating to submissions and decisions made under the EIA Regulations at [Oil and gas environmental data](#).

## Reporting requirements

- Authorised deposit returns for approvals issued through PETS should be made using the appropriate Environmental Emissions Monitoring System (EEMS) reporting form.
- Deposit returns requested by the Environmental Management Team for activities covered by an EIA exclusion should be made using this [Form](#) (MS Excel Spreadsheet, 77KB)  
  
, and should be submitted by email to [bst@beis.gov.uk](mailto:bst@beis.gov.uk)

## Environmentally sensitive areas

- [Environmentally Sensitive Areas](#)  
(MS Word Document, 150KB)
- [Quadrant/Block Specific Issues](#)  
(MS Word Document, 460KB)

## Project reports

- [Quality review of environmental statements for offshore petroleum production and pipeline developments](#)  
(PDF, 644KB, 70 pages)
- [Assessment of adverse non-pollution effects for offshore petroleum production and pipeline developments](#)  
(PDF, 263KB, 20 pages)



For further information please contact the Business Support Team by email at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or (01224) 254138 or please contact your assigned Environmental Manager.

## **The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (as amended)**

Council Directive 79/409/EEC on the protection of wild birds, commonly known as the Birds Directive, was adopted in 1979, and aims to protect all wild birds and their most important habitats across the EU. Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, commonly known as the Habitats Directive, was adopted 13 years later in 1992. It introduces very similar measures but extends the protection to around 1000 other rare, threatened or endemic species of wild animals and plants, often collectively referred to as species of European importance. It also, for the first time, introduced protection for some 230 rare or important habitat types. The Birds Directive was subsequently amended by Directive 2009/147/EC, a codified version of the original directive.

Together, the Birds and Habitats Directives provide a strong legislative framework to protect the EU's most vulnerable species and habitat types across their entire natural range within the EU, irrespective of political or administrative boundaries. The overall objective of the two directives is to ensure that the species and habitat types they protect are maintained at, or restored to, a favourable conservation status throughout their natural range within the EU. They therefore not only aim to halt any decline, but also aim to ensure that the qualifying species and habitats recover sufficiently to enable them to flourish over the long-term.

The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 implemented the main provisions of the directives as they applied to offshore oil and gas activities, and were amended in 2007, 2010 and 2017 by:

- The Offshore Petroleum Activities (Conservation of Habitats) (Amendment) Regulations 2007 which amended and extended a number of provisions in the 2001 regulations.
- Article 3 of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (the "2010 Order") which applied the provisions to offshore combustible gas and carbon dioxide unloading and storage operations (in addition to oil and gas production activities).
- Part four of the Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017 which introduced provisions relating to the review of existing decisions.

The most important provisions of the regulations in relation to environmental submissions to the Department are:

Regulation 4 which requires the issue of consent for geological surveys relating to offshore oil and gas operations and offshore combustible gas and

carbon dioxide unloading and storage operations undertaken in the UKCS.

Regulation 5 which requires that, before the grant of any licence, consent, authorisation or approval involving a proposed activity that is likely to have a significant effect on a relevant protected site, whether individually or in combination with any other plan or project, the Secretary of State must make an appropriate assessment (a Habitats Regulation Assessment) of the implications for the site in view of the site's conservation objectives. The Department is therefore required to undertake a likely significant effects assessment, or 'screening' exercise, and/or a more in-depth, 'appropriate assessment', and this can significantly delay the determination of a submission.

## Regulations

- [Offshore Petroleum Activities \(Conservation of Habitats\) Regulations 2001](#)
- [Offshore Petroleum Activities \(Conservation of Habitats\) \(Amendment\) Regulations 2007](#)
- [The Energy Act 2008 \(Consequential Modifications\) \(Offshore Environmental Protection\) Order 2010](#)
- [The Offshore Petroleum Production and Pipe-lines \(Environmental Impact Assessment and other Miscellaneous Provisions\) \(Amendment\) Regulations 2017](#)

## Guidance

- [European Commission guidance on the 'Assessment of plans and projects significantly affecting Natura 2000 sites \(Methodological guidance on the provisions of Article 6\(3\) and \(4\) of the Habitats Directive 92/43/EEC\)](#)
- [Guidance on Offshore Petroleum Activities \(Conservation of Habitats\) Regulations 2001 \(MS Word Document, 120KB\)](#) Note: The Department is currently updating this guidance and an amended version will be published in due course
- [Guidance Notes for Oil And Gas Surveys and Shallow Drilling \(PDF, 235KB, 21 pages\)](#) Note: The Department is currently updating this guidance and an amended version will be published in due course
- [JNCC guidelines for minimising the risk of injury to marine mammals from geophysical surveys \(PDF, 796KB, 28 pages\)](#)
- [Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise \(PDF, 242KB, 13 pages\)](#)
- [JNCC guidelines for minimising the risk of injury to marine mammals from using explosives \(PDF, 165KB, 10 pages\)](#)

## Other Useful Information

- [The EU Habitats and Birds Directives](#)
- [Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora](#)
- [Council Directive 2009/147/EC on the conservation of wild birds \(codified version\)](#)

## Applications and determinations

- Applications for geological surveys, or notifications of proposed marine surveys which does not require consent are submitted and processed via the [UK Energy Portal](#)
- Applications or notifications can be submitted via a standalone (SA) Master Application Template (MAT), where the survey is not linked with any other activity requiring a UK Energy Portal application, or via a Subsidiary Application Templates (SAT) if the survey is linked to another activity, e.g. a relevant drilling MAT (DRA).
- Interested parties can review records of geological survey applications and marine survey notification submissions, and any relevant decisions made under the [Habitats Regulations](#)
- A list of Habitats Regulations Assessments undertaken by the Department can be found on:  
[HRA Spreadsheet](#)  
(MS Excel Spreadsheet, 46KB)
- Copies of specific appropriate assessments that may be of interest to operators can be found below:  
PA Resources, 2D Seismic Survey Blocks 17/4b, 17/3, 11/28 and 11/29:  
[Record of Appropriate Assessment](#)  
Caithness Petroleum, Seismic Survey Programme, Braemore, Forse, Berriedale and Helmsdale Prospects and Burrigill Site Survey: [Record of Appropriate Assessment](#)

## Reporting requirements

- It is a condition of all geological survey consents that an activity log and close out report is submitted to the Department following completion of the survey. The report is currently an Excel spreadsheet and a copy can be found [here](#)
- In future the returns will be migrated to the EEMS reporting system accessed via the UK Energy Portal and will automatically feed into the Marine Noise Registry (see section on The Marine Strategy Regulations 2010). However in the interim the return forms should be submitted by e-mail to: [bst@beis.gov.uk](mailto:bst@beis.gov.uk)
- The close-out report worksheet must also be submitted to Schlumberger Integrated Solutions for all seismic surveys, except site surveys, and to Medin for all seismic site surveys. Relevant contact details and guidance are provided in the Excel spreadsheet.
- Where it is a condition of the geological survey consent that a Marine Mammal Observer (MMO) and/or a Passive Acoustic Monitoring (PAM) operative is provided for the survey, a MMO report must also be submitted to the Department following completion of the survey, and copied to the Joint Nature Conservation Committee (JNCC). Copies of the relevant forms and guidance, and summary reports of MMO observations, can be found on the JNCC website [here](#)

