



Department for
Business, Energy
& Industrial Strategy

BEIS OFFSHORE PETROLEUM REGULATOR FOR ENVIRONMENT AND DECOMMISSIONING

The Offshore Oil and Gas
Exploration, Production, Unloading
and Storage (Environmental
Impact Assessment) Regulations
2020 – A Guide



July 2021 - Revision 03

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Please note this copy is for industry engagement and is subject to change.

Definitions

In accordance with the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020, the terms below (as used in this guidance document) shall have the following meanings:

The 2020 Offshore EIA Regulations: means the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020.

Environmental Impact Assessment (EIA): is the process consisting of the preparation, submission and consultation of an environmental statement (ES), the Secretary of State's (SoS) conclusion on the significant effects of the project on the environment considering any further information and representations and the integration of the SoS conclusion into the decision as to whether to agree to the grant of the consent

Environmental Statement (ES): means a report prepared by the developer when an EIA is required. The report includes information regarding the project, the environmental baseline, an assessment of the likely significant environmental effect of the project, the proposed alternatives, the integrated features and measures to mitigate adverse significant effects as well as a Non-Technical Summary (NTS) and any additional information specified in accordance with regulation 8 and Schedule 6 of the 2020 Offshore EIA Regulations.

Screening Direction (previously EIA Direction): projects which fall under Schedule 2 of the 2020 Offshore EIA Regulations require a Screening Direction, which is the decision taken by the SoS on whether the project requires an EIA (and therefore an ES). An application for a Screening Direction is made via the Portal Environmental Tracking System (PETS) as part of a Master Application Template (MAT). A MAT requires the submission of an Environmental Assessment Justification (EAJ) document (previously EIA Justification). A screening direction will be issued by the SoS where it has decided that an EIA and therefore, an ES will not be required.

Environmental Assessment Justification (EAJ): the EAJ document (previously the EIA Justification) is required in support of a screening direction. The EAJ provides information on the project; the environmental sensitivities description and any likely significant environmental effects of the project as required by Schedule 4 of the 2020 Offshore EIA Regulations, to allow the SoS to determine an application for a screening direction

Abbreviations

AA	Appropriate Assessment
AFEN	Atlantic Frontier Environmental Network
BAT	Best Available Technique
BEIS	Department for Business, Energy and Industrial Strategy
BPEO	Best Practicable Environmental Option
CCS	Carbon Capture and Storage
CO ₂	Carbon Dioxide
DECC	Department of Energy and Climate Change
DepCon	Deposit Consent (Application)
DRA MAT	Drilling Operations Master Application Template
DST	Drill Stem Test
EAJ	Environmental Assessment Justification
EEMS	Environmental Emissions Monitoring System
EIA	Environmental Impact Assessment
EMS	Environmental Management System
EMT	Environmental Management Team
ES	Environmental Statement
EWT	Extended Well Test
FDP	Field Development Plan
FEPA	Food and Environment Protection Act 1985
FPSO	Floating Production Storage and Offloading (Vessel)
GUS	Gas Unloading and Storage
HRA	Habitats Regulations Assessment
IED	Industrial Emissions Directive
Km	Kilometre
LCM	Lost Circulation Material
LSE	Likely Significant Effects (Assessment)
m	Metre
m ³	Cubic Metre
MAT	Master Application Template

MCAA	Marine and Coastal Access Act 2009
MCPD	Medium Combustion Plant Directive
MCZ	Marine Conservation Zone
MDAC	Methane Derived Authigenic Carbonate
MEI	Major Environmental Incident
MER	Maximising Economic Recovery
Mm	Millimetre
MNR	Marine Nature Reserve
MoDU	Mobile Drilling Unit
MPA	Marine Protected Area
MW	Megawatt
NORM	Naturally Occurring Radioactive Material
NTS	Non-Technical Summary
OEI	Offshore Environmental Inspectorate
OGA	Oil and Gas Authority
OPEP	Oil Pollution Emergency Plan
OPRED	Offshore Petroleum Regulator for Environment and Decommissioning
OSD	Offshore Safety Directive
OSDR	Offshore Safety Directive Regulator
OSPAR	Oslo and Paris Convention for the Protection of the Marine Environment of the Northeast Atlantic
PETS	Portal Environmental Tracking System
PLA MAT	Pipeline Operations Master Application Template
PPC	(Integrated) Pollution Prevention and Control
PRA MAT	Production Operations Master Application Template
PWA	Pipeline Works Authorisation
SAC	Special Area of Conservation
SAT	Subsidiary Application Template
SEA	Strategic Environmental Assessment
SNCB	Statutory Nature Conservation Body
SoS	Secretary of State (for Business, Energy and Industrial Strategy)
SPA	Special Protected Area

SSSI	Sites of Special Scientific Interest
UKCS	United Kingdom Continental Shelf
WHO	World Health Organization
WONS	Well Operations Notification System

1 Environmental Statement and Screening Direction Requirements

1.1 Environmental Statements

1.1.1 Schedule 1 Projects

Where a project falls within the projects listed in Schedule 1 of the Regulations there is a **mandatory** requirement for an EIA and the application for consent must be supported by an Environmental Statement (ES). Projects listed in Schedule 1 are:

1. Extraction of oil and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of oil and 500,000 cubic metres per day in the case of natural gas.
2. Installations for storage of oil with a capacity of 200,000 tonnes or more.
3. Activities captured by section 17(2)(a) or (b) of the Energy Act 2008 (activities related to the geological storage of carbon dioxide).
4. Installations for the capture of carbon dioxide streams for the purposes of geological storage of carbon dioxide where—
 - a. the carbon dioxide is captured from an installation forming part of a project that falls under paragraph 1; or
 - b. the total yearly capture of carbon dioxide is 1.5 megatonnes or more.
5. Pipelines with a diameter of more than 800 mm and a length of more than 40 km for the transport of oil, combustible gas or chemicals.
6. Pipelines with a diameter of more than 800 mm and a length of more than 40 km for the transport of carbon dioxide streams for the purposes of geological storage of carbon dioxide.
7. A change to a project that falls under this Schedule where such a change in itself meets the thresholds, if any, listed in this Schedule.

1.1.2 Revision and/or renewal of production, unloading or storage consents

Requests for variations of consents that involve an increase in oil or gas production volumes or an increase in the unloading or storage of combustible gases that exceed the ES thresholds must be supported by the submission of an ES. Where an ES is required to support a proposed increase in production or in the unloading or storage of combustible gases and the submission is approved, OPRED does not require a subsequent Screening Direction application for the increase in production, unloading or storage providing there are no material changes to the information included in the ES. However, to allow for the correct production consent information to be reflected in the associated Production (PRA) MAT Environmental Assessment Justification document (EAJ) for the field, a variation to any of the linked SATs must be raised to update the EAJ. The change summary for the variation need only be a brief description of the amendments.

Requests for variations of consents that involve an increase in production levels below the thresholds referred to in Section 1.1.1 must be supported by a request for a Screening Direction for an Increase in Production to confirm that an ES is not required.

Requests for variations of consents for projects that do not involve any increase in the production level, i.e., requests that relate solely to extending the duration of the consent, do not have to be the subject of an environmental submission to seek OPRED approval, but it will be necessary to update the PRA MAT Environmental Assessment Justification (EAJ) to capture the additional production years.

For further information on the process and the determination of the appropriate environmental requirements, see Appendix A (Revision and Renewal of Production Consents).

1.1.3 **Environmental Statement amendments**

1.1.3.1 **While an Environmental Statement is being considered by the SoS**

If there are minor changes to proposals during the EIA process, i.e., changes not material to the determination, or there is a requirement for a minor clarification, OPRED will either request further information or determine that the updated information can be included in the subsequent application for a Screening Direction. If a request for further information is in consequence of comments received from a consultee, the information or determination would be shared with the relevant consultee.

If there are changes that would be directly relevant to reaching a conclusion on whether the project is likely to have a significant effect on the environment, it is likely that OPRED will request that the original ES is amended to address the updated information. The changes should be clearly outlined and assessed, including any differences in the identified impacts, and the amended ES would be subject to the formal ES requirements (i.e., public notice and consultation etc.).

Early consultation with OPRED is recommended in the event of any change, to seek advice on the required procedure relating to the change.

1.1.3.2 **After an Environmental Statement has been determined**

If there are minor changes to proposals following determination of the ES, the applicant will be required to address the changes in the subsequent Screening Direction application for the relevant activities.

Where there are changes that in themselves meet the thresholds in Schedule 1 (see 1.1.1 above), OPRED will require a new ES, which will be subject to the formal ES requirements.

Again, early consultation with OPRED is recommended in the event of any change, to seek advice on the required procedure relating to the change.

1.1.4 **Validity of Environmental Statement decisions**

Where OPRED has reached a conclusion on the significant effects of the project and agreed to the grant of consent, this is not constrained by a statutory time limit. Provided the operations proceed in the timeframe discussed within the ES, there are no changes in the circumstances relevant to the determination, and the operations are to be undertaken by the company that submitted the ES, the decision will remain valid, and any minor changes can be addressed in the subsequent Screening Direction application for the relevant activities.

If there is a significant delay in the project, to the extent that it is likely that more up-to-date environmental information should be used to support the assessment, OPRED is likely to require a new ES.

1.1.5 Change of developer

If a project, pipeline or development transfers to a new developer prior to determination of the submitted ES, the new developer would need to re-submit the Field Development Plan (FDP) to the OGA in their name, and the company that submitted the ES would need to confirm in writing to the OGA (copied to OPRED) that the application for consent had been transferred to the new developer. It would then be unnecessary for the new developer to re-submit the ES in their name. This would then align with the OGA's determination of the new developer's FDP. If a project, pipeline or development transfers to a new developer following determination of the FDP and ES, the new developer would be required to re-submit the FDP to the OGA in their name, but it would be unnecessary for the new developer to re-submit the ES in their name.

In all cases where there is no automatic requirement to re-submit the ES, the new developer would be required to advise OPRED prior to determination of the ES:

- whether it intended to proceed with the proposals as detailed in the original ES, and that it was content to comply with the commitments detailed in the ES; or
- whether it wished to make confirmed minor changes to the proposals so that OPRED could determine whether the changes would be likely to be directly relevant to its determination of the ES; or
- whether it wished to make significant changes to the proposals that would be likely to be directly relevant to OPRED's original determination.

If the new developer wished to change the proposals in any way, OPRED would advise, in accordance with section 1.1.3 above, whether the changes could be addressed in additional information or a subsequent application for a Screening Direction, or if a new ES would be required.

If a project, pipeline or development transfers to a new developer following determination of the ES but prior to determination of the FDP, the new developer would be required to submit a new ES.

In all cases where it is necessary to submit a new ES, the public notice must be repeated in full even if the only change is to effectively rebadge the ES in the name of the new developer. An advertisement to announce the change of developer cannot be used to avoid the public notice process.

If the company that submitted the original ES is taken over, i.e., the company changes hands rather than an individual project, pipeline or development, this will not affect the determination of the ES, or any conditions attached to that determination. However, if the proposals are changed in any way, the new company should seek advice from OPRED.

1.1.6 Near Final Submissions

Developers may submit a near final draft version of the ES to OPRED for the purposes of an informal review, before engaging the formal EIA process, to reduce clarification points unrelated to the potential significant effects.

Near final submissions will be acknowledged by email and reviewed by OPRED. It is anticipated that the period of review will be no longer than 30 days, however OPRED may inform the developer that this period has been extended due to the complexity of the proposed project. OPRED will provide comments to the developer, and it is expected that the developer will update the ES accordingly. The submission of a near-final version of the ES and informal review will be a discretionary process and the developer may choose to pursue the traditional method of submission.

1.2 Screening Directions

1.2.1 Schedule 2 Projects

1. Subject to sub-paragraph (2), drilling a well or borehole for the purpose of
 1. exploring for oil or natural gas, establishing the existence of oil or natural gas, appraising the quantity, characteristics, or quality of oil or natural gas, or getting oil or natural gas; or
 - a. activities within section 2(3) or section 17(2) of the Energy Act 2008 (activities related to unloading or storage of combustible gas or the geological storage of carbon dioxide).
 2. Sub-paragraph (1) does not include—
 - a. a well or borehole drilled to a depth of 350 metres or less below the surface of the seabed for the purpose of obtaining geological information about strata: or
 - b. a drilling operation where the main purpose is the testing of the stability of the seabed.
2. Surface installations for the extraction of oil or natural gas.
3. Extraction of oil or natural gas for commercial purposes where the amount extracted is equal to or less than 500 tonnes per day in the case of oil and equal to or less than 500,000 cubic metres per day in the case of natural gas.
4. Installations for storage of oil with a capacity of less than 200,000 tonnes.
5. Activities captured by section 2(3)(a) to (d) of the Energy Act 2008 (activities related to the unloading or storage of combustible gas).
6. Installations for the capture of carbon dioxide streams for the purposes of geological storage of carbon dioxide where—
 - a. the carbon dioxide is captured from an installation forming part of a project under paragraph (3); and
 - b. the total yearly capture of carbon dioxide is less than 1.5 megatonnes.
7. Pipelines that are
 - a. for the transport of oil, combustible gas, or chemicals, or for the transport of carbon dioxide streams for the purposes of geological storage of carbon dioxide; and
 - b. do not fall under paragraphs 5 or 6 of Schedule 1 or Schedule 3.
8. A change to a project that falls under Schedule 1, except a change to which paragraph 7 of Schedule 1 applies.
9. A change to a project that falls under this Schedule.

Please note that shallow drilling is not captured by the above, however there is a separate requirement to seek consent for shallow drilling operations under regulation 4(1) of the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (“the Habitats Regulations”). Shallow drilling refers to the drilling of a well or borehole for the purpose of obtaining geological information about the strata, or any drilling operation the main purpose of which is the testing of the stability of the seabed, providing the depth of the well to be drilled is 350 m or less. Under the Habitats Regulations, the developer must apply for consent to undertake a geophysical survey and details of the activities should be provided in a supporting EAJ. The developer is encouraged to engage with OPRED to confirm that a Screening Direction is not required for the proposed shallow drilling activities.

Also please note that a developer can choose to undertake an EIA and submit an ES for projects that fall within Schedule 2.

1.2.2 Screening Direction

Applications for Screening Directions will be considered on a case-by-case basis, considering the likely effects on the environment. Determination would follow OPRED's evaluation of the application, and any further information received (including comments received from consultees, or public representations on the proposals), and the consideration of any assessment carried out under other legislation. If it is determined that the project is likely to have a significant effect on the environment then OPRED will decide that an environmental impact assessment (EIA) is required, which means that the applicant must submit an ES. This could therefore have significant consequences on the timing of a project, and early engagement with OPRED is recommended if a developer has concerns that a proposed Schedule 2 project may have a significant impact on the environment.

In the case of applications for the drilling of a well (exploration, appraisal or production) in an area where there has been no previous offshore oil and gas activity, or applications relating to areas considered to be extremely sensitive, Developers are encouraged to consider the voluntary submission of an ES. Developers who apply for a Screening Direction in these instances should be aware that if it is determined that the project is likely to have a significant effect given the sensitive nature of the receiving environment, an ES will be required. Where OPRED directs that an ES must be prepared, it is required to publish a notice of its direction on the GOV.UK website. Any decision to require an ES could have a significant impact on the timing of a project, and developers should therefore contact OPRED for advice if they are unsure about whether an application for a Screening Direction would be appropriate for a specific proposal.

1.2.3 Validity of Screening Directions

Screening Directions will remain valid for the period specified in the Direction, provided there is no amendment to the details provided in the accepted application. If, in exceptional circumstances, the operations are not completed within the validity period specified in the Screening Direction, applications to vary the Direction must be submitted to OPRED prior to the expiry date to request an extension of the period of validity.

1.2.4 Change of developer

If a project, pipeline or development is transferred to a new developer, the change of asset ownership will be recorded in the UK Energy Portal as soon as the transaction is legally completed. If a transaction is completed during the review of an application for a Screening Direction, the application must be withdrawn and a new application submitted by the new developer. If a transaction is completed following determination of an application for a Screening Direction, the original company will be required to retain responsibility for all environmental approvals relating to time-limited 'term' activities, e.g. Screening Directions relating to drilling or pipeline operations, but will be requested to transfer any environmental approvals relating to open-ended 'life' activities to the operator appointed by the new developer, e.g. Screening Directions relating to production operations. Although environmental approvals relating to 'term' activities cannot be transferred, the company purchasing a project, pipeline or development may wish to request copies of relevant applications and/or supporting documents to facilitate the preparation of future similar applications.