## Project reports

- [Subacoustech R&D Project – Effects of noise on the marine environment \(MS PowerPoint Presentation, 5.48MB\)](#)
- [Review and Assessment of Underwater Sound Produced from Oil and Gas Activities and Potential Reporting Requirements under the Marine Strategy Framework Directive, July 2011 \(PDF, 1.73MB, 72 pages\)](#)
- Moray Firth Study – this was a three year project undertaken by Aberdeen University on behalf of the Department, with co-funding from the Scottish Government, Collaborative Offshore Wind Research into the Environment (COWRIE) and Oil & Gas UK, to assess the potential impact of oil and gas seismic survey operations on cetaceans in the Moray Firth. Relevant reports relating to the study and the associated seismic surveys can be found below:

[Final Study Report, November 2013 \(PDF, 4.64MB,144 pages\)](#)

[Annex II: Underwater noise propagation modelling and estimate of impact zones for seismic operations in the Moray Firth \(PDF, 1.28MB, 62 pages\)](#)

- 2D seismic survey in the Moray Firth: [Review of noise impact studies and reassessment of acoustic impacts \(PDF, 989KB, 57 pages\)](#)
- PA Resources, 2D Seismic Survey Blocks 17/4b, 17/3, 11/28 and 11/29: [Record of Appropriate Assessment \(PDF, 8.89MB, 73 pages\)](#)
- Caithness Petroleum, Seismic Survey Programme, Braemore, Forse, Berriedale and Helmsdale Prospects and Burringill Site Survey: [Record of Appropriate Assessment \(PDF, 8.62MB, 74 pages\)](#)
- PA Resources, 2D Seismic Survey Blocks 17/4b, 17/3, 11/28 and 11/29: [Marine Mammal Observations and Passive Acoustic Monitoring Report \(PDF, 8.49MB, 91 pages\)](#)
- PA Resources, 2D Seismic Survey Blocks 17/4b, 17/3, 11/28 and 11/29: [MMO Record Spreadsheet \(MS Excel Spreadsheet, 2.1MB\)](#)
- Caithness Petroleum, Seismic Survey Programme, Braemore, Forse, Berriedale and Helmsdale Prospects and Burringill Site Survey: [Marine Mammal Observations and Passive Acoustic Monitoring Report and Record Spreadsheet \(PDF, 4.38MB, 105 pages\)](#)
- University of Aberdeen staff involved in the project have also published a number of scientific papers relating to the study: Williamson, L.D., Brookes, K.L., Scott, B.E., Graham, I.M. & Thompson, P.M. (2017) Diurnal variation in harbour porpoise detection – potential implications for management. Marine Ecology Progress Series 570:223-232

- Williamson, L.D., Brookes, K.L., Scott, B.E., Graham, I.M., Bradbury, G., Hammond, P.S. & Thompson, P.M. (2016) Echolocation detections and digital video surveys provide reliable estimates of the relative density of harbour porpoises. *Methods in Ecology and Evolution*. DOI: 10.1111/2041-210X.12538
- Thompson, P.M., Brookes, K.L. & Cordes, L.S. (2014) Integrating passive acoustic and visual data to model spatial patterns of occurrence in coastal dolphins *ICES J. Mar. Sci.*, DOI:10.1093/icesjms/fsu110
- Pirotta, E., Brookes, K.L., Graham, I.M. & Thompson, P.M. (2014) Variation in harbour porpoise activity in response to seismic survey noise. *Biology Letters*, 10: 20131090
- Thompson, P.M., Brookes, K.L., Graham, I.M., Barton, T.R., Needham, K., Bradbury, G. & Merchant, N.D. (2013) Short-term disturbance by a commercial two-dimensional seismic survey does not lead to long-term displacement of harbour porpoises. *Proceedings of the Royal Society, B*. 280: 20132001. DOI: 10.1098/rspb.2013.2001
- Brookes, K.L., Bailey, H. & Thompson, P.M. (2013) Predictions from harbor porpoise habitat association models are confirmed by long-term passive acoustic monitoring. *J. Acoust. Soc. Am.*, 134: 2523-2533
- A full list of the publications of the University of Aberdeen's Cromarty Lighthouse Field Station is available using this [link](#)

For further information please contact the Business Support Team by e mail at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or (01224) 254138 or please contact your assigned Environmental Manager

## **The Conservation of Offshore Marine Habitats and Species Regulations 2017**

Whilst the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (as amended) set down the obligations for the assessment of the impact of offshore oil and gas activities (including gas and carbon dioxide unloading and storage activities) on habitats and species protected under Council Directive 2009/147/EC (the codified version of the Birds Directive) and Council Directive 92/43/EEC (the Habitats Directive), the Conservation of Offshore Marine Habitats and Species Regulations 2017 are the governing legislation for implementation of a number of the other requirements contained in the Directives. The Regulations apply to the "offshore area" outside UK territorial waters, i.e. the area greater than 12 nautical miles from the landward baseline of the territorial sea, and are

commonly referred to as the Defra Offshore Habitats Regulations.

The Conservation of Offshore Marine Habitats and Species Regulations 2017 consolidate the provisions contained in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 and subsequent amending instruments, and make minor modifications reflecting changes to related legislation. The Regulations include provisions for the designation and protection of areas that host important habitats and species in the offshore marine area. Once designated, these sites are called Special Areas of Conservation (SACs), for the protection of certain habitats and marine species; and Special Protection Areas (SPAs), for the protection of certain wild bird species. The Regulations also implement assessment obligations for marine industry activities other than offshore oil and gas; introduce a licensing system for any marine activities that could kill or injure protected species, or could deliberately disturb protected species in such a way as to be likely to impair their ability to survive, breed, or rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or could significantly affect the local distribution or abundance of that species. The Regulations also include provisions requiring competent authorities to take steps to preserve and re-establish a sufficient diversity and area of habitat for wild birds and also impose a duty upon them to use all reasonable endeavours to avoid pollution or deterioration of wild bird habitat. The Regulations also include provisions relating to a number of offences that aim to prevent environmentally damaging activities.

The most important provisions of the regulations in relation to environmental submissions to the Department are contained in Part 5, which provides powers to issue licences for specific activities that could result in the injury or disturbance of European Protected Species (EPS injury or disturbance licences).

## Regulations

- [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#)

## Guidance

- [The Conservation of Offshore Marine Habitats and Species Regulations 2017](#)
- [Contributing to a Marine Protected Area Network](#)
- [Draft Guidance on the protection of marine European Protected Species from Injury and disturbance \(for the marine area in England and Wales and the UK offshore marine area\)](#)  
(PDF, 1.45MB, 120 pages)

## Other Useful Information

- Relevant general information in relation to environmental sensitivities and conservation issues can be found in the entries for the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental

Effects) Regulations 1999 and the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001.

- Information relating to marine nature conservation and wildlife licensing for internal and territorial waters adjacent to Northern Ireland can be found [here](#)
- Information relating to marine nature conservation and wildlife licensing for internal and territorial waters adjacent to Scotland can be found [here](#) and [here](#)
- Information relating to marine nature conservation and wildlife licensing for internal and territorial waters adjacent to Wales can be found [here](#)

## **Applications and determinations**

- Applications for EPS injury or disturbance licences for activities in waters adjacent to England or in the offshore area adjacent to Northern Ireland, Scotland and Wales are submitted and processed via the [UK Energy Portal](#)
- Applications can be submitted via a standalone application MAT (SA), where the survey is not linked with any other activity requiring a UK Energy Portal application, or via a Subsidiary Application Templates (SAT) if the survey is linked to another activity, e.g. a relevant geological survey application MAT (GS).
- Interested parties can review records of [EPS injury or disturbance licence applications, and any relevant decisions made under the Defra Offshore Habitats Regulations](#)
- EPS / disturbance licensing for activities in internal or territorial waters adjacent to Northern Ireland, Scotland and Wales is the responsibility of the relevant devolved administration, and potential applicants should contact the relevant licensing body.