As indicated above, if it is likely that a transaction will be completed following determination of an application for a Screening Direction relating to a 'term' activity, the original company will be expected to retain responsibility for completion of the approved project. If the companies involved wish to change this arrangement, they should contact OPRED for advice in relation to available options.

The transfer of Screening Directions (and all other environmental approvals) relating to 'life' activities will ensure continuity for all ongoing operations. The operator appointed by the new company will be afforded access to the UK Energy Portal for all transactions relating to the 'life' activities and would therefore be able to submit applications to vary the existing environmental approvals if required. The operator appointed by the new company would also be able to create new applications for 'term' activities relating to the acquired assets.

If a company holding relevant Screening Directions, or applications for Screening Directions, is taken over, i.e., the company changes hands rather than an individual project, pipeline or development, this will not affect any Portal transactions. As soon as the takeover is legally completed and the OGA has approved the operator appointed by the new company, the original company will be able to transfer all Portal transactions to the new appointed operator. If the appointed operator wished to change the proposals in any way, they would then be able to submit updates to any outstanding applications or to submit applications to vary any existing environmental approvals.

1.3 Schedule 3 Projects

Projects that fall under Schedule 3 do not require an environmental impact assessment where the Secretary of State considers that the project is not likely to have a significant effect on the environment.

A Schedule 3 Project is the construction of a pipeline for the transport of oil, combustible gas, or chemicals, or for the transport of carbon dioxide streams for the purposes of geological storage of carbon dioxide, or the maintenance, repair, replacement, protection or extension of an existing pipeline constructed for those purposes where the proposed activities do not extend more than 500 metres from a well or any part of an installation to which that pipeline would be directly or indirectly attached.

Note that under the Pipeline Safety Regulations 1996 a pipeline works authorisation (PWA), or variation should be in place before activities on a Schedule 3 project commence.

For Schedule 3 projects, the developer must submit a Schedule 3 notification (Appendix C), which can be downloaded from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/990555/Schedule_3_Notification.docx

On review of the notification, OPRED will either confirm agreement that the project is a Schedule 3 project and will inform the developer and the OGA of their decision, or if it is determined that the project is likely to have a significant effect on the environment then OPRED will decide that an environmental impact assessment is required, which means that the applicant must submit an ES. . OPRED may contact the developer if additional information is required in relation to the proposals. Developers are therefore encouraged to ensure that requests for the relevant consent clearly indicate that the works are located entirely within 500 m of a well or installation, to avoid unnecessary requests for additional information.

Where OPRED decides that a project fits the definition of a Schedule 3 project and concludes that it is not likely to have a significant effect on the environment, OPRED will enter the project on to an online register on the GOV.UK website at:

<https://www.gov.uk/guidance/oil-and-gas-environmental-data>

1.4 Exempted Projects

OPRED may direct that the requirements of the 2020 Offshore EIA Regulations do not apply to a project if:

- (i) the project has defence or the response to a civil emergency as its sole purpose; and,
- (ii) complying with the 2020 Offshore EIA Regulations would have an adverse effect on that purpose.

OPRED may also direct that in exceptional cases a project is exempt in whole or in part from the EIA requirements if circumstances are such that the application of some or all of the provisions would adversely affect the project. In this instance, the direction given:

- (i) must disapply some or all of the provisions of the 2020 Offshore EIA Regulations as it considers appropriate.
- (ii) must require the developer to carry out an assessment in a form that the OPRED considers appropriate in order to ensure a high level of protection of the environment and of human health.
- (iii) requires that the developer makes available to the public all information relating to the main effects the project is likely to have on the environment.
- (iv) must specify how the information relating to the main environmental effects of the project is made available and must specify any specific steps for consultation of the public; and
- (v) must state the reasons for giving the direction and the information on which the decision was made.

Following any required consultations, and after the developer has complied with all the requirements specified by the OPRED in the direction, then OPRED must notify the OGA and the developer whether or not it agrees to the grant of consent.

Where OPRED considers that the project is likely to have a significant environmental effect on the environment in another country, a direction can only be issued if appropriate consultation has been undertaken involving that country.

In the extremely unlikely event that OPRED would issue such a direction, a copy must also be sent to the OGA.

OPRED must publish directions for exemptions on a public website.

1.5 Consenting of Projects

Consent for offshore projects, as defined in the 2020 Offshore EIA Regulations, is granted by the OGA; but this is subject to the separate agreement of the Secretary of State.

The Secretary of State may attach conditions to the agreement of the grant of consent that the developer must comply with. These conditions are included where necessary to help ensure that the offshore project is carried out in a way that minimises its environmental impacts

The Secretary of State is only required to give agreement to the grant of consent where the activity for which consent is being sought falls within the 2020 Offshore EIA Regulations definition of a project, which requires construction works or other physical activity to take place. For example, where changes in hydrocarbon production are anticipated (notably increases in daily production volumes), we would expect Secretary of State agreement to be sought as there will likely be enabling activities (e.g., physical intervention / alteration to the production installation, pipelines or wells) that meet with the definition of “project” in the Regulations. However, where renewal of production consent is concerned (and daily production volumes stay the same or are lower than current levels) agreement need only be sought from the Secretary of State where there are enabling construction works or other physical activities. Therefore, applications for consent where only the duration of consent for the extraction of oil or natural gas, the unloading and storage of combustible gas or the geological storage of carbon dioxide is being extended do not require the Secretary of State’s agreement to the OGA’s grant of consent.

1.5.1 Licensing functions of the OGA

The OGA is responsible for issuing exploration and production licences.

An exploration licence grants rights to explore, but not produce, and is non-exclusive covering all acreage outside those areas covered by a production licence. Exploration can also be undertaken within an area covered by a production licence providing the exploration licence holder has the approval of the production licence holder. Applications for new exploration licences, or the extension of an existing exploration licence, can be made to the OGA at any time and are not part of a competitive licensing process.

Production licences confer exclusive rights for specified areas and the OGA holds regular licensing rounds whereby companies are invited to bid for offshore blocks or part-blocks released by the OGA. The OGA awards a licence incorporating model clauses in response to the bids that offer the greatest potential for MER. Further information on licensing can be found at:

<https://www.ogauthority.co.uk/licensing-consents/overview/>

1.5.2 Consents issued by the OGA

Under the model clauses of a licence, the consent of the OGA is required to commence, suspend or recommence the drilling of any well, to undertake extended well tests (EWTs) or well injection trials related to CO₂ or combustible gas storage, and to complete or recomplete any well or to abandon any well.

Once an economic discovery is made, a field development plan (FDP) must be approved by the OGA for all new fields or for significant extensions of existing fields. When the FDP has been approved, the consent of the OGA is required for all production, flaring and venting operations associated with the development.

A Pipeline Works Authorisation (PWA) must be approved by the OGA for all new pipeline construction works, or for the modification of an existing pipeline system.

The OGA cannot issue consent without the Secretary of State's agreement to the consent.

1.6 OPRED

OPRED, part of BEIS, is responsible for administering environmental regulations covering offshore petroleum operations, including oil and gas exploration and production and GUS, and for offshore Carbon Capture and Storage (CCS) operations. OPRED also forms part of the competent authority established to implement the Offshore Safety Directive (OSD), in partnership with the Health and Safety Executive (HSE).

1.6.1 The Environmental Management Team

Within OPRED, the Environmental Management Team (EMT) is responsible for the assessment and determination of a wide range of submissions, under the bespoke environmental regime covering offshore oil and gas operations, including CO₂ and combustible gas storage. The assessments undertaken include:

- ESs and applications for Screening Directions.
- Navigational Consent to Locate applications.
- Geological Survey Consent applications.
- European Protected Species (Disturbance) Licence applications.
- Chemical Permit applications.
- Combustion Installation Permit applications.
- Emissions Trading Scheme Permit applications; and
- Marine Licence applications.

1.6.2 The Offshore Environmental Inspectorate

Within OPRED, the Offshore Environmental Inspectorate (OEI) is responsible for the assessment and determination of Oil Discharge Permit applications and the review and acceptance of Oil Pollution Emergency Plans (OPEPs), covering offshore oil and gas operations including CO₂ and combustible gas storage. However, the OEI's main role is enforcement of the entire bespoke environmental regime, including monitoring compliance with the Regulations and any conditions attached to the ES or Screening Direction decisions.

1.6.3 The Offshore Safety Directive Competent Authority

Both EMT and OEI contribute to OPRED's review of a range of additional submissions relating to the OSD, as part of the partnership competent authority established under the OSD (the Offshore Safety Directive Regulator – OSDR). The assessments undertaken include:

- Licence applications.
- Operatorship applications.
- Design or Relocation notifications.
- Safety Case submissions.
- Well notifications; and
- Combined Operations notifications.

1.7 Regulatory Interactions

1.7.1 Requirement for Secretary of State's agreement

The submission of an application for a consent for well operations, development and / or production works or a PWA to the OGA is not in itself a means of obtaining approval to carry out the relevant offshore project, and nor is the submission of an ES or Screening Direction to OPRED. The submissions to OPRED are the means whereby the Secretary of State is assured that the environmental implications of the proposed project have been properly considered and, subject to all other requirements being satisfied, the Secretary of State can agree that consent for the project can be granted by the OGA. The Secretary of State either determines to serve a Screening Direction that no EIA is required, or else reaches a conclusion on the significant effects of the project on the environment, before agreeing to the grant of consent.

If a project falls within Schedule 1, then the supporting ES should be submitted to EMT. If a project falls within Schedule 2, then an application for a Screening Direction should be submitted to EMT seeking confirmation that an ES is not required. Applications for Screening Directions are made via the Portal Environmental Tracking System (PETS), an online environmental permitting system accessed via the UK Energy Portal.

1.7.2 Decision as to whether agreement should be given

When making a decision as to whether to agree to the grant of consent for a project which requires the submission of an ES, OPRED will:

- evaluate the information included in the ES, including any further information supplied by the developer in response to comments on the original submission.
- evaluate any other information or representations relating to the environmental effects of the project received from any other person, including advice sought by OPRED from people with appropriate expert knowledge.
- verify that the ES has been prepared by competent experts.
- confirm that the information provided in the environmental submissions is aligned with the information provided to the OGA.
- reach a conclusion on any significant effects of the project on the environment taking account of the information described above.
- decide on whether to agree to the grant of consent; and
- notify the OGA and the developer of its decision whether to agree or refuse to agree to the grant of consent.

OPRED must integrate its conclusion into the decision as to whether agreement to the grant of consent is to be given or refused, and the decision must be taken within a reasonable period of time. The time taken to reach the decision will, however, depend on the nature and complexity of the project, the time taken to evaluate the ES and to consider any representations received in response to the consultation.

1.7.3 The agreement decision

The EIA process is designed to ensure that OPRED, when taking a decision whether to agree to, or to refuse to agree to, the grant of consent for a project, takes any significant effects on the environment into consideration. For some activities, the environmental assessment will have shown that there are unlikely to be any significant effects, given the nature of the project and the mitigation measures identified in the submission to prevent such effects. However, for other activities, likely significant effects may still remain. The decision may include:

- conditions relevant to the execution of the proposed activities, such as the timing, duration or location of the proposed activities.
- mitigation measures, including any outlined by the developer in the ES and/or EAJ, designed to limit or negate potentially adverse effects by the adoption of practicable available technology or management procedures; and
- monitoring conditions that form part of the agreement, taking account of requirements to ensure that:
 - the parameters to be monitored and the duration of the monitoring are proportionate to the nature, location and size of the proposed development and the significance of its effects on the environment.
 - where monitoring conditions are applicable under other European or national legislation relevant to the project, any additional monitoring relating to the agreement to consent is necessary; and
 - where appropriate, there is provision for any necessary remedial action.

OPRED does not routinely include monitoring conditions in its agreement to the grant of consent. However, where monitoring conditions form part of the agreement to consent, such conditions will be included in the notice of agreement, which will be copied to any authorities specified in the notice and published on the GOV.UK website at:

<https://www.gov.uk/government/collections/eia-submissions-and-decisions-2021>

1.7.4 The refusal decision

1.7.4.1 Environmental Statements

OPRED would not normally expect to have to reject an ES submission, as any significant issues would either be resolved with the developer prior to the preparation of the environmental submission or resolved during the review process. If it is determined that agreement to the grant of consent should be refused, OPRED will confirm the main reasons for the refusal.

1.7.4.2 Screening Directions

In the case of applications for Screening Directions, there may be circumstances where OPRED cannot determine that the project is not likely to have a significant effect on the environment, and thus an environmental impact assessment is required before a decision can be made about whether to give agreement to the grant of consent. Applications for Screening Directions can also be rejected if they relate to a Schedule 1 or Schedule 3 project. Where a Screening Direction is rejected, OPRED will outline the main reasons for the rejection.

1.7.5 The revocation decision

The agreement to the grant of consent for a project may be revoked where it is considered that:

- the developer has carried out, or is carrying out, a project in breach of a condition attached to the agreement to the grant of consent; or
- the developer has provided information which is false or misleading in a material way.

Where the agreement to the grant of consent for a project has been revoked, the developer must not continue with the project.

To avoid a revocation decision, after agreement to the grant of consent, the developer is advised to maintain engagement with OPRED on any project changes.

1.7.6 Public notice requirements relating to the decision

1.7.6.1 Environmental Statements

OPRED will publish a notice of its decision to agree, or refuse to agree, to the grant of consent on the GOV.UK website at:

<https://www.gov.uk/government/collections/eia-submissions-and-decisions-2021>

In addition, OPRED will send a copy of its decision to the authorities specified in the notice issued to the developer at the time of receipt of the application for consent and/or the ES submission, and to any other country provided with a copy of the ES.

1.7.6.2 Screening Directions

A Screening Direction will:

- set out the decision.
- set out the main reasons for the decision, with reference to the relevant matters set out in Schedule 5 of the 2020 Offshore EIA Regulations.
- where OPRED has decided that an environmental impact assessment is not required, set out any conditions attached and state any integrated features of the projects, or measures to be applied, proposed by the developer that are designed to avoid or prevent significant adverse effects.

1.8 Coordinated Approach

Where a project requires both an environmental impact assessment under the Offshore EIA Regulations and an assessment under either regulation 5 of the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001, or regulation 28 of the Conservation of Offshore Marine Habitats and Species Regulations 2017, OPRED will ensure that the preparation of those assessments is coordinated where appropriate.

2 Preparation of Environmental Statements and Screening Directions

2.1 Environmental Statements

2.1.1 General principles

The ES submission must describe the project for which consent is being sought and draw together and present the findings of a study or studies to examine the potential environmental impacts of the project and any proposals to eliminate or mitigate the impacts.

The ES submission should be clear and logical in its layout and presentation. The information required for an ES is set out in Schedule 6 to the 2020 Offshore EIA Regulations. As an ES is the written record of the developer's assessment, it must include:

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

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4. An assessment of the likely significant effects of the project on the environment, including those resulting from—
 - a. the construction and existence of the project, including any demolition works necessary to implement the project.
 - b. the use of natural resources, in particular land, soil, water and biodiversity, considering the sustainable availability of these resources.
 - c. the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste.
 - d. the risks to human health, cultural heritage or the environment (for example due to accidents or disasters).
 - e. the cumulation of effects with other existing or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources.
 - f. the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change
 - g. the technologies and the substances used.
 5. The assessment under paragraph 4 must—
 - a. cover the likely significant effects on—
 - i. population and human health.
 - ii. biodiversity, with particular attention to species and habitats protected under any law of any part of the United Kingdom that implemented Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds.
 - iii. land, soil, water, air and climate.
 - iv. material assets, cultural heritage and the landscape.
 - v. the interaction between the factors referred to in paragraphs (i) to (iv).
 - b. cover the direct effects and any indirect, secondary, cumulative, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project, including any effects on the environment in other countries.
 - c. cover the expected effects deriving from the vulnerability of the project to risks of major accidents or disasters.
 - d. take into account environmental protection objectives established in retained EU law or at national level.
 6. A description of the features of the project or measures envisaged in order to avoid, prevent, reduce or offset likely significant adverse effects on the environment that—
 - a. explains the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset.
 - b. covers both the construction and operational phases.
 - c. includes any proposed monitoring arrangements (for example the preparation of a post project analysis).
 - d. describes measures envisaged to prevent or mitigate the significant adverse effects of major accidents or disasters on the environment and details of the preparedness for and proposed response to such emergencies.
 7. A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.
 8. A non-technical summary of the information provided under paragraphs 1 to 7.