## **Reporting requirements**

EPS injury or disturbance licences are currently only required for acoustic surveys where the Joint Nature Conservation Committee (JNCC) or another Statutory Nature Conservation Body has advised that the applicant for a consent for a geological survey must also obtain an EPS injury or disturbance licence. Under such circumstances, the reporting requirements detailed in the survey consent are sufficient to additionally cover the EPS injury or disturbance licence requirements, and there are no additional reporting requirements.

## **Project reports**

Habitats Regulations Assessments undertaken by the Department for acoustic geological surveys are detailed in the entry for the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001, and the assessments relating to EPS will include injury or disturbance assessments.

For further information please contact the Business Support Team by e mail at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or (01224) 254138 or please contact your assigned Environmental Manager

# The Marine Strategy Regulations 2010

Directive 2008/56/EC of the European Parliament and Council establishes a framework for community action in the field of marine environmental policy, and is commonly known as the Marine Strategy Framework Directive. The Directive was adopted in June 2008, with the aim of protecting the marine environment across Europe, and it is the environmental component of Europe's Integrated Maritime Policy.

The Directive sets a target of "Good Environmental Status" which must be achieved in EU marine waters by 2020. Following the first cycle of management which ends in 2020, new programmes of measures will be set on a six-yearly basis. The Commission has produced a set of detailed criteria and methodological standards to help Member States implement the Marine Directive, which were revised in 2017 and led to the Commission Decision on Good Environmental Status (GES). Annex II of the Directive was also amended in 2017 to better link ecosystem components, anthropogenic pressures and impacts on the marine environment with the MSFD's 11 'Descriptors' and with the new Decision on Good Environmental Status (GES).

The Marine Strategy Regulations 2010 transposed the requirements of the Marine Strategy Framework Directive 2008/56/EC into UK law in July 2010. The regulations established a high-level legal framework to ensure that the obligations which the Directive places on the UK are assigned to a competent authority, and that those competent authorities are given the necessary powers to implement measures to achieve or maintain good environmental status in the marine environment by 2020. The Regulations did not set out exactly how this would be achieved and much of the detail about how the UK will implement the Directive have been developed since the regulations came into force. The statutory instrument includes provisions covering the following key issues:

- the geographical scope of the legislation – the area over which the UK Marine Strategy will apply;
- the bodies that will be responsible for implementing the Directive in different parts of the UK's marine waters (i.e. which bodies will act as competent authorities for the Directive) and puts duties on those bodies to deliver each of the Directive's requirements to the required timetable;
- appropriate provisions to ensure that the UK Government and each of the Devolved Administrations work together effectively to implement the Directive in a consistent and co-ordinated way across the UK;
- appropriate provisions to ensure that all public authorities which take decisions or carry out activities affecting the marine environment will be required to play an appropriate role in ensuring that the requirements of this Directive are delivered; and
- provisions to ensure that interested parties and members of the public are consulted at all key stages in the implementation of the Directive.



## Regulations

- [The Marine Strategy Framework Directive \(Directive 2008/56/EC\)](#)
- [Commission Decision \(EU\) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU](#)
- [Commission Directive \(EU\) 2017/845 of 17 May 2017 amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies \(Annex III amendment\)](#)
- [Marine Strategy Regulations 2010](#)

## Guidance

- European Commission guidance on the MSFD can be found [here](#)
- Defra marine environment policy document, which includes Appendix 2, Implementing the Marine Strategy Framework Directive, can be found [here](#)

## Reporting requirements

The UK target for Good Environmental Status (GES) for impulsive noise (Descriptor 11) is being facilitated through the establishment of a Marine Noise Registry (MNR). The Registry has been developed by Defra and the Joint Nature Conservation Committee (JNCC), in conjunction with other Government Departments and the Devolved Administrations (DAs), and records human activities in UK seas that produce loud, low to medium frequency (10Hz – 10kHz) impulsive noise. The MNR forms part of the UK's programme of measures which is set out in Part 3 of its Marine Strategy.

Underwater noise from human activities can affect marine organisms, from invertebrates to fish to marine mammals, in a variety of ways, from initiating avoidance, to masking sounds used to communicate and find food, to physical injury and even to mortality. Understanding when and where noisy activities take place will therefore help to define a baseline level for impulsive noise in UK waters and will inform research on the impacts of noise, particularly on vulnerable species like cetaceans.

Human activities covered by the MNR include impact pile driving, geophysical surveys (seismic, sub bottom profiling and multi-beam echo-sounders), military sonar, some acoustic deterrent devices and explosive use. Data is collected on the proposed location and date of relevant activities during the planning stages, and on the final location and date after the activity has been completed. The MNR also collects, where available, sound source data including maximum hammer energy maximum airgun volume, equipment frequency, sound pressure levels, sound exposure levels and explosive TNT equivalents.

Where possible, data is extracted from current consenting processes, or is separately provided by developers using a simple online form. Provision of the data is mandatory in some cases and voluntary in others, depending on the type of activity and whether there are any relevant consenting procedures. An integrated data capture system is currently being developed to link the UK

Energy Portal Environmental Tracking System (PETS) to the MNR, which will enable oil and gas geological survey application and returns data to be automatically populated.

Maps will be produced annually showing the spread of activities in 'pulse block days' (the number of days within the specified period when impulsive noise has been generated within individual UK oil and gas licensing blocks). Data in the Registry are also fed into a Europe-wide registry through the Oslo and Paris Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR).

- The MNR can be found [here](#)
- Further information in relation to the MNR can be found [here](#)
- EU Monitoring Guidance for Underwater Noise in European Seas, prepared by the MSFD Technical Subgroup on Underwater Noise, can be found [here](#)
- MNR output maps can be found [here](#)

For further information please contact the Business Support Team by email at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or (01224) 254138 or please contact your assigned Environmental Manager

## **The Offshore Chemicals Regulations 2002 (as amended)**

In 2000, the Convention for the Protection of the Marine Environment of the North-East Atlantic (the OSPAR Convention) adopted Decision 2000/2 on a Harmonised Mandatory Control System for the Use and Discharge of Offshore Chemicals (commonly call the OSPAR HMCS). The Decision was subsequently amended by Decision 2005/1 on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals, and is supported by a number of additional OSPAR decisions, recommendations and agreements relating to the use and discharge of offshore chemicals:

- OSPAR Decision 2000/3 on the Use of Organic-Phase Drilling Fluids (OPF) and the Discharge of OPF-Contaminated Cuttings
- OSPAR Recommendation 2005/2 OSPAR Recommendation 2005/2 on Environmental Goals for the Discharge by the Offshore Industry of Chemicals that Are, or Contain Added Substances, Listed in the OSPAR 2004 List of Chemicals for Priority Action
- OSPAR Recommendation 2006/3 on Environmental Goals for the Discharge by the Offshore Industry of Chemicals that Are, or Which Contain Substances Identified as Candidates for Substitution
- OSPAR Recommendation 2010/3 on a Harmonised Offshore Chemical Notification Format (HOCNF)
- OSPAR Recommendation 2014/17 amending OSPAR Recommendation 2010/3 on a Harmonised Offshore Chemical Notification Format (HOCNF)
- OSPAR Recommendation 2017/1 on a Harmonised Pre-screening Scheme for Offshore Chemicals
- Further Guidance on the Assessment of the Toxicity of Substances under the Harmonised Pre-Screening Scheme of OSPAR Recommendation 2000/4 (Agreement reference number 2002-4)

- Common Interpretation on which Chemicals are Covered and not Covered by the Harmonised Mandatory Control System under OSPAR Decision 2000/2 (Agreement reference number 2002-6)
- OSPAR Guidelines for Toxicity Testing of Substances and Preparations Used and Discharged Offshore (Agreement reference number 2005-12)
- OSPAR Guidelines for Completing the Harmonised Offshore Chemical Notification Format (HOCNF) (Agreement reference number 2012/05)
- OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR) (Agreement reference number 2013-06)

Copies of the relevant Decisions, Recommendations and Agreements can be found on the OSPAR website at <https://www.ospar.org/work-areas/oic>

The Offshore Chemicals Regulations 2002 (“OCR”) implemented the original OSPAR HMCS Decision and were amended by the Offshore Chemicals (Amendment) Regulations 2011. The Regulations were also amended in 2005, 2010, 2016 and 2017 by:

- The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005, which introduced provisions relating to enforcement and prohibition notices.
- Article 6 of The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010, which applied the provisions to offshore combustible gas and carbon dioxide unloading and storage operations (in addition to oil and gas operations).
- The Energy (Transfer of Functions, Consequential Amendments and Revocation) Regulations 2016, which introduced provisions recognising the functions undertaken by the Oil and Gas Authority and a requirement to review the regulations.
- The Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations 2017, which introduced a general amendment in relation to fee charging powers.

The regulations require offshore operators to apply for permits for the use and/or discharge of chemicals in the course of all relevant offshore energy activities, including well operations, production operations, pipeline operations, and decommissioning operations.

The 2011 Amendment Regulations extended the provisions to take enforcement action in the event of any unintentional offshore chemical release, and also:

- extended the information-gathering powers so that information can be obtained from a wider range of persons and in relation to a wider range of incidents;
- simplified the process for varying permits or transferring them to other operators; and
- more closely aligned the regulations with the Offshore Petroleum (Oil Pollution Prevention and Control) Regulations 2005 (as amended)

## Regulations

- [Offshore Chemical Regulations 2002](#)
- [Offshore Chemicals \(Amendment\) Regulations 2011](#)
- [Unofficial consolidated version of the regulations incorporating amendments](#)  
(PDF, 129KB, 15 pages)

## Guidance

- [Guidance \(March 2011\)](#)  
(PDF, 497KB, 53 pages)
- [Offshore chemical regulations FAQ's](#)  
(MS Word Document, 977KB)
- [Well Intervention Guidance](#)  
(PDF, 75KB, 2 pages)

The OCR Guidance is currently being updated and a revised copy will be issued in due course.

## Applications and Determinations

Applications for a chemical permit should be submitted via the [UK Energy Portal](#) Environmental Tracking System (PETS). Subsidiary Application Templates (SATs) for chemical permits can be made under the following Master Application Templates (MATs), depending on the nature of the proposed operation – Drilling Operations (DRA), Pipeline Operations (PLA), Production Operations (PRA), Well Intervention Operations (WIA) and Decommissioning Operations (DCA). Operators should email [bst@beis.gov.uk](mailto:bst@beis.gov.uk) if they require further information about PETS.

Interested parties can review records relating to applications and decisions made under the Offshore Chemicals Regulations (OCR) at the [Oil and Gas Environmental data page](#)

## Reporting requirements

Chemical returns. Chemical use and discharge returns for approvals issued through PETS, including returns relating to the discharge of hydrocarbon chemicals and substitute hydrocarbon chemicals, should be made using the appropriate Environmental Emissions Monitoring System (EEMS) reporting form.

OSPAR Candidates for Substitution. OPRED is required to submit regular

implementation reports to the OSPAR Offshore Industry Committee (OIC) in relation to the discharge of chemicals listed in the OSPAR 2004 List of Chemicals for Priority Action and the discharge of chemicals that are identified as Candidates for Substitution. To inform the implementation reports, operators are required to submit annual reports to OPRED detailing the use and discharge of these chemicals during drilling, production, work-over / intervention, pipeline and decommissioning operations, supported by a Technical Justification Report (TJR) for all of the chemicals that are still being used and/or discharged on the UKCS. OPRED will send out documents relating to the reporting requirements every year, and current versions of the documents are available below:

- [Substitution chemical annual reporting letter \( updated DEC 2017\)](#)  
(PDF, 185KB, 5 pages)
- [PRA spreadsheet \( updated Dec 2017\)](#)  
(MS Excel Spreadsheet, 162KB)
- [WIA, DRA, PLA and DCA spreadsheet \( updated Dec 2017\)](#)  
(MS Excel Spreadsheet, 164KB)
- [Technical Justification Spreadsheet 2017](#)  
(MS Excel Spreadsheet, 164KB)

Non-compliance notification. Non-compliance with permit conditions should be notified by completing the OCR non-compliance notification form and sending it by email to [bst@beis.gov.uk](mailto:bst@beis.gov.uk). The relevant notification form and current guidance are available below:

- [OCR non-compliance notification form](#)  
(MS Word Document, 135KB)
- [Guidance on the OCR non-compliance notification form](#)  
(MS Word Document, 131KB)

For further information please contact the Business Support Team by email at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or (01224) 254138, or please contact your assigned Environmental Manager.

# The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended)

The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (OPPC regulations) prohibit the discharge of oil to sea from offshore oil and gas installations other than in accordance with the terms and conditions of a permit. Operators of offshore installations must identify all planned oil discharges to relevant waters and apply for the appropriate OPPC permits.

The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 extends the provisions of the regulations to offshore gas unloading and storage operations and offshore carbon dioxide storage operations. This extension is, however, subject to geographical limitations to reflect the different devolution settlements relating to these offshore activities.

The Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Amendment) Regulations 2011 introduced a number of changes to the regulations. This includes a new definition of 'offshore installation' to encompass all pipelines, some of which were not previously covered by the OPPC regulations. The amending regulations also introduce the concept of 'release' to cover all unintentional oil emissions that occur through accidental spills/leaks or non-operational discharges. Intentional emissions are now clarified as discharges. However, given the OPPC regulations already cover oil spills and leaks, the concept of 'release' is incorporated by amendment of the regulations solely to conform with the Offshore Chemicals (Amendment) Regulations 2011.

In addition, the amending OPPC regulations 2011:

- extend OPRED (BEIS) information-gathering powers so information can be obtained from a wider range of persons and in relation to a wider range of incidents
- simplify the consents process for varying permits or transferring them to other operators
- provide additional powers for OPRED (BEIS) inspectors to take appropriate enforcement action in relation to actual or potential leaks and spills of oil

## Regulations

- [Offshore Petroleum Activities \(Oil Pollution Prevention and Control\) Regulations 2005](#)
- [Offshore Petroleum Activities \(Oil Pollution Prevention and Control\) \(Amendment\) Regulations 2011](#)
- [Unofficial consolidated version of the regulations incorporating all amendments](#)  
(PDF, 122KB, 14 pages)

## Guidance

- [OPPC guidance notes for industry](#)  
(PDF, 349KB, 47 pages)
- [OPPC Applications Frequently Asked Questions – \(updated 12/03/14\)](#)  
(PDF, 218KB, 3 pages)
- [Methodology for the Sampling and Analysis of Produced Water and other Hydrocarbon Discharges](#)  
(PDF, 646KB, 84 pages)  
  
(also see [Summary of Amendments to the Methodology Document](#)  
(MS Word Document, 36.6KB))
- [Guidance on OPPC non-compliance notification form](#)  
(MS Word Document, 89KB)

## Other Useful Information

### The Dispersed Oil in Produced Water Trading Scheme

The Dispersed Oil in Produced Water Trading Scheme was cancelled following consultation and then approval from the Secretary of State for Business Enterprise and Regulatory Reform. [Visit the National Archives website for background information on the scheme.](#)

### Applications and Determinations

Applications for an oil discharge permit should be submitted via the [UK Energy Portal](#) Environmental Tracking System (PETS). Operators should email [bst@beis.gov.uk](mailto:bst@beis.gov.uk) if they require further information about PETS. Interested parties can review records relating to applications and decisions made under the OPPC Regulations at the [Oil and Gas Environmental data page](#).