The submission should seek to demonstrate that these considerations have formed an essential and continuous part in the evolution and design of the project. To achieve this, information must be presented which shows that:

- the developer is aware of the natural environment and socio-economic issues relating to other users of the sea, the seabed and coastline in the area of the project, and that the data presented are current and relevant. Generic or regional information should be utilised where appropriate, e.g. information taken from the relevant Strategic Environmental Assessment (SEA) undertaken by OPRED prior to each licensing round (see <https://www.gov.uk/guidance/offshore-energy-strategic-environmental-assessment-sea-an-overview-of-the-sea-process>), but it should be supplemented by site specific data where this is relevant to the impact assessment. Where information is based solely on generic or regional data, it should be demonstrated why this information is considered relevant to the site in question.
- the developer is aware of relevant environmental and socio-economic sensitivities, and that many sensitivities are subject to seasonal cycles so activities which are acceptable in one season, may not be in another season. The developer must be able to demonstrate that these considerations have been taken into account when planning the project and should aim to avoid highly sensitive areas or periods where there could be a likely significant effect.
- where alternatives are available, the developer has explained how and why the selected option was agreed, including consideration of practicality, safety and cost-benefit, in addition to the comparative environmental impacts and achieving the desired environmental outcome. Option selection is particularly important for new projects but can also be relevant for other activities such as drilling operations where it may be useful to provide an insight into whether alternatives were considered. For example, there may be options in relation to well location, well design (e.g., slim hole), mud types, cuttings treatment, etc.
- the developer has identified and assessed the likely consequences of the project, whether from the physical presence of vessels, equipment and structures, the potential disturbance of the natural environment (atmospheric, marine or terrestrial), or emissions and discharges, and has selected the optimum engineering and operational solutions to achieve the desired environmental objectives.
- the developer has identified potential in-combination or cumulative effects relating to other operations, including those not controlled by the developer, considering impacts at local, regional and national or international levels.
- where potential environmental effects have been identified, the developer has identified how these are going to be mitigated and managed during the operations and/or how their consequences are to be monitored in the longer term, particularly taking into account any cumulative effects from other operations in the area, not necessarily controlled by the developer, on a local, regional or national basis.
- where appropriate, consultation has been undertaken with relevant consultees or the general public, identifying how any representations have been addressed in the design of the project.
- where information is lacking or insufficient, or uncertainties exist, these have been identified and discussed, and the developer has explained any action taken or proposed to remedy the deficiencies; and
- the developer has assessed and detailed the overall impacts of the proposed project.

2.1.2 The audience

A fundamental concept of environmental decision-making is that, as far as possible, the process should involve relevant authorities likely to have an interest in the proposals and the general public. It therefore follows that the public, as represented by the informed layperson, should be able to understand the proposals that are the subject of the ES submission. However, the assessment must also contain sufficient technical detail, in relation to both the natural and socio-economic environments and the engineering design and implementation proposals, to allow OPRED and other relevant authorities to undertake a thorough assessment of the proposals. The intention should be to allow all parties to make their own assessment and develop their comments on the proposals.

2.1.3 The purpose

The ES is a means of submitting the findings of the EIA process to OPRED. The preparation of an ES submission is neither the entire process nor an end in itself, it merely summarises and presents the findings of a process that covers the evolution of the proposals, from first conceptual discussions through to the final engineering design and the implementation programme. The scope of the assessment will be related to the size, location and nature of the project, but in all cases, it must thoroughly examine all elements of the project and their potential consequences.

The required matters to be taken into account, and the required content of an ES, are specified in the Schedules to the 2020 Offshore EIA Regulations, and should be considered and understood by all persons responsible for commissioning, preparing and submitting the document. Where there is any doubt as to the requirements of the 2020 Offshore EIA Regulations, advice should be sought from OPRED or from independent experts.

2.1.4 Balance and emphasis

The ES should be a balanced document, providing an objective, impartial account of the potential significant effects based on reasoned and justifiable arguments, with appropriate prominence given to both positive and negative effects and their significance.

In many cases, more data will be available for certain aspects relevant to the assessment, particularly those aspects that are under the direct control of the developer, but it is essential that sufficient information is obtained for all relevant aspects to facilitate a full assessment. However, it is also essential that excessive detail is avoided. For example, engineering and equipment specifications and commercial information may be readily available but may not materially add to the environmental assessment. The level of detail included should therefore be the minimum required to satisfactorily describe the processes or justify the selection of particular equipment or a particular mode of operation.

2.1.5 Scoping

2.1.5.1 Informal scoping

For significant projects requiring an ES, when the projects are at an appropriate stage of development to enable the assessment of potential impacts of the proposals, most developers opt to initiate an informal scoping procedure, through:

- an informal meeting involving the developer (and, if relevant, the environmental consultancy they have appointed to draft the ES), OPRED and key environmental and other authorities or interested parties; and/or
- the submission of a proposed scope of work to OPRED, requesting comments on the proposed content of the ES, which OPRED may circulate to environmental and other authorities or interested parties for comment prior to responding to the proposal.

In both cases, it is recommended that OPRED is contacted at an early stage to request initial comments, to ensure that the proposed scope of the EIA is adequate. It is also recommended that informal consultation is undertaken with key interested parties such as environmental authorities, conservation groups, and other users of the sea, and where appropriate the general public, to ensure that their requirements are incorporated into the process, as this will facilitate the process. Developers should also follow relevant regulatory guidance during the preparation of any environmental submissions to ensure the relevant regulatory requirements are met. It is noted that some stakeholders provide pre-application advice to Industry and while OPRED would encourage developers to engage proactively with stakeholders during the development of their submission, it should be noted that this stakeholder advice does not constitute a Scoping Opinion under the EIA Regulations.

Informal scoping presentations or documents should summarise the project, the environmental sensitivities, the outcome of any informal consultation with relevant stakeholders and any proposed mitigating measures. Where comments have been received directly from stakeholders, it is also recommended that these should be discussed with OPRED prior to the preparation of the ES. If undertaken correctly and early in the preparation process, informal consultation is considered to be very valuable and appropriate, particularly for larger projects or for activities in potentially sensitive areas. It allows the developer to identify potential difficulties before the ES is prepared and can therefore reduce or eliminate delays at the evaluation stage.

2.1.5.2 Formal scoping opinion

As an alternative to informal scoping, the developer can submit a formal request for a scoping opinion to OPRED, and OPRED must then issue an opinion on the required EIA scope and the level of detail of the ES. As set out in regulation 9(2) of the 2020 Offshore EIA Regulations, the developer must provide OPRED with the following information:

- the name and address of the developer.
- a brief description of the physical characteristics of the project.
- the location of the project, taking into account the environmental sensitivities of the areas likely to be affected; and
- any likely significant effects on the environment.

OPRED must notify any authority which it considers would be likely to be interested in the project by reason of either its particular environmental responsibilities, or its local or regional competence, that a formal scoping request has been requested and seek their views on the scope and level of detail of the ES. OPRED must take into account the information provided by the developer in relation to the specific characteristics of the project and identify the likely impacts in the receiving environment and consider those representations from any interested authorities, prior to finalising and issuing the formal scoping opinion to the developer. It is therefore essential that developers apply for a formal scoping opinion at an early stage, to avoid delaying the preparation of the ES. Following receipt of any representations, OPRED will aim to provide a scoping opinion within 30 days.

Where a formal scoping opinion has been requested, the ES must be based on that opinion. OPRED can however still request additional information that may be reasonably required to reach a determination in relation to the issues that were identified in the formal scoping opinion, taking into account current knowledge and assessment procedures.

2.1.6 Obtaining information for the preparation of an Environmental Statement

Separate to the scoping process, where information is held by OPRED or another authority with environmental or local or regional competence that would assist in the preparation of an ES, but the information cannot be reasonably obtained via normal published sources or commercial channels, then the 2020 Offshore EIA Regulations allow the developer to request that OPRED should provide, or facilitate the provision of, such information. As set out in regulation 10(2) of the 2020 Offshore EIA Regulations, the developer must provide OPRED with the following information:

- the name and address of the developer.
- a brief description of the physical characteristics of the project.
- the location of the project, taking into account the environmental sensitivities of the areas likely to be affected; and
- a description of the information sought for the preparation of the environmental statement.

Where OPRED holds the requested information, and is not subject to an obligation of confidentiality, it will be provided directly to the developer. Where OPRED does not hold the requested information, but considers that another authority may hold the information, OPRED will provide the developer with contact details for the relevant authority, and serve a notice on that authority, accompanied by a copy of the developer's original request, confirming the requirement to provide such information. If the identified authority holds the requested information, they must promptly provide this directly to the developer. If the identified authority does not hold the requested information, or there are confidentiality issues that would preclude release of the requested information by either OPRED or the identified authority, OPRED will advise the developer accordingly. OPRED will aim to provide the requested information within 21 to 30 days of receipt of the information request.

2.2 Content of Environmental Statements

2.2.1 The Non-Technical Summary

The non-technical summary (NTS) should provide sufficient information to allow a non-specialist reader to understand the proposals and main impacts and proposed mitigation, without recourse to consideration of the rest of the ES. It should include a summary description of the project and the receiving environment, and summaries of the main alternatives considered, the aspects of the environment likely to be affected by the development, any likely significant impacts and the mitigation measures to be implemented. Maps, figures and tables should be included, to support the text, or there should be appropriate references to relevant entries in the main document.

The use of technical terms should be kept to a minimum, particularly within the NTS, and a list of abbreviations, a glossary of terms and a full list of references should be provided. The inclusion of information not directly relevant to the proposals and the impacts should be avoided, and clear and legible figures or diagrams should be provided wherever this would assist in understanding the location of the project, the associated installations and subsea infrastructure installations and any potential impacts, ensuring that all features mentioned in the text are clearly identified. Consistent technical terminology is essential, using metric units except where the conversion of well-established oilfield units would cause confusion. Ambiguous terms such as a billion and unexplained unit abbreviations should be avoided, and if non-scientific notations are used this should be explained.

Where there are still uncertainties relating to specific aspects of the proposals, for example where a number of techniques, technologies or operational arrangements could be applied and the final choice has still to be confirmed, the ES should briefly describe all the options and compare their environmental impacts, and discussion of the overall predicted impact should be based on the worst-case scenario in terms of environmental impact. For example, if the ES relates to a proposed well and it is possible that an EWT will be undertaken, the developer should describe the maximum likely volumes of hydrocarbons to be produced and the maximum duration of the EWT, and the assessment of significance should be based on the maximum emissions resulting from the EWT.

2.2.2 Option selection

The ES should describe the main alternatives to the proposed project that have been considered, and clearly describe the advantages and disadvantages of each option and the associated environmental implications. The main reasons for selection of the preferred option should be summarised, taking particular account of the environmental issues. Other factors influencing the final choice should also be recorded, e.g., feasibility including technical constraints and cost-effective issues relating to each option. If a formal option appraisal system has been used, it should be described, and the relevant decision factors identified.

Where appropriate, consideration should always be given to alternative sites (including pipeline routes), alternative timing, alternative construction methods, alternative plant and equipment and alternative operating practices. Wherever possible, OPRED would always encourage the use of existing infrastructure, and if there is existing infrastructure available but its use is not the selected option then a robust justification should be provided. The consideration of alternatives may also be relevant for the drilling of a well and details of the decision-making process should be included, e.g., alternative sites, alternative rig types, alternative timing, slim hole, horizontal or extended reach technologies, alternative drilling muds and alternative cuttings treatment and disposal options.

Where final option selection has not been made before the submission of the ES, it is acceptable for more than one option to be presented in the assessment. However, sufficient detail must be provided to enable a full assessment of each option. OPRED may then provide its agreement to the grant of consent for all the options, or where applicable for a specific option, if other options are determined to have a significant effect.

2.2.3 Characteristics of the project

The ES should describe the purpose and objectives of the project, and these should be placed in the context of local, regional and national plans, objectives or strategies. For example, in the case of oil and gas projects, the design and timing of the proposals may be linked to security of supply.

The description of the project should be sufficiently detailed to enable the reader to understand its essentials and must include:

- the nature of the project.
- the design of the proposals.
- the physical characteristics of the project, including details of any demolition works required.
- the location in terms of the licence quadrant and block and the latitude and longitude coordinates.
- the proposed timing.
- the area occupied during construction and operation.
- the energy demand and energy used, the nature and quantity of materials used to include natural resources such as water, land soil and biodiversity.
- the sources and anticipated quantities of any expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during construction and operational phases; and
- any other aspects relevant to the environmental impact.

Where the project is a new offshore oil or gas field or storage development, the description should cover all elements of the proposals, including development drilling operations, the deployment of subsea, surface or platform installations, the deployment of subsea connected infrastructure including pipelines and umbilicals, and details of the proposed means of export or import of production or storage gases. Each element should be described in sufficient detail to enable adequate assessment of the likely environmental impacts. If the development is to be carried out in stages, possibly over a prolonged period, the anticipated full extent of the proposals should be described.

Where the project is the drilling of a well that has been determined to require an ES, or where the developer has chosen to submit an ES voluntarily, the description should include the location of any anchors, which can be a significant distance from the rig and could impact fishing operations or protected habitats such as pockmarks containing Methane Derived Authigenic Carbonate (MDAC) structures, reefs or sandbanks.

The description should be supported by appropriate maps and/or diagrams, and particular care should be taken to ensure that any text is clearly legible. They should enable the reader to identify where the project is located in relation to the UK mainland or islands and put the project into context with other offshore oil and gas fields and/or infrastructure. Maps and/or diagrams can also be very useful to put the proposals into context in relation to other important features, such as:

- other offshore operations such as windfarms or aggregate extraction areas.
- sites protected under international or domestic legislation, e.g., Special Areas of Conservation (SACs), Special Protected Areas (SPAs), Marine Conservation Zones (MCZs) and Marine Protected Areas (MPAs).
- fish spawning and nursery areas.
- seabird sensitivity.
- marine mammal sensitivities; and
- fishing intensity.

2.2.4 Environmental description

The environment of the project should be clearly described and, where useful, indicated on an appropriate map or diagram. For example, the bathymetry of the area should always be detailed in a map or three-dimensional diagrammatic representation, but it may be unnecessary to map the seabed type if it is uniform throughout the development area. The ES should also describe any policies, plans or designations that are relevant to the project location and its surroundings.

2.2.4.1 Extent of the area to be considered

The area covered by the environmental description should be consistent with the area that could potentially be impacted by the project, and should include any elements located outside the immediate location of the project, such as anchors and anchor chains, pipelines and umbilicals connecting to other developments, export / import systems, etc.

2.2.4.2 Baseline Scenario (Information)

The ES should describe the current environment at the project location, using existing data such as the information included in SEA studies undertaken by OPRED and information in published literature. Wherever possible it should also incorporate recent site-specific data directly related to aspects that are likely to be affected by the project and any relevant existing activities, including any relevant trends and the likely evolution of the environment if the proposed project, pipeline or development is not implemented. For example, sediment characterisation, chemical contamination and benthic organism descriptions should be relevant to the area likely to be impacted by cuttings discharge from drilling operations, and information provided in relating to future trends both with and without the drilling operations. The baseline description should also include information relating to other users of the sea, where appropriate including coastal aspects such as amenity use, and should be illustrated with relevant maps and/or diagrams and text summarising activities such as shipping, fishing, offshore renewables and aggregate extraction. Any relevant discharges, emissions and impacts relating to other users should also be considered and discussed.

Where existing data is used to establish the baseline, the source of the data should be identified and a justification for using the data provided. The most up-to-date available data should be used and if the only available data is relatively old its use should be justified, and this may be a strong driver to undertake additional survey work (see section 2.5). When survey data is being presented, a clear description should be provided detailing the type of survey, the methods employed, the equipment used, the area surveyed, and a summary of all the relevant results. Wherever possible, the data should be expressed quantitatively in addition to any qualitative description. The data should be evaluated in the context of the proposed activity, and the sensitivity and importance of the environmental features likely to be impacted, including any seasonal variations. Where photographic evidence has been collected, it is useful to include some examples to supplement the text.

Useful relevant information in relation to both the baseline and the impact assessment may be obtained from the sources detailed below. However, the list is not exhaustive and other references should be used as considered appropriate:

- relevant threshold limits, e.g., World Health Organization (WHO) threshold limits.
- relevant quality standards, e.g., EU Quality Standards or other published background levels.
- information presented in the Department's Offshore Energy Strategic Environmental Assessments.
- information presented in the Scottish Marine Renewables Strategic Environmental Assessments.
- information included in relevant environmental designations, e.g., protected sites.
- North Sea Quality Status Reports; and
- Atlantic Frontier Environmental Network (AFEN) publications and other publicly available survey information.

The baseline description should place the area that could be impacted in the context of its surroundings, so that future surveys could be undertaken to demonstrate any changes in relation to the surrounding area. Any gaps or limitations in the environmental information should be acknowledged and, where appropriate, strategies proposed to address the deficiencies. The commonly adopted strategy of simply basing the description on familiar (and in some cases historic) references is unlikely to be acceptable and should be supported by more recent data obtained from in-house studies or more recent published work.

Appropriate maps or diagrams should be provided, clearly indicating the surveyed area and the location of all elements of the project and identifying sampling sites and/or the locations of any photographic evidence included in the ES.

2.2.5 The environmental assessment process

The ES should summarise the assessment process that has been undertaken throughout the development of the project and report the conclusions of the assessment.

2.2.5.1 Methodology

The ES should describe the assessment methodology that has been undertaken to identify and rank the key impacts. The description should include the results of any consultation with relevant environmental authorities likely to have an interest in the project, due to environmental responsibilities or local or regional competence, or the general public, undertaken prior to submission of the ES, and any concerns raised should be addressed in the submission even if they are considered incorrect and based on misconceptions. Where issues are raised but not addressed in the ES, a justification for the exclusion should be provided. The ES should also identify any difficulties encountered in applying the selected assessment methodology.

2.2.5.2 Impact Identification

The assessment should identify those aspects of the environment that are likely to be significantly affected by the project (including in particular, population, fauna, flora, geology and soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors). A description of the impact on climate and air should also include consideration of the impact on global warming and the ozone layer, in addition to the impact on local and regional air quality issues and should include the quantities of emissions to the atmosphere over the life of the project. Emissions should be characterised into chemical species important in the context of global warming, ozone layer depletion and local, national and regional emission loads and air quality. Full details of the aspects that should be addressed are detailed in the schedules to the 2020 Offshore EIA Regulations.

2.2.6 Operational effects

The ES should identify, describe and assess the direct and indirect significant effects of the project, including the operational effects. In particular, OPRED would expect that:

- the developer should describe the main characteristics of the construction and operational phases of the project, including:
 - the nature and quantity of the materials and natural resources used.
 - the number and type of support vessel and helicopter movements.
 - the energy demand and use; and
 - the nature and impact of the project; and
- a description of the mitigation measures and any proposed monitoring arrangements designed to avoid, prevent, reduced or offset any significant adverse effects of the construction and operational phases of the project.

If the development is to be carried out in stages, the anticipated full extent of the operational activities should be described and as far as possible, the effects assessed, acknowledging that the assessment of in-combination and cumulative impacts may have uncertainties.

For offshore oil and gas projects, developers will be expected to include detailed information on the combustion equipment to be used during all phases of construction and operation, and the expected associated emissions; the anticipated production, processing and export during the life of the project; the likely chemical use and discharge requirements during the life of the project, the produced water treatment and discharge proposals during the life of the project; and other waste treatment and management measures during the life of the project, including the management of Naturally Occurring Radioactive Material (NORM).

The ES should provide reasoned estimates for all emissions and discharges and should describe the main characteristics of the operational processes. For example, the combustion equipment requirements, the anticipated processing and export requirements and the nature and quantity of chemical use and discharge should be estimated with reference to the production rates over the life of the project, to derive estimates of the scale of all emissions and discharges taking into account reasonable worst case scenarios for example routine and non-routine and safety flaring scenarios.

The production figures used to derive the estimates should reflect the levels specified in the consent application to the OGA. Where consent applications have minimum and maximum production estimates, the maximum production case should be used. Section 1.1 explains the relevant production or production increase thresholds that necessitate an ES, and production information can be presented in a graphical form but must also be presented in a tabular format using the units detailed in the 2020 Offshore EIA Regulations, in addition to including the more commonly-used industry units detailed in the FDP.

The ES should also address the risk and potential impact of failure, accident or malfunction of any of the operational equipment or control systems (including those related to the reservoir), the precautions to be taken to prevent these occurrences and how these will be incorporated into the operational procedures.

2.2.7 Sites for the protection of Annex I habitats and Annex II species

Special Areas of Conservation (SAC's) and Special Protection Area's (SPA's) are protected areas in the UK and form part of the UK's national site network. Where a project requires both an environmental impact assessment under the 2020 EIA Regulations and an assessment (Habitats Regulations Assessment(HRA)) under either regulation 5 of the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 or regulation 28 of the Conservation of Offshore Marine Habitats and Species Regulations 2017, the Secretary of State must ensure that the preparation of those assessments is coordinated where appropriate.

Details of any relevant SACs or SPAs, or proposed sites that are the subject of consultation, should be provided in the baseline description, including any sites that do not overlap with the location of the project but could be impacted by the proposed activity. Appropriate maps or diagrams should be provided, clearly indicating the locations of relevant site boundaries. Where there are no sites or proposed sites in the immediate vicinity of the project, it can be useful to provide a larger scale map clearly indicating the distance to the nearest sites.

It is the responsibility of OPRED as the Competent Authority to undertake a Habitats Regulations Assessment (HRA) for projects that are within a SAC or SPA or that are outside the boundary of a site but could have the potential to impact the site. In addition, the relevant Statutory Nature Conservation Body (SNCB) will usually recommend that OPRED, as the competent authority, should undertake a screening assessment (often called a Likely Significant Effects assessment, or LSE assessment) or a full Appropriate Assessment (AA). Both processes can also be covered by the HRA term.

Although the requirement to undertake the assessment rests with OPRED, it is essential that all ES submissions address the potential impacts on SACs or SPAs, both as part of the assessment of the proposed activities and to inform OPRED's HRA. Wherever possible, the information provided should be both qualitative and quantitative, for example to confirm the proportion of the protected site or species likely to be affected by the project.

Two examples of the type of information that should be included in ES submissions to inform OPRED's HRA are summarised below:

- If the seabed is critical to the protected habitat or species and the proposals involve drilling operations using water based mud and the sea disposal of the cuttings:
 - what quantity of cuttings will be discharged to sea?
 - what area of the seabed is likely to be impacted?
 - what percentage of the protected site does this represent,
 - what is the likely impact on the qualifying feature? and
 - what is the significance of the impact?
- If the seabed is critical to the protected habitat or species and the proposals involve rock dumping in connection with rig stabilisation or pipeline protection:
 - what is the total quantity of rock to be deposited?
 - what area of seabed is likely to be impacted?
 - what percentage of the protected site does this represent?
 - what is the likely impact on the qualifying feature? and
 - what is the significance of the impact?

It is essential that sufficient information is presented in ES submissions to enable OPRED to determine whether a significant effect is likely and whether the proposed activities would have an adverse effect on the integrity of the relevant site.

2.2.8 Other protected habitats and species

Details of any other protected sites or species, or proposed sites or species that are the subject of consultation, should also be included in the baseline description, including details of any protected mobile species that are not associated with a specific protected site but are commonly found in the vicinity of the project. The sites considered should include any relevant Ramsar sites, MCZs, both international and domestic MPAs, Marine Nature Reserves (MNRs) and Sites of Special Scientific Interest (SSSIs).

Appropriate maps or diagrams should be provided, clearly indicating the locations of relevant sites, including those that do not overlap the location of the project but could be impacted by the proposed activity. Where there are no protected sites in the immediate vicinity of the project, it can be useful to provide a larger scale map clearly indicating the distance to the nearest sites.

Although there is no requirement for OPRED to undertake a separate assessment (HRA) for sites other than SACs and SPAs, it is still essential that the ES submission addresses potential impacts on other protected sites and species. Again, wherever possible, the information provided should be both qualitative and quantitative, for example to confirm the proportion of the protected site or species likely to be affected by the project. It has also been agreed that sites which are the subject of consultation should be considered as designated for the purposes of EIA assessment.

2.2.9 Marine Plans

Submissions relating to proposals to be undertaken within an area that is covered by an adopted marine plan, or proposals to be undertaken in an adjacent area where potential impacts are likely within the marine plan area, must include consideration of whether the proposals are in accordance with relevant marine plan policies. There may be a number of plan policies that are relevant to the proposals, including general or sector specific policies. Impacts on the policies should be addressed in a proportionate manner, depending on the size and complexity of the project and the relationship to the policy, and in many cases, it will be possible to conclude that there will be no impact on a policy. Further guidance on marine planning and the consideration of marine plans can be found on the GOV.UK website.

2.2.10 Major accidents and disasters

Submissions should identify, describe and assess the direct and indirect significant effects of the project resulting from the vulnerability of the project to risks of major accidents or disasters, including those caused by climate change.

2.2.10.1 Major accidents

Under the Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (SCR 2015), there is already a requirement to assess worst-case oil spill scenarios resulting from major accidents in an ES, summarising the likely fate and impact of potential releases. The primary aim of SCR 2015 is to address major accident hazards and reduce the associated risks to the health and safety of the workforce employed on offshore installations or in connected activities. However, SCR 2015 also aims to increase the protection of the marine environment and coastal economies against pollution and to ensure appropriate response mechanisms are in place in the event of such an incident. SCR 2015 therefore also requires the major accident hazards to be identified in relevant OSD submissions, and an assessment made of the potential for, and environmental consequences of, a Major Environmental Incident (MEI) resulting in significant or serious damage to the environment.

To meet the requirements of the 2020 Offshore EIA Regulations and SCR 2015, OPRED therefore expects developers to assess the impact of:

- the major accident scenario that would result in the worst-case potential release of hydrocarbons, such as a well blow-out resulting in an uncontrolled release of gas or liquid hydrocarbons that could only be stopped by drilling a relief well, or the total loss of a Floating Production Storage and Offloading vessel (FPSO).
- the major accident scenarios identified in a related OSD submission, such as a design or relocation notification, a safety case or a well notification; and
- the major accident scenarios identified in an OSD submission that would result in a MEI.

The major accident scenario that would result in the worst-case potential release of hydrocarbons must be modelled and assessed both to inform the ES and to support the OPEP submission, but a MEI can only occur as a consequence of a major accident hazard identified in the OSD submission. In most cases, the worst-case scenario relating to the identified major accident hazards will equate to the worst-case potential release assessed under the EIA process. The assessment in the EIA will therefore be relevant and will additionally confirm whether there is likely to be a significant impact that would constitute a MEI.

In exceptional cases, the worst-case scenario relating to the identified major accident hazards will not equate to the worst-case potential release assessed under the EIA process, because the ES submission has assessed a scenario that has such a very low probability that it has not been included as a major accident hazard in the OSD submission. The most cited example relates to FPSO operations, where the risk-based safety case has considered a major accident scenario that could result in the loss of containment from one or two cargo holds, but the EIA submission has assessed the absolute scenario of total loss of the vessel. In such exceptional cases, if the EIA assessment has demonstrated that the worst case potential release would be unlikely to result in a significant impact, then it can be concluded that a smaller scale release relating to a major accident scenario identified in the OSD submission could not result in a MEI. However, if the EIA assessment has concluded that the worst-case potential release would be likely to result in a significant impact, then it may also be necessary to model and assess the smaller scale release or releases relating to the major accident scenarios that have been identified in the OSD submission, to confirm whether those scenarios could also result in significant impacts and whether those impacts had the potential to constitute a MEI.

In all cases, it is recommended that a single document is prepared that combines the requirements of the EIA, the OPEP and the MEI assessments, and the 2020 Offshore EIA Regulations requires that the assessment of accidental events must form part of the EIA submission. The OPEP can then reference the EIA submission and concentrate on the response strategies to combat the release. The OSD submissions can also reference the EIA assessment and provide a brief summary of the relevant accident scenarios and environmental sensitivities, the potential environmental impacts and whether the impacts have the potential to constitute a MEI.

The ES should therefore identify potential accidental events relating to the project; identify the accidental events that have the potential to result in a significant environmental impact; identify relevant mitigation measures in place to prevent a release; model the worst-case scenario to determine the fate of the release; and describe the impacts of the worst-case scenario. The ES should also confirm whether any of the impacts could be significant and/or constitute a MEI.

Developers should also draw upon the conclusions and recommendations detailed in the various reports relating to the *Deepwater Horizon* accident, and relevant reports relating to other major accident events, to confirm that appropriate measures form part of the management plan for the proposed activity.

2.2.10.2 Major disasters

It is necessary to refer to the natural disasters that could impact proposed activities, for example, earthquakes or tsunamis and, if appropriate, to provide an assessment of potential impacts. In the majority of cases, the probability of such disasters in UK waters will be extremely low, and it will be sufficient to reference the scenarios and their likelihood, and to reference the design specifications adopted to mitigate the more likely scenarios, but it will be unnecessary to address the potential impacts. Where there is a potential impact on a project, development or related infrastructure, a brief description should be provided, and it should be confirmed that the environmental impacts would be covered in the section dealing with the worst-case accident scenarios.

2.2.11 Demolition operations

The ES must include a description of any demolition works necessary to implement the project. Demolition works refer to works that are necessary prior to the proposed activity and does not refer to future abandonment of a well or the decommissioning of a pipeline or proposed development.

It is extremely unlikely that a requirement to address demolition would ever arise in relation to a project covered by the 2020 Offshore EIA Regulations, given the provisions that are in place to ensure that all significant offshore projects, including renewables, would have to be abandoned in accordance with existing legislative requirements. A new developer would therefore be very unlikely to have to deal with demolition operations relating to a previous project, pipeline or development prior to a proposed activity.

Reference to the future abandonment of a proposed well or the decommissioning of a proposed project in an ES should therefore be limited to confirming how future decommissioning requirements have driven the initial design of the project. For example, explaining whether a well will be abandoned following completion of the drilling operations, or suspended for potential future development or immediately brought into service and then abandoned at a later date; or confirming that the design and installation of a proposed project have taken into consideration the possible requirement for complete removal at the end of field life if that is a requirement of the legislation at that time. There is no requirement to provide detailed information in relation to how removal will be achieved at the time of abandonment or decommissioning, or to provide a demonstration of the likely significant effects of the activities.

There is a separate requirement for an environmental assessment to support applications for the environmental approval of well abandonment operations, using the PETS Well Intervention application process; and for an environmental appraisal to support the Decommissioning Programme for a field development, and to support the subsequent applications for environmental approval of the proposed activities using the PETS Decommissioning application process. Those environmental assessments are not covered by the EIA Directive requirements and therefore not covered by this guidance. Those assessments should therefore concentrate on describing the proposed activities and the potential impacts, and it is not necessary to consider the more detailed content requirements included in the 2020 Offshore EIA Regulations. Nevertheless, some elements of this guidance may prove useful when preparing the assessments. Further guidance can be found in the Offshore Oil and Gas Decommissioning Guidance Notes

<https://www.gov.uk/guidance/oil-and-gas-decommissioning-of-offshore-installations-and-pipelines>

2.2.12 In-combination and cumulative impacts

The assessment should also consider the impacts of other existing, consented or planned activities in the development area, and determine whether there are likely to be any significant in-combination or cumulative impacts.

A single project may involve several different activities impacting the same receptor repeatedly or impacting different receptors to the detriment of the entire ecosystem. When considered alongside other projects which are in existence, have been approved or are under consideration, the impacts of the projects could combine to give rise to likely significant effects on the same or different receptors. This may arise due to their relative proximity in space or time or because a receptor is particularly sensitive. One example that could be of obvious significance would be separate projects located within a protected site, where the effects of the individual projects are fairly trivial, but the combined effect could be significant. The assessment should therefore consider whether other plans or projects would make potential effects more likely to occur; would make potential effects more likely to occur at a significant level; or would generate any new or different effects.

Impacts arising from different activities within a project or from different projects may be simply additive, be more adverse than the sum of the parts (synergistic) or be less than would be expected if the known effects of the individual substances are added together (antagonistic). In-combination or cumulative impacts may be direct or indirect, temporary or permanent, short, medium or long term, reversible or irreversible and positive or negative. All should be documented and any difficulties or uncertainties in undertaking the assessment should be recorded. For example, it may be difficult to assess the combined effects of different projects on a receptor due to the limited information available in relation to one of the projects, or because of a lack of scientific understanding or evidence.

Where the impact assessment indicates that in-combination or cumulative effects are likely to be significant, a description of the measures to avoid, prevent, reduce or offset the effects should be documented, together with a description of how this would change the effects, and any residual impacts.