### Reporting Requirements

Oil discharge returns. Oil discharge returns for approvals issued through PETS should be made using the appropriate Environmental Emissions Monitoring System (EEMS) reporting form.

Non-compliance notification. Non-compliance with permit conditions should be notified by completing the OPPC non-compliance notification form and sending

it by email to [bst@beis.gov.uk](mailto:bst@beis.gov.uk). The relevant notification form and current guidance are available below:

- [OPPC non-compliance notification form](#)  
(MS Word Document, 83KB)
- [Guidance on OPPC non-compliance notification form](#)  
(MS Word Document, 89KB)

For further information please contact the Business Support Team by email at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or 01224 254138

## **The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013**

The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 (“the Offshore (PPC) Regulations 2013”) came in to force on 19 May 2013.

The Offshore (PPC) Regulations 2013 transpose the relevant provisions of the Industrial Emissions Directive 2010/75/EU (“the IED”) in respect to specific atmospheric pollutants from combustion installations (with a thermal capacity rating  $\geq$  50 MW) on offshore platforms undertaking activities involving oil and gas production and gas and carbon dioxide unloading and storage. In this context, the obligations of the Offshore (PPC) Regulations 2013 on the offshore oil and gas industry basically mirror those of the Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001 (as amended).

The [Explanatory Memorandum](#) fully describes the scope and other aspects associated with the Offshore (PPC) Regulations 2013. The Offshore (PPC) Regulations 2013 apply to those offshore combustion installations where a permit for their use is applied for and granted after 19 May 2013 – please note important points under the ‘Guidance’ heading below. As required by the IED, the existing 2001 Regulations (as amended) will continue to apply to offshore combustion installations which already have a permit before the Offshore (PPC) Regulations 2013 came into force or where a permit was applied for before the 19 May 2013 and it was subsequently granted. Subject to transitional provisions, the existing 2001 Regulations (as amended) will cease to apply after 07 January 2014.

### **Regulations**

- [The Offshore Combustion Installations \(Pollution Prevention and Control\) Regulations 2013](#)
- [The Offshore Combustion Installations \(Prevention and Control of Pollution\) \(Amendment\) Regulations 2007](#)



- [The Offshore Combustion Installations \(Prevention and Control of Pollution\) Regulations 2001](#)
- [Offshore Combustion Installation Regulations Charging Scheme](#)  
(PDF, 224KB, 10 pages)

The 2013 Regulations include a statutory duty to undertake a Post Implementation Review and publish the report by 19th May 2018, five years after the Regulations came in to force. The review is published here.

- [The Offshore Combustion Installations \(Pollution Prevention and Control\) Regulations 2013 – Post Implementation Review](#)  
(PDF, 81.4KB, 4 pages)

## Guidance

OPRED (BEIS) will be revising the Guidance Notes to the 2001 Regulations (as amended) and the guidance / forms pertaining to 'PPC permit applications and reporting requirements' in order to reflect the obligations of the Offshore (PPC) Regulations 2013. The offshore industry will be consulted – by the end of July / early August 2013 – on drafts of the revised documentation before updated versions are formally published. If, prior to the revised documentation being made available, any Operators need to apply for a new permit under the Offshore (PPC) Regulations 2013 then they should use the existing application form. See links below to the extant Guidance Notes, the present guidance / forms for permit applications and reporting requirements, and other related information.

- [Regulatory Impact Assessment](#)  
(MS Word Document, 48KB)
- [Guidance on Offshore Combustion Installations \(Prevention and Control of Pollution\) Regulations 2001](#)  
(PDF, 353KB, 80 pages)

## Graphics and diagrams

The following graphics and diagrams are referred to in the guidance document:

### IPPC flowchart

- [IPPC flow chart: combustion plant](#)  
(MS Powerpoint Presentation, 45KB)

## Combustion graphs

- [Indicative comparison between DLE and conventional combustion](#)  
(PDF, 90.3KB, 1 page)
- [Gas turbines: influence of temperature on CO2 and NOx emissions](#)  
(PDF, 51.2KB, 1 page)

## Vendor turbine graphics

- [Gas turbines: dual fuel DLE combustor concept](#)  
(PDF, 165KB, 1 page)
- [Rolls Royce RB211 with advanced combustors](#)  
(PDF, 210KB, 1 page)
- [Workshop view of Rolls Royce RB211 with advanced combustors](#)  
(PDF, 262KB, 1 page)
- [Tornado gas turbine package](#)  
(PDF, 157KB, 1 page)
- [Alstom low emission gas turbine package](#)  
(PDF, 199KB, 1 page)

## Project reports

- [Large Combustion Plant Stack monitoring industry letter](#)  
(PDF, 73.2KB, 1 page)
- [Offshore emissions monitoring guidance \(v3, December 2016\)](#)  
(PDF, 691KB, 56 pages)
-

[Guidance on energy assessment methodology](#)

(PDF, 138KB, 18 pages)

## **Application form**

- [PPC application form](#)  
(MS Word Document, 351KB)
- [PPC draft permit and conditions](#)  
(PDF, 221KB, 8 pages)

## **Reporting requirements**

- [PPC non-compliance notification form](#)  
(MS Word Document, 36KB)
- [Guidance on the PPC non-compliance notification form](#)  
(MS Word Document, 43KB)

For further information please contact the Business Support Team by e-mail at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or please contact your assigned Environmental Manager.

## **Environmental Inspection Plans 2014 onwards**

- [Environmental Inspection Plan 2018](#)  
(PDF, 270KB, 3 pages)
- [Environmental Inspection Plan 2017](#)  
(PDF, 96KB, 3 pages)
- [Environmental Inspection Plan 2016](#)  
(PDF, 168KB, 3 pages)
- [Environmental Inspection Plan 2015](#)  
(PDF, 83.5KB, 3 pages)

- [Environmental Inspection Plan 2014](#)  
(PDF, 161KB, 3 pages)

## PPC Inspection Letters Issued

- [PPC Inspection Letters Issued in 2018](#)  
(MS Excel Spreadsheet, 9.95KB)
- [PPC Inspection Letters Issued in 2017](#)  
(MS Excel Spreadsheet, 10.9KB)
- [PPC Inspection Letters Issued in 2016 \(Updated April 2017\)](#)  
(PDF, 110KB, 1 page)
- [PPC Inspection Letters Issued in 2014 and 2015](#)  
(PDF, 126KB, 2 pages)

Please contact the [Business Support Team](#) should you have any queries relating to these letters, or wish more information.

## The Greenhouse Gases Emissions Trading Scheme (ETS)

### [Guidance for EU-ETS Emissions Phase III](#)

Applications must be submitted for all qualifying installations undertaking specified activities that emit specified greenhouse gases, as detailed in schedule 1 of the ETS regulations. For the purpose of these regulations, an installation comprises any 'stationary technical unit' where one or more schedule 1 activities, and any 'directly associated activities', are carried out.