2.2.13 Prediction of magnitude and significance of impacts

The ES should evaluate any direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the proposed project including the use of natural resources, the emission or discharge of pollutants, the creation of nuisances and the treatment and elimination of waste. Predictions of the magnitude and significance of the likely effects of the project must be included, and discussion of likely significant effects should be accompanied by an indication of the criteria used to determine whether an impact is 'likely' and whether it is 'significant'. Where recognised criteria are used, they should be referenced.

The magnitude of the impacts should be predicted in terms of the deviation from the established baseline conditions, for each phase or element of the proposals. The information and data used to predict the magnitude should be clearly described, and where there are any gaps or uncertainties they should be identified. The methods used to establish the magnitude should also be clearly described and demonstrated to be appropriate and reasonable in relation to the likely importance of the impact. Where assumptions or unsupported data have been used in the predictions, these should be highlighted, and an indication provided of reliability / confidence of those assumptions or data. Quantitative estimates of the levels of impact, where appropriate including levels of confidence, should be documented, clearly indicating where the levels are reduced or eliminated by the proposed mitigation.

The significance of all impacts should be assessed with reference to appropriate national and international quality standards (e.g., WHO Limits, EU Quality Standards etc.). Where relevant standards do not exist, the ES should describe the judgments (assumptions and value systems) that underpin the attribution of significance. The assessment of significance should consider the deviation from the established baseline, the sensitivity of the environment and the extent to which the impact will be mitigated or is reversible. The range of factors which are likely to influence the assessment of significance should be clearly identified, and consideration given to how relevant variables will affect the significance of the impacts over the life of the development and any that will remain following mitigation.

2.2.14 **Mitigation and follow-up**

The ES should describe the measures proposed to avoid, prevent, reduce or offset any identified significant adverse impacts. It should provide an indication of the predicted effectiveness of the stated measures and demonstrate a firm commitment to implementing the proposed measures, where appropriate indicating how and when the measures will be implemented and confirming lines of responsibility for ensuring implementation. Where there is uncertainty over their efficacy, or the assessment is dependent on assumptions, a justification should be provided for the proposals. In all cases it is recommended that a programme of work should be established to qualitatively and/or quantitatively monitor the effectiveness of the measures, in terms of the relevant outputs (e.g., reductions in emissions, discharges, noise, light, etc.) and resultant environmental impacts.

Developers should always take seasonal sensitivities into consideration when planning proposed activities, and where there are conflicting sensitivities, consideration should also be given to whether one resource is more sensitive than another during the period of the proposed operations. Wherever possible, all relevant factors should be evaluated to identify the most suitable timing for the proposed activities, and if necessary, advice should be sought from relevant bodies such as SNCBs and fisheries research organisations. Developers should also ensure that offshore operations are undertaken in a manner to prevent pollution incidents and should ensure that relevant mitigation measures are employed to prevent the accidental release of oil or chemicals to the sea, e.g., through containment measures, operational procedures and adherence to good practice. In all cases, OPRED would expect industry best practice to be followed.

The ES should provide details of any management plan that is to be implemented to deliver the mitigation measures and to monitor the environmental impact of the project. This should include details of the time scales for specific elements of the management plan, in relation to the time scale of the proposed activities and their geographical extent. Where a management plan is to be integrated into an Environmental Management System (EMS) then the ES should include relevant details, including how this would align with the developer's environmental policy and the provisions for monitoring the impacts of the project and for auditing of the system's effectiveness.

2.2.15 **Environmental commitments and conditions of agreement of consent**

Any commitments relating to matters addressed in the ES should be drawn together into one section or table and be clearly identifiable. Developers should also indicate how they intend to monitor these commitments to ensure compliance. Where relevant, OPRED may attach conditions to the agreement to the grant of consent, which may include conditions to avoid, prevent, reduce or offset any significant adverse effects on the environment and measures to monitor such conditions where no other existing arrangements under other legislation can be applied.

2.2.16 Competent Experts

The ES must be prepared by competent experts, and OPRED would expect the experts to either be personnel employed by the developer or personnel employed by a relevant oil and gas / environmental consultancy. The ES must be accompanied by a statement provided by the developer outlining the relevant expertise or qualifications of the key personnel involved in the preparation of the submission. This statement will form part of a summary document that will have to be included as a preface to all ES submissions, which can be found in Appendix B and at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/990556/Environmental_Statement_Details_Template.docx

It is recognised that many developers employ independent consultants to support the preparation of ESs and applications for Screening Directions. However, OPRED considers it essential that, as a minimum, the developer should direct the process, and should quality assure the final product before it is submitted to OPRED. It is the developer's responsibility to ensure that the project that is the subject of the consent application is conducted as detailed in the ES or the Screening Direction. By establishing ownership of any environmental commitments in this manner, there are clear lines of responsibility to ensure that the commitments are fulfilled. A post-operations audit should also be undertaken to verify compliance with the stated commitments. Developers are reminded that a person who intentionally or recklessly submits materially false or misleading information is guilty of an offence under the 2020 Offshore EIA Regulations, and that OPRED's Offshore Environmental Inspectors will monitor compliance with the ES and Screening Direction commitments.

2.3 Screening Directions

2.3.1 General principles

Applications for Screening Directions can be sought for all Schedule 2 projects. The minimum requirement is that the particulars described in regulation 6(1) of and Schedule 4 to the 2020 Offshore EIA Regulations are included in the application for a Screening Direction.

1. The name and address of the developer.
2. A description of the project, including—
 - a. the physical characteristics of the project, and of any demolition works necessary to implement the project.
 - b. the location of the project, with particular regard to the environmental sensitivity of the geographical areas likely to be affected by the project.
 - c. the aspects of the environment likely to be significantly affected by the project.
 - d. any likely significant effects of the project on the environment, to the extent of the information available on such effects, resulting from—
 - i. the expected residues and emissions and the production of waste, where relevant.
 - ii. the use of natural resources, in particular soil, land, water and biodiversity.
3. The description of the project must take into account—
 - a. the matters listed in Schedule 5 (matters to be taken into account in deciding whether project is likely to have a significant effect on the environment).
 - b. where relevant, the results of other assessments of the effects on the environment carried out pursuant to retained EU law other than any law that implemented the EIA Directive.

Where a Screening Direction is applied for in respect of a project which falls within paragraph 8 of Schedule 2, the application should reference the original ES. It should also confirm that the ES addressed the proposals detailed in the application for the Screening Direction and that the ES concluded there would be no significant adverse effects.

Applications for Screening Directions are submitted by the developer using PETS, and the submissions are reviewed by OPRED and relevant consultees. Applications for Screening Directions relating to drilling operations are submitted under a Drilling Master Application Template (DRA MAT); applications relating to pipeline operations are submitted under a Pipelines Master Application Template (PLA MAT); and applications relating to production operations are submitted under a Production Master Application Template (PRA MAT). Separate Subsidiary Application Template (SAT) applications are then required for specific types of Screening Directions, e.g., to drill the well, to install or augment a pipeline, to commence production or to increase production.

Developers should note that applications for Screening Directions can be updated as necessary if there are any changes to the proposals prior to determination of the applications. Once a screening direction has been determined, a developer can submit an application to change or extend a previously approved Schedule 1 or Schedule 2 project providing the relevant approvals have not expired.

However, if the relevant approvals have expired, it will be necessary to submit a new screening direction application and recommence the approval process. Developers should therefore carefully monitor the progress of operations in relation to approval expiry dates, to avoid an unnecessary delay resulting from a requirement to submit a new application.

2.3.2 Screening Direction Requirements

The Screening Direction application must describe the project for which consent is being sought and draw together and present the findings of a study or studies to examine the potential environmental

impacts of the project and any proposals to eliminate or mitigate the impacts. This should include all feasible alternatives and contingency options, ensuring that all project specifics are described upfront in the original application. The application should also stipulate an end date that allows for potential flexibility in the operational schedule.

Section 1.2.1 identifies those projects that require a Screening Direction.

The applicant will specifically need to ensure that the Screening Direction submission includes the 'appropriate particulars' as defined in the 2020 Offshore EIA Regulations, and that it addresses the matters set out in Schedule 4 of the regulations.

The description of the project must include discussion of the following:

- the physical characteristics of the project and any demolition works necessary to implement the project.
- the location of the project with particular regard to the environmental sensitivity of the geographical areas likely to be affected by the project; including any protected species or habitats (OPRED would expect maps to be included, to supplement the description of the location and size of the project and to put it into context in terms of the proximity of other offshore developments and infrastructure, coastlines, conservation areas, etc.).
- the aspects of the environment likely to be significantly affected by the project.
- any likely significant effects of the project on the environment resulting from:
 - the expected residues and emissions and the production of waste where relevant; and
 - the use of natural resources, in particular soil, land water and biodiversity.
 - the physical presence of the development.
 - the production of wastes and relevant emissions, discharges and expected residues.
 - the use of natural resources, in particular soil, land, water and biodiversity.
 - matters set out in Schedule 5 of the 2020 Offshore EIA Regulations; and
 - where relevant, the results of any other relevant assessments of the effects on the environment carried out pursuant to EU legislation other than the EIA Directive; and
- may include where relevant, information on any features or measures envisaged to avoid, prevent or reduce what might otherwise be significant adverse effects on the environment.

The EAJ should be commensurate with the size of the offshore project being undertaken and the environmental sensitivities under consideration. For guidance on the content required, please refer to Section 2.2.

2.3.3 Drilling applications

2.3.3.1 Drilling operations

A Screening Direction is required to undertake deep drilling operations, and to support the Initial Drilling Application (application for consent) applied for through the Well Operations Notification System (WONS). Consent is required for all exploration, appraisal or development drilling operations, and the consent applications are determined by the OGA Well Consents Team. The application for a Screening Direction is determined by OPRED, and the WONS consent cannot be issued until the application for a Screening Direction has been determined and OPRED's agreement to the grant of consent has been confirmed.

Applications for Screening Directions for drilling operations must include a WONS well number, to link the environmental approval and well consenting processes. If the environmental approval is being sought prior to preparation of the application for well consent, a WONS well number can be generated in the application for the Screening Direction, and this number should then be used for all related environmental submissions, including any that are not mediated via the Portal.

The DRA MAT will cover all relevant applications relating to a proposed drilling operation.

2.3.3.2 Side-tracks

When completing an application for a Screening Direction, developers should at the outset consider whether there is likely to be a requirement to side-track the well for any reason, and any planned or contingency side-tracks should be included in the screening direction and Initial Drilling Application, together with details of any relevant discharges or emissions and potential impacts. Relevant information relating to any side-track should also be included in the applications for other environmental approvals, such as the application for the associated chemical permit. The most common side-track scenarios are:

- if planned or contingency side-tracks are included in the original applications, they will be covered in the original Screening Direction for the drilling operations.
- if it is decided to side-track to a new geological target during the course of the drilling operation, an application to change the previously approved Schedule 1 or Schedule 2 project providing the relevant approvals have not expired should be submitted.
- if problems are encountered during the drilling operation and it is necessary to undertake a mechanical side-track, an application to change the previously approved Schedule 1 or Schedule 2 project providing the relevant approvals have not expired should be submitted: and
- if it is decided to re-enter an existing well to side-track to a new target, this is treated as a re-drill and new applications, including an application for a Screening Direction, should be submitted to OPRED.

2.3.3.3 Re-spuds

If it is necessary to re-spud the well during the proposed operations, an application to change the previously approved Schedule 1 or Schedule 2 project providing the relevant approvals have not expired should be submitted.

2.3.3.4 Drilling period

All drilling applications should confirm the proposed spud date for the well and the anticipated duration of the drilling operations. As there may be seasonal differences in environmental sensitivities, the application should allow for reasonable slippage in the drilling schedule and assess

the maximum period when drilling activity could take place. For example, if the anticipated spud date is mid-March and the drilling operation is anticipated to take 60 days, it is prudent to assess potential impacts during the period March to June, to avoid having to submit an application to change the previously approved Schedule 2 project or variations of other environmental approvals if the spud date is brought forward or delayed. If there are changes that have not been accommodated in the original applications, applications to vary the relevant approvals should be submitted as soon as possible, to ensure that issue of the necessary approvals does not delay the proposed operations.

If the spud date is amended prior to issue of the Screening Direction, OPRED should be advised by email (bst@beis.gov.uk), so that, if necessary, OPRED can adjust the consultation and sign-off priorities. If the spud date is amended following issue of the Screening Direction, to the extent that commencement or completion of the operations is likely to be outside the period that has been assessed in the application, the applicant must submit an application to change the previously approved Schedule 1 or Schedule 2 project providing the relevant approvals have not expired should be submitted.

2.3.3.5 Physical impacts

Where a well is to be drilled using a Mobile Drilling Unit (MoDU), the impact of the physical presence of the rig must be assessed. This will be particularly relevant in terms of impacts on other users of the sea, and it is therefore important that navigational and fisheries implications are addressed in the EAJ document. In exceptional circumstances, if a well is being drilled close to shore, there may also be amenity and visual landscape implications. In the case of wells being drilled using a jack-up MoDU there may also be a requirement to deposit rock at the proposed spud can locations to form a stable substrate to support the legs of the MoDU, or to deposit rock around the spud cans following location of the MoDU to prevent scour and such deposits should be included in the EAJ. This can be particularly important where the MoDU is operating in an area where the seabed sediment forms part of a protected habitat, e.g., a sandbank or a reef. In the case of wells being drilled using an anchored semi-submersible MoDU, the anchors will often be located a considerable distance from the MoDU location (mooring arrays extending up to 1.5 km are quite normal) and the EAJ will also need to consider the impact of the anchors and the chains and cables connecting the anchors to the MoDU.

Where there is a requirement to deposit rock for the stabilisation of a jack-up MoDU prior to its arrival at the drilling location, an application for a Screening Direction for drilling must be submitted and approved prior to undertaking rock placement operations. Likewise, where there is a requirement to locate anchors prior to the arrival of a MoDU, an application Screening Direction for the drilling of the well must be submitted and approved prior to the locating of the anchors.

2.3.3.6 Discharges and Emissions

The potential impact of all planned discharges and emissions, including any contingencies, must be included in the application for a Screening Direction. The most significant discharge will be the drill cuttings and associated drilling fluids, and it may be necessary to model the discharge of cuttings to confirm the likely area of impact, particularly in areas where there has been no previous drilling activity or in areas with specific sensitivities. Emissions relating to power generation must also be assessed, but it is recognised that the scale of these emissions will be small compared with routine power generation emissions from fixed production installations and a proportionate assessment can be undertaken.

In addition to the planned and contingency operational discharges, it is sometimes necessary to undertake unscheduled discharges, and applicants can include provision for certain categories of these discharges in relevant environmental applications or in subsequent variations of those applications. The most commonly requested categories of unscheduled discharge are:

- discharges of materials following cancelled operations - the most common example is the discharge of mixed batches of cement that cannot be used.
- discharge of prepared fluids that cannot be used – the most common examples are unsuitable drilling fluids, such as ‘kill mud’, fluids containing lost circulation material (LCM) and fluids with the wrong (under-balanced) density; and
- in exceptional cases, fluids that have been accidentally released from containment but retained on the installation, where they can no longer be used offshore, and discharge is now the preferred option.

As these are not operational discharges, the EAJ must additionally demonstrate that the discharges would represent the Best Practicable Environmental Option (BPEO), and the worst-case discharges must be separately risk assessed to support any related environmental applications (e.g., the chemical permit application). Providing the EAJ and risk assessment are accepted, potential unscheduled discharges can then be approved as part of the initial assessment process covering the drilling operations or approved should the need arise during the course of the drilling operations.

All environmental approvals covering unscheduled discharges will be subject to the following conditions:

- all discharge operations must be undertaken at the site of the drilling activity, and approval will not be given for disposal in transit to another location.
- the developer is required to notify EMT by email to bst@beis.gov.uk in advance of the discharge operations; and
- the developer is required to confirm the exact composition and size of the discharge by email to bst@beis.gov.uk within two working days of submission of the notification.

Further information about making provision for unscheduled discharge operations can be obtained by contacting EMT prior to the submission of applications for proposed drilling operations, or if a need arises during the course of a drilling operation. Further guidance on unscheduled discharges can be found at:

<https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation#the-offshore-chemicals-regulations-2002-as-amended>

2.3.3.7 Well tests

Where a well test (including Extended Well Test) is to be undertaken, details of the work programme and potential impacts should be included in the EAJ as part of the application for a Screening Direction for the drilling of the well. This should include consideration of relevant well testing scenarios to account for likely contingencies.