- [read the Greenhouse Gas Emissions Trading Scheme Regulations 2005](#)
- [Greenhouse Gas Emissions Trading Scheme Regulations 2005: explanatory notes](#)  
(MS Word Document, 232KB)
- [UK National Implementation Measures \(NIMs\): provisional indicative allocations for UK installations](#)
- [Greenhouse Gas Emissions Trading Scheme Regulations Charging Scheme](#)

(PDF, 225KB, 10 pages)

The third link above shows indicative allocations to each UK installation with the factor taken into account. We are providing this list now to enable operators to assess the impact of the factor. The list is provisional and does not represent the confirmed free allocation to installations. Further work is required to check and finalize allocations, including to take account of adjustments arising from capacity changes since 2011 and changes to carbon leakage status, and to transfer the data into the Registry. This process, including final clearance by the European Commission, is expected to take around two months. We anticipate moving allowances into operators' registry accounts around November 2013

## **EU Emissions Trading Scheme phase III**

The Greenhouse Gas Emissions Trading Scheme Regulations 2012 (2012 Regulations) require that operators must notify the regulator of changes in activity levels which occurred during the year. Where you have not had any changes in activity level, you are required to submit a NIL return

You must complete and submit the OPRED (BEIS) Change in Activity Notification form before **00:00 on 31 December 2013** completing separate notifications for each EU-ETS Permit held. Please note this deadline is stipulated in the Regulations and failure to Notify the Department and submit the relevant NE&C Change of Activity form (if relevant) by the 31 December could be regarded as a non-compliance.

The Notification Form asks you to identify whether the Installation has had a capacity reduction as per Schedule 6 (6), full cessation of activity as per Schedule 6 (7) or a partial cessation of activity as per Schedule 6 (8) of the 2012 Regulations, during the year. If the answer is 'No' simply complete the form and return to [emt@beis.gov.uk](mailto:emt@beis.gov.uk)

If the answer to any of those questions is 'Yes' you must then consider if this could have an impact on the NIMs allocation of allowances for a qualifying sub-installation. If the answer is 'No' simply complete the form and return to [bst@beis.gov.uk](mailto:bst@beis.gov.uk).

If the answer is 'Yes' and the change of activity could have an impact on the NIMs allocation of allowances for a qualifying sub-installation, you will also need to complete the EU Commission New Entrants & Closures (Change of Activity) form for recording and amending the amounts allocated for free in case of significant capacity reductions, cessations and partial cessations of installations. The form is available at <https://www.gov.uk/oil-and-gas-offshore-environmental-legislation#the-greenhouse-gases-emissions-trading-scheme-ets>

Please complete and return the DECC-OGED Change of Activity Notification form and the NE&C form if relevant to the Business Support Team by e-mail at the address above before **00:00 (UK Time) on 31 December 2013**.

The UK Regulators have determined that allowances will be held in reserve until the notification form is received. Please note, notification of

significant capacity reductions should be accompanied by a verification statement.

This following document outlines the appeals process under the Greenhouse Gas Emissions Trading Scheme Regulations 2012 (SI 2012/3038), and applies to any appeals made which relate to the 2013 reporting year onwards.

- [EU Emissions Trading System – Appeals Guidance](#)  
(PDF, 425KB, 19 pages)

## **EU ETS non-compliance**

The EU ETS Directive requires Member States to put in place a system of penalties which is effective, proportionate and dissuasive but the nature of the penalties is largely left to Member State discretion (with the exception of the penalty for failure to surrender sufficient allowances in certain circumstances).

The Greenhouse Gas Emissions Trading System Regulations 2012 set out the civil penalties to which a person is liable if they do not comply with the EU ETS. DECC has produced the guidance below for the offshore oil and gas industry detailing the Department's approach to enforcement and sanctions.

[EU Emissions Trading System – DECC Civil Sanctions Guidance to Industry](#)  
(PDF, 152KB, 10 pages)

[EU ETS Civil Penalties details](#)  
(MS Excel Spreadsheet, 11.7KB)

## **The EU Commission form**

The reporting form for (New Entrant Reserve applications) significant capacity reductions, cessations and partial cessations has been designed by the EU Commission for ALL operations and therefore there are a number of pages that are irrelevant for the offshore industry. Please do NOT try to modify this form.

There is a significant amount of guidance within the form and you are advised to carefully read and follow the relevant instructions within Tab B: 'Guidelines and conditions', and within the subsequent pages. As you complete the form (yellow boxes) information will be auto-populated into other relevant sections. The form will also automatically calculate allowances (green boxes) eg in the Partial Cessation section. You are specifically advised NOT to 'cut and paste' information as this will lead to unintended modifications within formulae. If you experience any issues with the form please contact the Business Support Team.

When the department receives your completed form, you will receive an acknowledgement. The information provided will be assessed and we will inform

you of any anticipated changes to your allowances. All forms received will be collated and forwarded to the Commission for the final determination of allowances.

Even if you are not required to complete the EU Commission form at this time, operators are advised to familiarise themselves with this form, as this will be relevant for all operators in the future.

If you have any comments or queries please contact the Business Support Team.

- [EU-ETS 2012 Commission Regulation No. 601/2012 on the Monitoring and Reporting of Greenhouse Gas Emissions \(MRR\)](#)  
(PDF, 1.47MB, 75 pages)
- [Phase III Offline Monitoring Plan Template](#)  
(MS Excel Spreadsheet, 500KB)  
  
(To be submitted to DECC by 30 September 2012)
- [DECC OGED MRR Guidance for Phase III Monitoring & Reporting Plan](#)  
(PDF, 109KB, 15 pages)  
  
(September 2012)
- [General guidance for Installations MRR Guidance Document No.1](#)  
(PDF, 2.24MB, 84 pages)  
  
(July 2012)
- [MRR GD No.4 – Guidance on Uncertainty Assessment](#)  
(PDF, 1020KB, 45 pages)  
  
(July 2012)
- [MMR GD No 5 – Guidance on Sampling and Analysis](#)  
(PDF, 714KB, 35 pages)  
  
(October 2012)
- [Phase III Monitoring Plans – Further Guidance](#)  
(PDF, 11.2KB, 1 page)  
  
(31 July 2012)
- [Phase III New Entrant Reserve or Increased Capacity Applications](#)  
(PDF, 78.3KB, 1 page)
-

[ETSWAP industry user guidance](#)

(PDF, 704KB, 18 pages)

(August 2014)

•

[ETSWAP – Online System \(Letter to Operators June 2012\)](#)

(PDF, 102KB, 2 pages)

•

[EA EU-ETS Newsletter – Including Phase III Factsheet](#)

(PDF, 186KB, 3 pages)

•

[EU-ETS Phase III Offshore Site Visits & Waivers – \(updated Sept 2015\)](#)

(PDF, 287KB, 2 pages)

•

[New Entrance and Closures Spreadsheet](#)

(MS Excel Spreadsheet, 2.16MB)

•

[Guidance Phase III NEC Partial Cessations](#)

(PDF, 590KB, 23 pages)

•

[OPRED Activity Level Assessment Tool](#)

(MS Excel Spreadsheet, 52.8KB)

## **Annual Emissions Report**

Further to our advice of the use of the ETS7 form for the submission of annual emission reports for 2013, regretfully we have identified that this form does not fully conform to Phase III requirements. Therefore operators should make their annual emissions report on the Commission templates; [Template No. 4 Annual Emissions Report of stationery source Installations](#) (See under sub-section Monitoring and Reporting Regulation (MRR) Guidance and Templates).

Verifiers should complete their Verified Opinion Statements on the following complimentary Commission template; [Verification report template](#) (See under sub-section Monitoring and Reporting Regulation (MRR) Guidance and Templates).

It is imperative that Annual reports for 2013 are provided and verified within these two templates by 31 March 2014.

Do not amend any of the formatting of the Commission Forms. This will aid in the migration of your data to the ETSWAP system later this year.



## Recommended Improvement Report

The Department is now advising that the Recommended (or Annual ) Improvement Report, whichever is appropriate, should be made on the Commission template: Template No 7: Improvement Report for Stationary Installations.

[Link for the Template](#) See under sub-section 'Monitoring and Reporting Regulation (MRR) Guidance and Templates'.

It is imperative that Annual or Recommended Improvement Reports are submitted to the Department no later than 30 June 2014.

Please do not amend any of the formatting of the Commission Form. This will aid in the migration of your data to the ETSWAP system later this year. If you have any queries please do not hesitate to contact [bst@beis.gov.uk](mailto:bst@beis.gov.uk)

For further information please contact the Business Support Team at [bst@beis.gov.uk](mailto:bst@beis.gov.uk)

Supplementary material from the seminar held at Carmelite Hotel in Aberdeen on 26 May 2010.

- [Presentation on Phase III of the EU ETS](#)  
(MS Powerpoint Presentation, 794KB)
- [Presentation on CRC Energy Efficiency Scheme](#)  
(MS Powerpoint Presentation, 872KB)
- [Q&A about Phase III](#)  
(PDF, 86.1KB, 9 pages)

## EU ETS phase II

Installations starting new entrant activities after 31 December 2007 and before 1 January 2013 can apply to the Phase II NER. All applications will require independent verification, including those from Later Phase I New Entrants, where the input data used in the benchmarking spreadsheet has changed from that used in the Phase I NER application. Further guidance is available on the DECC website.

- [Application form for Phase II Greenhouse Gas EU ETS permit \(ETS1\)](#)  
(MS Word Document, 175KB)
-

[NER application form](#)

(MS Excel Spreadsheet, 57.5KB)

•

[Verification opinion template](#)

(MS Excel Spreadsheet, 77.5KB)

•

[Benchmarking spreadsheet](#)

(MS Excel Spreadsheet, 536KB)

•

[FAQs on monitoring and reporting plans](#)

(MS Excel Spreadsheet, 536KB)

•

[Monitoring and reporting plan template \(ETS2\)](#)

(MS Excel Spreadsheet, 332KB)

•

[Metering guidance for offshore oil and gas production facilities](#)

(PDF, 168KB, 25 pages)

## Energy Savings Opportunity Scheme 2014

The Energy Savings Opportunity Scheme Regulations (ESOS) 2014 has been introduced to implement Article 8 of the [Energy Efficiency Directive 2012/27/EU](#). ESOS is a mandatory energy assessment and energy saving identification scheme applicable to the offshore oil and gas industry sector.

The scheme requires an audit to be undertaken once every four years to identify cost-effective energy efficiency measures. Phase 2 commenced on 6 December 2015, with the qualification date for participants of 31 December 2018, and the compliance date of 5 December 2019. Compliance must be notified to the Scheme Administrator (Environment Agency) using the online notification system.

### Regulations

- [Energy Savings Opportunity Scheme 2014](#)
- [The Energy Savings Opportunity Scheme \(Amendment\) Regulations \(2015\)](#)

### Guidance

BEIS-OPRED guidance is specific for the offshore oil and gas industry sector and should a scheme participant require guidance for onshore industries please refer to the [Environment Agency's guidance](#).

- [ESOS guidance notes for the offshore oil and gas industry v3.0 \(September 2018\)](#)

(PDF, 789KB, 68 pages)

## **Reporting Requirements**

The online notification system will be available for scheme participants to notify completion of the required audit. It is the scheme participant's responsibility to ensure compliance with the ESOS Regulations and to submit their notification by the required deadline. Please see Appendix A of the BEIS-OPRED guidance for information relating to completing the notification form.

## **Late notification submissions for Phase I compliance**

If scheme participants are unable to meet a compliance deadline, this should be recorded in advance of the deadline using the online form, explaining why the compliance deadline will be missed and when you expect to be compliant. Participants should also hold a record of the action taken to date to achieve compliance, including details of the appointment of a lead assessor, and retain a copy of the late notification submission, as they may be requested to provide the evidence pack to confirm that they are working towards compliance.

Scheme participants that qualify who do not notify a delay in compliance will be in breach of the ESOS Regulations and will risk enforcement action.

For further information please contact the Business Support Team by e-mail at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or (01224) 254138 or please contact your assigned Environmental Manager.

## **The Marine and Coastal Access Act 2009**

### **Marine Licensing**

The introduction of the Marine and Coastal Access Act (MCAA) 2009 has introduced a marine licensing system. The licensable activities include the deposit and removal of materials, the disturbance of the seabed, and the use of explosives. BEIS is the licensing authority for reserved offshore energy related activities.

The vast majority of offshore energy activities relating to oil and gas exploration and production, gas unloading and storage, and carbon dioxide storage operations are controlled under the Petroleum Act 1998 (as amended) or the Energy Act 2008, and are specifically excluded from the marine licensing provisions under Part 4, section 77 of the MCAA. Therefore, operations that can be controlled under the Petroleum Act 1998 or the Energy Act 2008; or are exempted under the Marine Licensing (Exempted Activities) Order 2011 (as amended), do not require a MCAA licence. The activities that are not excluded and require a MCAA licence are mainly related to decommissioning operations.

Guidance in relation to those offshore energy activities that are covered by the MCAA marine licensing regime is currently being developed. In the interim, please contact the Business Support Team (bst@beis.gov.uk) if you have any questions.

#### Application form

- Application for a Marine Licence – handled by the [UK Oil Portal](#)

#### Reporting Requirements

- Authorised return forms are currently under preparation and will be added to the EEMS reporting system accessed via the UK Oil Portal

### **Marine Planning**

In addition to the licensing system for the carrying out of activities in the marine environment, the MCAA also introduced a new system of marine management, comprising the UK Marine Policy Statement and the production of marine plans. Marine planning is currently being developed via regional marine plans in England, whilst the Devolved Administrations of Wales, Scotland and Northern Ireland are currently developing national marine plans. Scotland's National Marine Plan will also be supplemented by eleven regional plans. Further information on marine planning, including links to relevant UK and national documents and guidance on how the plans should be addressed in environmental applications, can be found here:

- [Update on Marine Planning in the UK – Guidance Note to Operators – Offshore Oil and Gas Sector Aug 2018](#)  
(MS Word Document, 92.6KB)

### **Regulations**

- [Marine and Coastal Access Act 2009](#)
- [The Marine Licensing \(Exempted Activities\) Order 2011](#)
- [The Marine Licensing \(Exempted Activities\) \(Amendment\) Order 2013](#)
- [The Marine Works \(Environmental Impact Assessment\) Regulations 2007](#)
- [The Marine Works \(Environmental Impact Assessment\) \(Amendment\) Regulation 2011](#)

For further information please contact the Business Support Team by e-mail at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or your assigned Environmental Manager.

## **The Food and Environment Protection Act 1985, Part II Deposits in the Sea**

The Food and Environmental Protection Act (FEPA), Part II Deposits in the Sea, used to cover the discharge or placement of substances or articles in the sea or on the seabed where the deposits could not be covered by other legislation. Following the introduction of the licensing provisions of the Marine and Coastal Access Act 2009, on 6 April 2011, it was dis-applied in

English and Welsh waters and offshore waters adjacent to Scotland. However, FEPA Part II still applies in Scottish territorial waters, between the 3 NM Scottish controlled waters limit and the 12 NM Scottish territorial sea limit, where OPRED (BEIS) will remain the licensing authority. For activities within Scottish controlled waters, the Scottish Government is the licensing authority and the Marine (Scotland) Act 2010 is the relevant controlling legislation.

The vast majority of offshore energy activities relating to oil and gas exploration and production, gas unloading and storage, and carbon dioxide storage operations are controlled under the Petroleum Act 1998 (as amended) or the Energy Act 2008, and are specifically excluded from the marine licensing provisions of both the Marine and Coastal Access Act 2009 (MCAA) and the Marine (Scotland) Act 2010 (MSA). Information in relation to exceptions where it may be necessary to obtain a FEPA Part II licence will be included in the MCAA guidance.