In the event that well testing has not been applied for under the initial drilling application or assessed in the original Screening Direction the applicant must submit an application to change the previously approved Schedule 2 project providing the relevant approvals have not expired.

2.3.3.8 Vertical seismic profiles

Where a vertical seismic profile survey is to be undertaken, details of the work programme and potential environmental impacts should be included in the EAJ document, although the seismic operations will have to be the subject of a separate application seeking a geological survey consent under the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (as amended). That application can be submitted alongside the application for the Screening Direction for the drilling operation.

2.3.4 Pipeline applications

2.3.4.1 Pipeline operations

An ES is mandatory for pipelines that are greater than 40 km in length and 800 mm in diameter, or for any extension of an existing pipeline where the extension itself exceeds those thresholds. For all other pipeline works requiring a PWA or a PWA variation the developer can submit an application for a Screening Direction to confirm that an ES is not required, although developers can elect to submit an ES for large pipeline systems that do not meet the thresholds. In many cases developers will also include pipeline systems in the ES for a new field development.

Where an ES is not required, or in cases where an ES has been submitted for a new development and has been approved but the pipeline components then require separate authorisation, a Screening Direction is required to support the application for a PWA. The Screening Direction application is determined by OPRED, and the OGA cannot issue the PWA until the Screening Direction application has been determined and OPRED's agreement to the grant of consent has been confirmed .

The PLA MAT will cover all applications relating to proposed pipeline operations, including the application to construct or augment a pipeline.

2.3.4.2 Physical impacts

Where a pipeline is to be installed, the physical impact of the proposals will obviously be the most important factor to be assessed, and could include:

- route preparation operations which could include levelling using a dredger.
- trenching operations, either prior to or during pipeline installation operations.
- pipeline installation operations, including navigational aspects relating to vessel interactions.
- pipeline protection operations, including burial in a trench or the deployment of protective materials such as grout bags, mattresses or rock.
- related infrastructure installation operations covered by the PWA, which could include T or Y pieces, manifolds or valves that require additional support or protection.
- pipeline or cable crossings that require additional support or protection; and
- the continued presence of the pipeline system which could interfere with future fishing operations.

The ES or application for a Screening Direction should therefore address all potential physical impacts, which could be particularly important if the pipeline is being installed in an area where it could impact a protected seabed habitat such as a biogenic reef. If any of the related infrastructure is going to be piled, instead of using gravity structures, this can also be particularly important if the pipeline is being installed in an area where it could impact protected marine mammals.

The deposit of support or protection materials requires the approval of the OGA, and proposals must be detailed in a DepCon submitted in support of a relevant PWA application or an existing PWA and should be assessed as part of the ES and/or pipeline screening direction application.

2.3.4.3 Non-biodegradable 'plastic' materials

There are a number of pipeline support and protection options where some of the components are non-biodegradable 'plastic' materials. Typical examples are:

- Artificial seaweed frond mattresses to encourage the deposition of seabed sediment.
- 25 kg or similar capacity woven sacks made using 'plastic' materials that contain grout or sand.
- one or two tonne bulk bags made using 'plastic' materials that contain loose rock or smaller sacks of grout or sand.
- concrete mattresses where the individual block units are connected using 'plastic' ropes; and
- large 'rock filter units' that consist of 'plastic' nets filled with broken rock.

Where developers propose to use these materials, in addition to providing an assessment of the potential environmental impacts of the deposits they must also confirm the removal philosophy and that the intention is to recover the deposits at the time of decommissioning.

It should be noted that the Department will expect the small bags for grout or sand to be made using biodegradable material and will continue to include this as a condition of the Direction if an acceptable case is not presented for the use of non-biodegradable materials. It should also be noted that OPRED is unlikely to approve the deposit of one or two tonne bulk bags outside a 500 m safety zone established around a well or fixed installation and would only be likely to approve the use of rock filter units outside a safety zone where it could be demonstrated that the contoured nature of the deposits to support or protect structures, or to remediate pipeline freespan, would not interfere with fishing operations.

It should be noted that the requirements relating to the use of plastic materials would also be applicable to deposits made in relation to a Schedule 3 activity (see Section 1.3) and the developer would be required to confirm the removal philosophy and recovery intentions for decommissioning. OPRED would also expect small grout or sandbags to be made using biodegradable material.

2.3.5 Production applications

2.3.5.1 Production operations

An ES is mandatory for all field developments where levels of production or the levels of the increase in production are equal to or exceed Schedule 1 thresholds. Following determination of the ES for a new development, a Screening Direction is required to commence production operations. However, a Screening Direction is not required following the determination of an ES for a production increase.

A Screening Direction is required to support applications for new or amended production consents where the levels of production or the levels of the increase in production are less than the Schedule 1 thresholds.

The ES or application for a Screening Direction is determined by OPRED and the OGA cannot grant the requested production consent until the relevant submissions have been determined and OPRED's agreement to the grant of consent has been confirmed.

The PRA MAT can be used to cover all Screening Direction applications relating to proposed production facilities and operations.

2.3.5.2 Commencement of production

A Screening Direction is required to start production operations, irrespective of whether the development was the subject of an ES. The information required to support the application will essentially be a summary of the information included in the ES for the proposed development, or a similar new submission if the production levels were less than the thresholds and an ES was not required. It should contain all the relevant production information related to the field, outlining any changes subsequent to the determination of the ES (if relevant). The submission should also include a brief description of the facilities and proposed operations, and any relevant environmental impacts, so that it can then support all future production-related environmental applications.

2.3.5.3 Changes in production (increases or extension in duration)

A Screening Direction is also required to cover increases in production that are below the thresholds for an ES and changes in duration, where the changes in production are enabled by physical intervention/alteration to the production installation, pipeline or wells that meet with the definition of "project" in the Regulations. The application for the Screening Direction should contain all the relevant production information related to the field and should briefly discuss all the environmental impacts related to the proposed increase in production. Appendix A details the methodology that can be used to determine the appropriate EIA requirements, i.e., whether an ES or an application for a Screening Direction is required.

2.3.5.4 Establishment of surface installation

Developers wishing to vary an existing consent relating to a development to establish a surface installation for the extraction of petroleum or the storage of gas or CO₂ should determine whether the project is a Schedule 1 or Schedule 2 project. The developer may wish to contact OPRED for advice to confirm they have captured the project under the correct Schedule.

2.3.6 Updates and variations

It is recognised that, for a variety of reasons, it may be necessary to amend screening direction applications, either before the relevant screening direction has been determined or following issue of the screening direction. For example, in the case of drilling operations, it may be necessary to change the proposed timing of the operations, the proposed MoDU, the well design, the use and discharge of chemicals, etc.

Any change following the submission of an application for a screening direction but before determination of the screening direction, is termed an update, and any number of updates can be submitted up until the point when the developer is locked out of the system as OPRED has started the process of issuing its determination.

Any change following issue of a screening direction is termed a variation and the applicant must submit an application to change the previously approved Schedule 2 project providing the relevant approvals have not expired. Following submission of an application for a variation, any necessary updates can again be submitted at any time up until the point when the system is locked as OPRED has started the process of issuing its determination.

In all cases the holder of the environmental approval must submit changes before the relevant activity is undertaken and provide details of the changes and the likely impact of the changes. Project changes cannot be made retrospectively.

2.4 Other Environmental Legislation / Requirements

There are a number of other items of legislation and/or decisions, recommendations and agreements that are relevant to the overall EIA process, although in some cases there will also be a requirement for separate permits, consents, etc. Brief details of some of the relevant legislation and other requirements are provided below. Further information in relation to the legislation, other legislative requirements and related guidance can be found on the GOV.UK website at:

<https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation>,

<https://www.gov.uk/guidance/oil-and-gas-offshore-emergency-response-legislation> and

<http://www.hse.gov.uk/osdr/guidance/oil-pollution.htm>.

2.4.1 The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001

It is expected that all ES/EAJ submissions should:

- identify any areas designated for protection under the Habitats Directive or Wild Birds Directive.
- determine the likely impacts on the relevant features and whether there is likely to be a significant effect on site integrity.
- identify any proposed mitigation to prevent significant adverse effects; and
- identify measures to be implemented to manage the proposed mitigation and any other commitments designed to reduce or eliminate the potential environmental impacts.

Relevant information should be included in the ES or the application for the Screening Direction, supported by the results of any survey work undertaken to substantiate the conclusions of the assessment or to determine whether there are any potential Annex I habitats or Annex II species present in the area that are likely to be affected by the project. If the proposals are likely to have a significant effect on a protected habitat or species, whether as a result of operational activities or due to an unintentional incident or accident, this should be documented in the ES/EAJ submission and sufficient information should be provided to inform any HRA which will be undertaken by OPRED.

2.4.2 The Offshore Chemicals Regulations 2002

These regulations implement OSPAR Decision 2000/2 and a number of subsidiary OSPAR Recommendations and Agreements relating to the adoption of a harmonised mandatory control system for the use and discharge of offshore chemicals. All activities that involve the use and/or discharge of chemicals during the course of offshore operations require a chemical permit issued under the regulations, and any discharges of the chemicals are a potential source of environmental impact that must be included in the ES or application for a Screening Direction. It is recognised that details of specific chemical use and discharge may not be available at the time that an ES is prepared and that it may therefore be necessary to discuss potential alternatives or a generic suite of chemicals. However, full details and a more detailed impact assessment must be provided to support the subsequent production chemicals permit application, which will then be subject to a 28-day public notice procedure to supplement the public notice undertaken for the ES.

2.4.3 The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005

These regulations replaced the Prevention of Oil Pollution Act 1971 with respect to offshore oil and gas operations and implement OSPAR Recommendation 2001/1 and a number of related OSPAR Recommendations and Agreements relating to the management of produced water from offshore installations and other discharges of 'oil'. The base case for new developments is that there should be no discharge of oil in produced water and any deviation from this position must be justified. Where there are discharges of oil in produced water, or from any other sources, they must be the subject of an oil discharge permit issued under the Regulations, and any discharges of hydrocarbons are a potential source of environmental impact that must be included in the ES or the application for a Screening Direction. Developers must therefore identify all planned oil discharges to relevant waters, and OPRED encourages early engagement to discuss produced water management and potential hydrocarbon discharges prior to the submission of ESs for new developments. It is recognised that information relating to specific hydrocarbon discharges may not be available at the time that an ES is prepared, and full details and a more detailed impact assessment must be provided to support the subsequent oil discharge permit application, which will then be subject to a 28-day public notice procedure to supplement the public notice undertaken for the ES.

2.4.4 The Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2013

These regulations transpose relevant provisions of IED and the Medium Combustion Plant Directive (MCPD) with respect to the control of atmospheric emissions of specific pollutants from combustion equipment on offshore installations with an aggregated thermal capacity of ≥ 50 megawatts (MW) and specific medium combustion plant with a thermal capacity of ≥ 1 MW and ≤ 50 MW. All ESs and applications for Screening Directions must include consideration of the nature, scale and impact of all atmospheric emissions, including emissions from flaring, venting, combustion equipment and fugitives. In the case of offshore installations, or specific medium combustion plant that meet the capacity thresholds mentioned above, there will be an additional requirement to seek an atmospheric emissions permit for the emissions from the combustion equipment. In addition to discussing the potential impacts of atmospheric emissions, an ES for a new development would be expected to include relevant information relating to the main characteristics of the proposed combustion equipment, potential energy demand and use, and the nature and quantity of the materials and natural resources used. Full details of the proposals and a more detailed assessment, including a Best Available Technique (BAT) assessment, must be provided in the subsequent permit application, which may then be subject to a supplementary public notice procedure. In such cases, developers are therefore encouraged to seek early engagement with OPRED to discuss the ES and permitting processes and the selection of combustion equipment with acceptable emissions profiles.

2.4.5 The Greenhouse Gas Emissions Trading Scheme Order 2020

This Order applies to atmospheric emissions of specific greenhouse gases from combustion equipment on offshore installations. In the case of offshore installations, the only greenhouse gas currently covered by the Order is CO₂, but the Order applies to emissions from both combustion equipment and flaring. Again, all ESs and applications for EIA Directions would be expected to include consideration of these emissions, but more information would be required in relation to the monitoring and calculation of emissions in the subsequent permit application.

2.4.6 The Marine and Coastal Access Act 2009

2.4.6.1 Marine planning

The Marine and Coastal Access Act 2009 (MCAA) introduced measures to deliver the Government's vision of "clean, healthy, safe, productive and biologically diverse oceans and seas" for the whole of the UK, and included the introduction of a marine planning system, comprising the UK Marine Policy Statement (MPS), which was adopted in March 2011, and the subsequent production of marine plans.

Marine plans seek to provide greater coherence of policy and a forward-looking, proactive and spatial approach to the management of the marine area, its resources and the activities and interactions that take place within the area, to ensure a sustainable future for our seas. The marine plans contribute to the implementation of the EU Maritime Spatial Planning Directive (Directive 2014/89/EU), which requires marine plans to be completed by 31 March 2021.

Further information and guidance on marine planning can be found at:

<https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation#the-offshore-chemicals-regulations-2002-as-amended>

Marine plans are national or regional scale strategic plans with a long-term (20 years) view of potential activities, but they do not seek to address site or project-specific details. Marine planning is currently being developed via regional plans in England, with a total of eleven plans completed or in preparation, namely the East Inshore and Offshore Marine Plans, South Inshore and Offshore Marine Plans, North East Inshore and Offshore Marine Plans, North West Inshore and Offshore Marine Plans, South West Inshore and Offshore Marine Plans and the South East Inshore Marine Plan. The Welsh and Scottish marine plans have been adopted and Scotland's national plan will be supplemented by eleven regional plans, while Northern Ireland is currently developing a national plan.

2.4.6.2 Marine licensing

Offshore oil and gas exploration and exploitation operations controlled under the Petroleum Act 1998 and offshore GUS operations controlled under the Energy Act 2008 are specifically excluded from the marine licensing provisions under Part 4 of MCAA. These excluded activities are subject to a separate environmental regulatory regime underpinned by the 2020 Offshore EIA Regulations. Activities not specifically excluded from the licensing provisions or exempted under the Marine Licensing (Exempted Activities) Order 2011 must be the subject of a marine licence issued by OPRED, unless the proposals fall to be regulated by the DAs. Activities that may require a licence can include:

- disturbance of the seabed, e.g., to access platform legs or to relocate cuttings piles, during decommissioning operations.
- trenching operations that are not covered by a PWA issued under the Petroleum Act.
- temporary deposits, e.g., during pipeline or decommissioning operations that cannot be authorised under the Petroleum Act or Energy Act, such as temporary deposits outside the working corridor during pipeline operations or temporary deposits prior to the approval of the decommissioning programme.
- the deposit or removal of certain cables, e.g., telecommunications, power or control cables not covered by a PWA.
- the deposit of substances or objects, e.g., rock dumping, mattress emplacement or burial operations that are not covered by a PWA.
- the removal of substances or objects from the seabed, e.g., the removal of platforms or other infrastructure during decommissioning operations; and
- the deposit and use of explosives, e.g., to remove seabed obstructions, to sever wellheads or to remove other infrastructure during decommissioning operations (NB the use of explosives for a seismic survey would be covered separately under OPRED's survey consenting regime).

2.4.7 Part II of the Food and Environment Protection Act 1985

The marine licensing provisions of the Food and Environment Protection Act 1985, Part II Deposits in the Sea (FEPA Part II) were replaced by the marine licensing provisions of MCAA for waters adjacent to England, Wales and Northern Ireland, and offshore waters adjacent to Scotland. However, the FEPA Part II licensing provisions have been retained for reserved oil and gas matters in territorial waters adjacent to Scotland (3 -12 nautical miles), where OPRED remains the licensing authority. In Scottish controlled waters (internal waters and 0 - 3 nautical miles in territorial waters, the Scottish Government is the licensing authority, and the Marine (Scotland) Act 2010 is the relevant controlling legislation.

2.4.8 Part 4A of the Energy Act 2008

MCAA amended the Energy Act 2008 to introduce navigational provisions for offshore oil and gas exploration and exploitation operations and offshore GUS operations that had been excluded from the marine licensing provisions. Relevant activities that could interfere with navigation must be the subject of a Consent to Locate issued by OPRED, and the consenting requirements can include:

- the locating of a MoDU or well intervention vessel.
- the installation of a permanent surface installation.
- the installation of a subsea installation or infrastructure.
- the installation of a subsea pipeline; and
- the deployment of buoys or other marine structures.

Applications are normally submitted to accompany related applications for Screening Directions.