## Regulations

- [The Food and Environment Protection Act 1985](#)

## Application form

- Application for a FEPA Licence can be made using the Marine Licence application – handled by the [UK Oil Portal](#)

For further information please contact the Business Support Team by e-mail at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or (01224) 254138 or please contact your assigned Environmental Manager.

## The Energy Act 2008, Part 4A Consent to Locate

The Department of Energy and Climate Change (DECC) assumed responsibility for administration of Section 34 of The Coast Protection Act 1949 (CPA) in relation to offshore oil and gas operations on behalf of the Department for Transport (DfT) in October 2005. As of April 2011, the Consent to Locate (CtL) provisions of Section 34 of the CPA were incorporated into The Marine and Coastal Access Act 2009 (MCAA). The MCAA provided a regulatory framework for a new marine licensing regime that included consideration of works detrimental to navigation. Although the MCAA licensing regime applies to a number of offshore oil and gas operations, including the disturbance of the seabed and the deposit and removal of substances or articles during the course of decommissioning operations, Section 77 of the MCAA excludes the vast majority of offshore oil and gas operations and carbon dioxide storage operations controlled under The Petroleum Act 1998 (PA) or The Energy Act 2008 (EA). To maintain the CtL provisions for these excluded operations, Section 314 of the MCAA created a new Part 4A of the EA, transferring the provisions of Section 34 of the CPA to the EA and transferring regulatory competence from DfT to OPRED (BEIS).

The issue of a CtL to an individual or organisation by the Secretary of State under Part 4A of the EA allows installation of the proposed offshore

structure or operations providing they are undertaken in accordance with the consent conditions. It allows OPRED (BEIS) to insist upon the provision of navigational markings that are considered appropriate for the proposed offshore structure or operations.

## Regulations

- [Part 4A of the Energy Act 2008](#)

## Consultation

OPRED (BEIS) have revised the procedures that were in place under the CPA, to ensure that the consenting process under Part 4A of the EA reflected the specific requirements of the operations that are covered by the MCAA exclusion. The revision accounted for requirements set out in Part 4A of the EA and the development of offshore practices that were not envisaged when the CPA was drafted. It has also taken into account the views of the bodies consulted on navigational matters prior to issuing Consents to Locate. OPRED (BEIS) has now completed its revision, and the new consenting process was subject to consultation which ended on 30 November 2012.

- [Consultation Document](#)  
(PDF, 563KB, 50 pages)
- Letters to industry:
  - [Industry letter on Pipeline Systems dated 18 April 2013](#)  
(PDF, 67KB, 3 pages)
  - [Industry letter on Surface Installation dated 19 April 2013](#)  
(PDF, 59KB, 2 pages)
- [DECC response to consultation document](#)  
(PDF, 234KB, 29 pages)

## Guidance

- [Guidance on Consent to Locate Application Types](#)  
(PDF, 15.7KB, 1 page)

Detailed guidance is in the process of being updated to address comments received through the consultation process. In the interim, please refer to the OPRED (BEIS) response document for further information or contact the Business Support Team if you have any questions.

## Application forms

- Consent to Locate Application Form – handled by the [UK Oil Portal](#)

## Reporting requirements

- [PON10 Reporting Form , Update October 2018](#)  
(MS Word Document, 39.5KB)

## Useful documents

- [Standard Marking Schedule](#)  
(PDF, 38.6KB, 4 pages)
- [General Lighthouse Authority Areas](#)  
(PDF, 277KB, 1 page)

## Useful Links

- [International Association of Marine Aids to Navigation and Lighthouse Authorities](#)
- [Trinity House](#)
- [Northern Lighthouse Board](#)
- [Commissioner of Irish Lights](#)
- [Offshore Installations and Pipeline Works \(Management and Administration\) Regulations 1995: Guidance on Identification of Offshore Installations](#)

For further information please contact the Business Support Team by email at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or (01224) 254138 or please contact your assigned Environmental Manager.

## **The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010**

The Energy Act 2008 makes provision under Part 1, Chapter 2 for the regulation of gas importation and storage through a licensing and enforcement regime for combustible gas. The Offshore Gas Storage and Unloading (Licensing) Regulations 2009, made under Part 1 of the Energy Act 2008, came into force on the 13 November 2009.

The Energy Act 2008 also makes provision under Part 1, Chapter 3 for the regulation of the storage of carbon dioxide (with a view to its permanent disposal or as an interim measure prior to its permanent disposal), through a licensing and enforcement regime. The Storage of Carbon Dioxide (Licensing etc.) Regulations 2010, made under Part 1 of the Energy Act 2008, came into

force on the 01 October 2010.

Following enactment of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010, which came into force on 01 July 2010 the provisions of the following regulations now also apply to gas unloading and storage, and carbon dioxide storage as they do to oil and gas activities. This extension is, however, subject to geographical limitations to reflect the different devolution settlements relating to offshore activities.

For further information please contact the Business Support Team by e-mail at [bst@beis.gov.uk](mailto:bst@beis.gov.uk) or (01224) 254138 or please contact your assigned Environmental Manager.

- The Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999 (as amended)
- The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (as amended)
- The Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007 (as amended)
- The Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001 (as amended)
- The Offshore Installations (Emergency Pollution Control) Regulations 2002 (as amended)
- The Offshore Chemical Regulations 2002 (as amended)
- The Greenhouse Gas Emissions Trading Scheme Regulations 2005 (as amended)
- The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended)
- The REACH Enforcement Regulations 2008 (as amended)
- The Fluorinated Greenhouse Gases Regulations 2009 (as amended)

## The Order

- [The Energy Act 2008 \(Consequential Modifications\) \(Offshore Environmental Protection\) Order 2010](#)

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# [Research and analysis: Ambient gamma radiation dose rates across the UK](#)

*Updated:* Quarterly data for April to June 2018 (quarter 2 2018) published.

This data is received from fixed gamma radiation dose rate monitors and measures the ambient (or background) gamma radiation dose rate across the UK on an hourly basis. The dose rates are available for each year that RIMNET



has been operational.

### **Apr-Jun 2017: High Readings Explanation**

There are 6 'high' (max) readings in the dataset, each of these has been investigated and no specific reason could be found. Whilst the readings are not worrisome, and infrequent erroneous readings are not unusual, they are at a level which required investigation when compared to normal. We look for weather or power related factors. As no fault or reason was found, there was no justification for amending these readings on the RIMNET database.

### **Jan-Mar 2017: High Readings Explanation**

There are 3 'high' (max) readings in the dataset, each of these has been investigated and no specific reason could be found. Whilst the readings are not worrisome, and infrequent erroneous readings are not unusual, they are at a level which required investigation when compared to normal. We look for weather or power related factors. As no fault or reason was found, there was no justification for amending these readings on the RIMNET database.

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## **[Guidance: Walking and cycling statistics information](#)**

*Updated:* Notes and definitions document updated for the year 2017.

Walking and cycling statistics guide explaining notes, definitions, sources plus support technical material.

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## **[National Statistics: Energy Trends: renewables](#)**

*Updated:* Renewables obligation: certificates and generation (ET 6.3) updated.

Previous editions of the Energy Trends publication are available on the [Energy Trends](#) page.

Press enquiries should be directed to the BEIS press office: Tel: 020 7215

1861 / 020 7215 8930. For other enquiries concerning these statistics, either email: [renewablesstatistics@beis.gov.uk](mailto:renewablesstatistics@beis.gov.uk) or contact: William Spry on: 020 7215 5394.