2.4.9 **The Merchant Shipping (Oil Pollution Preparedness, Response and Cooperation Convention) Regulations 1998**

These Regulations implement the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 and require developers to prepare OPEPs for all offshore oil and gas operations controlled under the Petroleum Act 1998 and offshore GUS operations controlled under the Energy Act 2008. It is recommended that the oil spill modelling and impact assessment components of the OPEP are merged with the EIA Directive requirement to consider the potential impact of accidents and natural disasters, and that a single assessment document is prepared covering the EIA, OPEP and OSD requirements. Where developers opt to prepare a single assessment document, this could be phased-in to coincide with the preparation or review of OPEPs and OSD submissions.

2.4.10 **OSPAR Recommendation 2003/5 – Environmental Management Systems**

There are numerous OSPAR Decisions, Recommendations and Agreements relevant to the offshore sector that can be accessed via the OSPAR website at:

<https://www.ospar.org/work-areas/oic>

One Recommendation that is particularly relevant to the EIA process is OSPAR Recommendation 2003/5 to Promote the Use and Implementation of Environmental Management Systems by the Offshore Industry. This requires that all operators controlling the operation of offshore installations on the UKCS should have in place an independently verified Environmental Management System (EMS) that meets the requirements of the OSPAR Recommendation and OPRED's associated guidance.

Developers are expected to include reference to their EMS within ES/EAJ submissions, or their Safety and Environmental Management System (SEMS) if they have a combined system, confirming that the proposed operations fall within the scope of their system. Developers should also provide a brief outline of how the delivery of any commitments made in any submission (for example an ES or EAJ) are to be tracked and may also wish to include links to their EMS or SEMS, or to previous EMS public statements published in accordance with the OSPAR Recommendation requirements on their website or the GOV.UK website.

Where developers do not currently hold an EMS or SEMS that meets the OSPAR Recommendation requirements, the ES/EAJ should provide details of the company's environmental policy and the systems and procedures that are used to manage environmental aspects and impacts. They must also provide a commitment to comply with the Recommendation and Departmental guidance prior to commencing offshore operations, and this will be checked at the application for the Screening Direction stage prior to issuing any of the relevant environmental approvals.

An EMS or SEMS must be maintained for the lifetime of the project and a mechanism put in place for its periodic review in the light of experience and technological advances. Responsibility for the control, management, mitigation or review of potential impacts should also be provided for in ES/EAJ submissions, outlining how this will be achieved.

2.5 Survey Requirements

2.5.1 Baseline surveys

For projects in respect of which an EIA is required, there is a presumption that the ES will reference recently obtained site-specific environmental data, and a summary of the results of the surveys will be presented in the ES. The only type of ES that would not be routinely expected to include relevant site baseline data would be those submitted solely to support a requested increase in production. For projects for which an EIA is not required, including applications for Screening Directions, there is also an expectation that the submissions will include recent and relevant environmental data. Submissions that are not supported by recent or relevant baseline environmental data will have to include a robust, evidence-based case as to why a baseline survey was considered to be unnecessary.

Developers will usually seek advice from environmental consultants to determine whether existing environmental information is likely to be sufficient, or whether a new survey should be undertaken. If there is any doubt, it is recommended that developers should consult OPRED and relevant environmental bodies to discuss whether available data is sufficient or a new baseline environmental survey is required (environmental bodies normally recommend a new survey if the available data is more than five years old, but there is flexibility and case-by-case consultation is recommended). If a submission is received that is not supported by adequate or appropriate environmental data and OPRED or relevant consultees consider that survey data is necessary to support the environmental assessment, there is a risk of a significant delay if the determination is put on hold until the developer obtains the necessary data. Alternatively, if OPRED or relevant consultees consider that survey data is necessary to support future environmental assessment studies, OPRED may include a survey requirement as a condition of the relevant determination.

It should be noted that copies of cited survey reports may be requested by OPRED or relevant consultees, and that 'raw' survey data should be retained as it may be requested by bodies such as Marine Scotland. It is also normal procedure to submit all benthic infauna data to UK Benthos.

2.5.2 Site-specific surveys

Site-specific surveys will usually cover a smaller area than a baseline environmental survey, and the area surveyed will be aligned with the area that is anticipated to be impacted by the project. Where site-specific environmental data is available, it should always be included in submissions to supplement the wider-area generic data. Site-specific data should always be recent, and evidence should be presented within the submission to confirm that it is still relevant. Where data is considered to be out of date or the environment may have changed since the last survey, consideration should be given to collecting new data. If new surveys are undertaken, the survey design should allow comparison with existing historical data, in order to determine the extent of any changes that have taken place and, if possible, to identify the causes of such changes.

As indicated above, if OPRED or relevant consultees consider that the available site-specific data is out of date, or that a further survey is required to assess the impact of the current or proposed activities, the developer will be advised of the requirement and OPRED may insist upon a new survey prior to determination of a submission or include a survey requirement as a condition of the relevant determination.

2.5.3 Intelligent surveys

When investigating any area in relation to a project, it is always recommended that an ‘intelligent surveying’ approach is used, whereby information gained using non-invasive geophysical techniques, such as multi-beam echosounder and side-survey sonar, is used to design the additional survey requirements. For example, photographic survey methods may be appropriate for hard substrates or highly reflective areas that could be indicative of some sort of reef, and grab sampling locations in areas of soft seabed could be selected based on apparent changes in the nature of the sediment.

Where anomalies are identified during a survey OPRED would always recommend that they should be investigated further using non-invasive methods to demonstrate whether there are any potential Annex I habitats. This is particularly important in areas where there are known pockmarks or in areas which could support biogenic reefs, such as *Sabellaria spinulosa* reefs.

Where pockmarks are identified, further studies should be undertaken to determine whether they contain MDAC structures, which could qualify as submarine structure made by leaking gases. Where biogenic reef forming organisms are identified, further studies should be undertaken to confirm the extent and form of the organisms, and whether they are only present in discrete patches or form part of a larger complex that could qualify as a biogenic reef.

Where the project is in an area of any potential Annex I habitat, photographic evidence should then be included in the survey report and ES to confirm whether any Annex I habitat was identified. It is also appropriate to include a diagram showing the location of the habitat in relation to the project and any associated infrastructure (including anchor patterns if there are any mobile installation operations).

Further guidance in relation to survey operations can be obtained from OPRED and bodies such as SNCBs. In areas where Annex I habitat is expected, OPRED would recommend that the scope of the survey is discussed with the relevant SNCB prior to the survey being undertaken.

Further information in relation to Marine Protected Areas, including marine survey operations, can be found on the JNCC website at:

<http://jncc.defra.gov.uk/page-4524>

For further information in relation to *Sabellaria spinulosa* reefs, developers should refer to JNCC report No. 405, “Defining and managing *Sabellaria spinulosa* reefs”; and for further information in relation to stony reefs developers should refer to JNCC report No.432, “The identification of the main characteristics of stony reef”. The reports can be found at:

http://jncc.defra.gov.uk/pdf/405_web.pdf and

<http://jncc.defra.gov.uk/pdf/web432.pdf>

3 Offshore Gas Unloading and Storage and Carbon Dioxide Capture and Storage

3.1 Licences and Consents

Part 1, Chapter 2 of the Energy Act 2008 makes provision for a licensing and enforcement regime for gas importation and storage, and Part 1, Chapter 3 makes similar provision for the storage of carbon dioxide. Regulations made under the Act - the Offshore Gas Storage and Unloading (Licensing) Regulations 2009 and the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010 - regulate GUS and CCS projects respectively and set out requirements for making applications and prescribing model clauses for the licences.

The OGA are the licensing authority for offshore GUS and the offshore elements of CCS, except in relation to CO₂ storage proposals totally confined to internal waters or the territorial sea adjacent to Scotland, where the functions are devolved to the Scottish Ministers. The OGA is also responsible for the issue of activity specific consents relating to GUS and CCS operations, including:

- consent for the deep drilling of a well or borehole for the purposes of, or in connection with GUS or CCS.
- consent for the use of a mobile installation for the purpose of carrying out test injections of combustible gas or CO₂.
- consent for any combustible gas or CO₂ storage development plan; and
- consent (a PWA) for the construction of a pipeline for the conveyance of combustible gas or CO₂ for the purpose of storage.

A Crown Estate Lease is also required for the area or volume to be used for combustible gas or CO₂ storage.

Further information on the licensing of GUS and CO₂ storage can be found on the OGA website at:

<https://www.ogauthority.co.uk/licensing-consents/gas-storage-and-unloading/> and

<https://www.ogauthority.co.uk/licensing-consents/carbon-storage/>

3.2 Environmental Regulation

The 2020 Offshore EIA Regulations apply to GUS and CCS activities. The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 also apply the provisions of the following regulations to GUS and CCS activities:

- the Offshore Petroleum Activities (Conservation of Habitat) Regulations 2001
- the Offshore Marine Conservation (Natural Habitats, & c.) Regulations 2007.
- the Offshore Chemicals Regulations 2002.
- the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005.
- the Offshore Installations (Emergency Pollution Control) Regulations 2002; and
- the REACH Enforcement Regulations 2008.

Under the 2020 Offshore EIA Regulations a requirement for the SoS's agreement applies to relevant GUS and CCS consenting processes. The EIA process (ES and Screening Direction) should therefore mirror that detailed for offshore oil and gas activities (see Section 3).

4 Submission, Consultation and Review

4.1 Environmental Statements

4.1.1 Submission to OPRED

4.1.1.1 Acquiring the unique Environmental Statement reference number

All ES projects must be allocated a unique identification number that has to be included in the ES and any correspondence relating to the ES. Developers should contact EMT (normally by email BST@beis.gov.uk) to request an identification number, providing the name of the developer, a brief outline of the project, its location and the likely ES submission date.

4.1.1.2 Submitting the near-final draft of the ES

Prior to the formal submission of the ES for evaluation by OPRED and public consultation, developers are advised to submit a near-final draft of the ES to OPRED for an informal review. OPRED will advise the developer if it is their opinion that the ES has satisfactorily covered the requirements as set out in the Regulations and provide advice prior to formal submission and public consultation. Submitting a near-final draft of the ES to OPRED is expected to mitigate the requirement for further information and public notice under Regulation 12, however it must be noted that the process does not guarantee that a request for further information and/or further public notice under Regulation 12 will not be required.

It is OPRED's preference that this near-final draft, is submitted in an electronic format by email using the address above. The timescale for issuing a response on the near-final draft is at the discretion of OPRED, however, it is anticipated that a response will be provided within 30 days depending on the nature, scale, complexity and quality of the ES. Responses on the near-final draft will be by email.

4.1.1.3 Submitting the ES for consultation

When the ES is ready for submission an electronic copy of the ES must be submitted to EMT. The developer must also submit a Summary of the Project which must include the proposed location of the project, the proposed activities and the proposed timeline for those activities to OPRED (See Appendix D). A template can also be found here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/990557/EIA_Summary_of_Project_Template.docx

4.1.2 Acknowledgement by OPRED

Following receipt of the ES, OPRED will issue a letter of acknowledgment (quoting the unique reference number allocated to the project) that includes details of the relevant authorities likely to have an interest in the project and the public notice requirements. The letter will also confirm that notification of receipt of the ES will be placed on the GOV.UK website and will reference the requirement for the developer to place a copy of the ES, a copy of the summary of the project and the public notice on a website accessible to the public website (usually its company website). If the developer cannot place copies of the documents on its website, it should advise OPRED immediately, so that alternative arrangements can be discussed to provide access to the documents.

The acknowledgement letter will list the relevant authorities likely to have an interest in the project, either because of their particular environmental responsibilities, or their local or regional

competence, and require the developer to serve on each authority a copy of OPRED's notice, a copy of the ES and a copy of summary of the project. The developer must also serve a notice on each authority confirming the arrangements for making a representation about the project and the date by which representations should be submitted to OPRED, which must be a minimum of 30 days after the date on which the documents were served on the identified relevant authorities.

4.1.3 Public notice and consultation

The acknowledgement letter will also provide details of the public notice requirements, confirming that a public notice must be published in appropriate newspapers and on such occasions so as to come to the attention of those likely to be interested in, or affected by, the project. OPRED can specify where the notice is published, however as a minimum, it is expected that the advertisements must be published in a newspaper with national circulation and, wherever possible, in a newspaper with local circulation in the area adjacent to the project, to ensure that it comes to the attention of any persons likely to be interested in, or affected by, the project. As described in regulation 11, the public notice must:

- State that the application for consent has been made, set out a summary of the project and state that the proposed project is subject to an EIA.
- State that consultation requirements regarding other countries applies (where applicable).
- State that the OGA is responsible for deciding whether or not to grant consent, that the agreement of the SoS to the grant of consent must be obtained before consent may be granted, and that the SoS's decision on whether to grant consent is based on the EIA for the project.
- State the range of possible decisions in response to the application for consent and how information on the SoS's decision can be obtained or requested.
- State the websites on which the notice, ES and summary of the application for consent may be viewed and downloaded.
- State that a copy of the ES and a summary of the project may be obtained by post (hard copy) or email during the consultation period, providing the contact details (address, email and telephone number) for the purpose of requesting a copy.
- State a date not less than 30 days after the date on which the notice is last published by which any person may submit representations in relation to the project to the SoS (specifying an address and email address to which representations may be sent).
- Set out any other arrangements made for consulting the public.
- State where the notice of the decisions will be published; and
- Provide an explanation of the right of a person aggrieved by the grant of consent for a project to make an application to the court (See Section 6).

To ensure that the consultation process is as comprehensive as possible, the public notice must be made available on a website accessible to the public, for example the developer's company website, together with an electronic copy of the ES and the summary of the project. OPRED will additionally publish the notice and the ES and the summary of the project on the GOV.UK website. The public notice, ES and summary of the project must remain available on the public website for at least three months from the publication of the notice and consent decision.

If a copy of the ES is requested, it must be supplied free of charge (including any request for a hard copy) and as soon as reasonably practicable after receipt of the request.

Developers may choose to carry out additional engagement with the public ahead of, or during the EIA process, in respect of the project. It is essential that the public notice requirements under the 2020 Offshore EIA Regs are complied with after the submission of the ES and / or receipt of the acknowledgement letter.

Following initiation of the consultation and public notice, the developer is required to provide:

- notification of every authority on whom it has served notice of the proposals and the date that this took place.
- hard or scanned copies of the relevant newspapers in which the public notices appeared, which must include confirmation of the newspaper and the date of the publication; and
- the address of the public website used to provide electronic access to copies of the public notice and the ES,

The required information should be forwarded, by letter or email, to EMT.

4.1.4 **Provision of further information**

Following receipt of an ES from a developer, the SoS may, by notice, require the developer to provide further information. The developer must then respond directly to OPRED providing the information required by the notice.

The developer must also, when requested, provide the necessary information to the authorities on which the ES was required to be served, along with a notice referring to the previous material served on the authority and stating that further representations may be made to the SoS by a date specified in the notice, which must be at least 30 days after the date on which the further information was served on that authority. The developer must advise OPRED of every authority served with the information and notice, and the date that the information was provided.

On receipt of the information, OPRED will notify the developer if the information received is considered directly relevant to reaching a conclusion on whether the project is likely to have a significant effect on the environment. Any further information that is considered directly relevant to reaching a conclusion on whether the project is likely to have a significant effect on the environment must be made publicly available.

The developer must publish a notice, referring to the previous public notice in the same way as the original EIA documentation. OPRED will also supplement the availability of the information by placing it on the GOV.UK website.

4.1.5 **Projects affecting other Countries**

Where OPRED considers that a project could have a significant effect on the environment of another country, or where that country considers that its environment is likely to be significantly affected by the project and contacts OPRED to request details, OPRED will forward a description of the project to the relevant regulatory authority in the country, including details of any potential transboundary impacts, and invite the country to participate in the consultation process. If the country subsequently confirms that it would wish to participate in the process, OPRED will provide the country with details of the relevant consent application, a copy of the ES and any other relevant information that it holds in relation to the project. A similar reciprocal process will be implemented where OPRED receives notification of a project in the waters of an adjacent country that could impact the UK environment.

4.1.6 Review period

There is no statutory timescale for the review of an ES, but OPRED will always endeavour to review submissions in a timely manner. OPRED will work closely with developers to meet project deadlines and will aim to provide an initial response to developers within eight weeks of expiry of the public notice representation deadline. However, completion of the review process will be dependent on a number of factors including, but not limited to, the quality of the submission, whether OPRED or consultees request further information, the environmental sensitivities (including the requirement for further assessment for Special Protection Areas or Special Areas of Conservation) or transboundary issues and any changes the developer may make to the project proposal during consideration of the ES. These could all result in a longer period of review, and it is therefore good practice to allow a six month period for completion of the review, although in practice it is usually possible to complete the review process within a three to four month period. It is also important to note that it is recommended that ES are not submitted too early in the consents process and the ES assessment should be based on an FDP/A and consent that is unlikely to change. Any changes in the project may result in re-submission of the ES and a further public notice period.

4.1.7 Determination

Following the expiry of the public notice period, and receipt of comments from the consultees served with a copy of the ES, OPRED will undertake its technical review. Where it is necessary to request additional information in response to a specific request or requests as a consequence of OPRED's evaluation, OPRED will normally collate the comments and write to the developer to confirm the requirements (see Section 4.1.4).

The letter from OPRED will confirm any additional information which is required to progress the ES determination. A copy of the letter requesting additional information may also be forwarded to the authorities who raised the original queries. Following receipt of the developer's response, OPRED will always take the additional information into consideration when it determines the submission.

In cases where there are significant additional information requirements, OPRED may require that the developer prepares a new ES, and the entire review process would have to be repeated. However, these options are only usually necessary if the developer significantly amends the original proposals.

4.1.8 Decision

Once all relevant issues that were raised during the consultation process or OPRED's review have been resolved, OPRED will reach its conclusion on the significant effects of the project on the environment, including any sites under the UK's national site network. When OPRED has reached a conclusion and decision on the ES, it will advise the developer and OGA that notwithstanding any new information on the project arising prior to the OGA granting consent that OPRED is ready to agree or refuse to agree to the grant of consent.

When the OGA is ready to make its decision, OPRED will consider whether the conclusion remains up-to-date. OPRED will confirm if any new information about the project has been supplied or obtained since the submission of the ES and determine if or what further information may be required to ensure the decision is based on an up to date assessment. If new information has been obtained which is directly relevant to reaching a conclusion on whether the project is likely to have a significant effect on the environment, the SoS would revoke the agreement to the grant of consent and the information would be subject to consultation before the SoS reaches a new conclusion (see Section 4.1.4).

OPRED will notify the OGA of the conclusions of the ES review/determination process and advise them of any environmental conditions that are attached to the agreement to the grant of consent. A notice publicising OPRED's decision and the OGA's decision, in line with requirements detailed in the 2020 Offshore EIA Regulations, will be published on the GOV.UK website. The decision notice will also state the website address where information regarding the ES consultation and evaluation and the decision can be obtained and provide a postal address and telephone number to allow alternative access for persons without access to the internet. The decision notice will also be copied to the authorities consulted during the EIA.

It is recognised that the final project design process will often continue after completion of the ES review and OPRED's determination. Any changes to the proposals must therefore be reported to OPRED, who will advise the developer if further action is necessary. In some cases, the changes will be sufficiently trivial to warrant no further action. In other cases, OPRED will advise that the changes should be addressed in an application for a Screening Direction that is required prior to commencement of the project. In exceptional cases, OPRED may advise that a new ES will be necessary, and the formal review process will have to be repeated.

4.1.9 Appeal

There is no statutory right of appeal under the 2020 Offshore EIA Regulations. A person aggrieved by the grant of consent for a project may make an application for judicial review of the decisions made in respect of this project.

4.2 Applications for Screening Directions (Schedule 2 Projects)

4.2.1 Submission to OPRED

Submission of applications for Screening Directions is facilitated via the UK Energy Portal Environmental Tracking System (hereafter called PETS).

Where there is doubt as to whether an application for a Screening Direction is necessary, developers should consult OPRED for advice.

4.2.2 Consultation, review and determination

All new screening direction applications are consulted on. Where an application for a change in a Schedule 2 project, it is at the discretion of the environmental manager whether the application is consulted on. For new screening direction applications, as a minimum the Joint Nature Conservation Committee (JNCC) and the relevant Statutory Nature Conservation Body (SNCB) such as Nature Scotland, Natural Resource Wales and Natural England will be consulted. Further to this, either the Marine Management Organisation, Marine Scotland (Science), Natural Resources Wales or the Department of Agriculture, Environment and Rural Affairs, depending upon whether the location is in waters adjacent to England, Scotland, Wales or Northern Ireland will also be consulted.

Upon receipt of an application, it will be checked to confirm whether it is complete, and consultation will then be initiated via PETS. If the application is significantly deficient OPRED has the discretion to return the application for the developer to resubmit. Where issues are raised during OPRED's consideration of the application and consultation process that need to be addressed, OPRED will revert to the developer and request an update to incorporate the additional information.

The Offshore EIA Regulations 2020 require OPRED to serve the screening direction on the developer as soon as possible and in any event within 90 days of receiving a complete application e.g., an application that considers and addresses all matters in Regulation 4 of the Regulations. A majority of screening direction applications will generate comments from either OPRED or the consultees seeking an update to the application because the screening direction application has failed to address all matters in Schedule 4 of the Regulations in a satisfactory manner and does not contain all of the information required. Only when OPRED are satisfied that the application submitted contains all the relevant information does the 90-day period start in which we must serve the screening Direction.

The 90-day period can be extended in exceptional cases (e.g., in relation to its nature, complexity, location or size). In such cases, OPRED will inform the developer in writing of the reasons for the extension and the date of when the determination is expected. OPRED shall continue to determine applications for Screening Directions as soon as is possible and intends to maintain the current 28-day review period. However, if there is a requirement to request an update, this may lengthen the review process. Developers should therefore submit their applications as early as possible.

4.2.3 Decision

In reaching a decision in relation to a Screening Direction application, any comments received from the consultees will be taken into consideration along with the outcome of OPRED's review of the application. Assuming that the information provided is satisfactory, the consultees have raised no objections and OPRED is satisfied that the proposals are not likely to result in any significant adverse effects on the environment, a Screening Direction will be issued via PETS confirming that an EIA (and therefore an ES) is not required.

The Screening Direction, in line with requirements detailed in the 2020 Offshore EIA Regulations, will be published promptly on the GOV.UK website. OPRED will notify the OGA of the conclusions of the process and advise them of any environmental conditions that are attached to the agreement to the grant of consent.

4.2.4 Additional well sign-off requirements

There are additional internal approval measures for the following categories of drilling operations:

- all exploration or appraisal wells drilled.
- all wells in waters to the West of Shetland, in the Moray Firth or in the Irish Sea drilled using a MoDU.
- all High Pressure and High Temperature (HP/HT) wells drilled using a MoDU; and
- all deepwater wells (>1000m in water depth).

In addition to the Screening Directions required for these wells, there is an internal sign-off process that requires confirmation that OPRED, the HSE and the OGA are satisfied that all the relevant safety, environmental and consent requirements have been met. Where relevant, the OEI will confirm that a pre-spud review and/or inspection is necessary before it can be confirmed that they are satisfied with the proposals. Pre-spud reviews or inspections can be requested under the following conditions:

- the well operator or drilling contractor is new to the UKCS or it is a new relationship between the two entities;
- the MoDU is new, or it has not recently worked on the UKCS.
- the well is located in a very sensitive area.
- the well is located in deep water (>300 m); or
- the well is HP/HT.

Both the well sign-off process and the pre-spud review or inspection can significantly lengthen the approval processes, including determination of the screening direction application, and this should therefore be taken into consideration when preparing and submitting relevant applications.

4.3 Schedule 3 Projects

As described in Section 1.3 a Schedule 3 notification (Appendix C and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/990555/Schedule_3_Notification.docx) must be completed for Schedule 3 projects. Where OPRED concludes that an EIA is not required, OPRED will inform the OGA and the developer of its agreement to the grant of consent for an offshore project.

5 Reporting

ES and Screening Direction determinations may contain conditions that require a developer to report specific emissions, discharges, deposits, etc. associated with the proposed activities, and there are also standard reporting requirements included in the conditions of other environmental permits, consents, etc. There may also be a requirement to report information related to excluded projects.

The conditions attached to the environmental approvals or correspondence relating to relevant exclusions will stipulate the reporting requirements, the timescales for the reporting and the reporting method. In many cases, the reports will have to be submitted using the Environmental Emissions Monitoring System (EEMS). Access to EEMS is restricted to registered users, and developers wishing to access the system for the first time should contact their allocated Environmental Manager if an account has not been created to align with a relevant environmental approval.

6 Enforcement and Penalties

6.1 Court Orders

If a project is being carried out without the Department's agreement to the grant of consent, or in breach of a condition attached to the agreement to the grant of consent, this can amount to a criminal offence under the 2020 Offshore EIA Regulations. In addition, a Court Order may be sought to prevent or halt the actions or to compel compliance with a condition. An Order may also be sought requiring the removal of the project and the re-instatement of the site.

6.2 Criminal Offences

In addition to the above, regulation 25 of the 2020 Offshore EIA Regulations lists further criminal offences, including, for example:

- intentionally or recklessly providing the Secretary of State with relevant information which is false or misleading in a material way.
- failing to provide information required under regulation 23(2)(a) or (c); and
- wilfully obstructing an inspector appointed under regulation 23(1).

6.3 Enforcement

OPRED is responsible for the inspection, investigation and enforcement of the environmental legislation administered by OPRED, and will monitor compliance with the requirements of EIA decisions and environmental permits, consents, etc. issued under other regulations. If non-compliances are found, then action may be taken in accordance with OPRED's enforcement policy. Further details on OPRED's Enforcement Policy may be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/857913/OPRED_ENFORCEMENT_POLICY_revised_-_03_Jan_2020.pdf

Appendix A

Revision and Renewal of Production Consents

A.1 Managing the process

Prior to applying to the OGA to request a consent revision or renewal that involves an increase in the production level, the applicant should assess the proposed increase against the EIA thresholds. The methodology for assessing the proposed increase involves comparing the current consented level of annual production for the field with the requested level of annual production for that field. As the consents are field-based, any aggregated increase for an installation that serves a number of fields will be irrelevant.

The baseline for the comparison will normally be the current consented level of production for the field, i.e., the consented level of production during the calendar year of submission of the request for the consent revision. However, in the case of a prolonged shut down, or the reinstatement of production of a particular hydrocarbon, it may be necessary to use the most recent consented level of production as the baseline, providing this has been agreed with the OGA. The comparative level of production can be the proposed level of production during the current or next calendar year, depending upon when the increase is required, or can be the proposed average annual level of production for the duration of the requested consent. The averaging system could negate the requirement for an ES for a short-term increase in production that exceeds the relevant threshold (e.g., a large increase in the first year after intervention operations, followed by a rapid decline to levels that would reduce the average increase to less than the threshold). However, it would still be necessary to apply for a Screening Direction to cover the initial increase. Developers should ensure that the production information (volumes and duration) set out in the ES or Screening Direction aligns with those set out in the consent application

The application to the OGA to request a consent revision or renewal is made via the UK Energy Portal, and the requested production levels must be provided in thousand standard m³ / day for liquid hydrocarbons and gas. In order to assess the increase against the EIA thresholds, the liquid hydrocarbon production levels must be converted to tonnes / day. Both units should therefore be included in environmental submissions, so that the liquid hydrocarbon production levels can be compared with the request for the consent revision or renewal, to ensure the applications are aligned, and can also be compared with the EIA thresholds.

If the requested level of the increase, using either direct comparison or the averaging process, exceeds the liquid hydrocarbon and/or gas threshold, this will trigger a requirement for an ES. The preparation and review of an ES will have significant resource requirements and timing implications as the ES will be subject to a mandatory 30-day Public Notice period and review by statutory consultees. The entire process could, therefore, take a number of months to complete, and it is recommended that the ES should be submitted to OPRED at least three months prior to the commencement date of the proposed increase. The developer is also encouraged to submit a near-final draft as described in Section 4.1.1.2. Pending completion of the environmental approval process, the OGA will, if necessary, consider extending the period of validity of the existing consent at the current level of annual production.

Where an ES is required, the scope of the ES should be restricted to the potential effects of the proposed increase in production, including details of any production system modifications to accommodate the increase, and it should therefore be possible to produce a “slim-line” ES. This will be particularly relevant if the original development was not the subject of an ES (because the development preceded the 1999 Regulations), as there is no intention to request a retrospective ES for the existing facilities or operations. It will also be relevant if the increase in production relates to

infill drilling, as it will be necessary to confirm that the increase relates to infill drilling, but it will not be necessary to address the impacts relating to the proposed drilling operations.

The ES should detail the baseline production levels and the new production levels included in the application to the OGA and should cover the duration of the requested consent. Where the request relates to liquid hydrocarbons, it should also detail the production levels in standard m³ / day and tonnes / day, so that they can be compared with the EIA thresholds, and should detail the specific gravity information used to convert the data.

If the requested level of the increase, using either direct comparison or the averaging process, is lower than the liquid hydrocarbon and/or gas EIA threshold, there will be a requirement to apply for a Screening Direction to confirm that an ES is not required. If the increase relates to a tie-back that does not have a Production Operations MAT, it will be necessary to contact OPRED to request an amendment of the PETS facilities / field list to allow the creation of a new Production Operations MAT for the tie-back.

If the host installation and the tie-back are operated by the same company, the application for a production increase can be done using the relevant host installation's Production Operations MAT. Where the host installation and the tie-back are operated by a different company it will be necessary to create a new Production Operations MAT for the tie-back to support an PR SAT. In both cases, where the licensees may have appointed a third party installation operator for a field, the PR SAT must be submitted by the relevant appointed operator.

In all cases, it is recommended that the PR SAT should be submitted to OPRED at least 28 days prior to the commencement date for the proposed increase. Again, pending completion of the environmental approval process, the OGA will, if necessary, extend the period of validity of the existing consent, at the current level of annual production.

Where an application for a Screening Direction is required, applicants should consider the following:

- The scope of the application should be restricted to details of any production system modifications to accommodate the increase in production and the potential effects of the proposed increase, e.g., the effects of any increase in chemical use and/or discharge, any increase in produced water discharges or any increase in atmospheric emissions.
- In all cases, the application should detail the baseline production levels and the new production levels included in the application to the OGA and should cover the duration of the requested consent. Where the request relates to liquid hydrocarbons, it should also detail the production levels in standard m³ / day and tonnes / day, so that they can be compared with the EIA thresholds, and should detail the specific gravity information used to convert the data.

Examples of how to assess the potential EIA requirements for proposed production increases can be found below.

A.2 Assessing EIA requirements for a revision or renewal of production consents

A.2.1 Increase in the level of production

Assessment of the EIA requirements (i.e., whether or not an ES is required) is based upon comparing the current or most recent consented level of annual production for the field (the baseline) with the requested level of annual production for that field. The assessment is always based on the current or most recent consented level, and not based on actual production level. Production consents are field specific, and any aggregated increase for an installation that serves a number of fields will be irrelevant.

If the requested level of production exceeds the relevant baseline and is driven by an enabling project, there will be a requirement for an application for a Screening Direction if the level of the increase is below the relevant EIA thresholds (500 tonnes oil per day or 500,000 m³ of gas per day), or an ES if the level of the increase is above these thresholds.

In circumstances where a field has not previously been the subject of a production consent for a particular hydrocarbon, but the intention is to start producing that hydrocarbon, the baseline will be zero. If there has been a suspension of production of a particular hydrocarbon and the current consented level of production of that hydrocarbon is zero, or the production consent for a particular hydrocarbon has expired but the intention is to reinstate production, the baseline will be the most recent consented level of production of that hydrocarbon, providing this strategy is agreed with the OGA.

The comparative level of production can be the proposed level of production during the current or next calendar year, depending upon when the increase is required, or the annual average level of production for the duration of the requested consent. The averaging system could negate the requirement for an ES for a short-term increase in production that exceeds the thresholds. Any proposed increase in production requires either an ES or a Screening Direction submission, and the averaging methodology can only be used to determine whether the increase requires a Screening Direction or an ES.

Some examples of the application of the assessment methodology for gas production consents are detailed below and overleaf, but the examples would be equally relevant for oil or condensate production. (However, it should be remembered that the ES threshold for liquid hydrocarbon production uses different units – tonnes per day).

Example 1:

	Current consent m3/day	Gas applied for m3/day
2011	1,570,000	3,000,000
2012		2,700,000
2013		2,200,000
2014		1,800,000
2015		1,500,000
Average revised consent (2011- 2015)		2,240,000
Increase in production		670,000

BASELINE

DIFFERENCE BETWEEN THE BASELINE AND AVERAGE

There is a projected increase against the baseline for 2011 alone (in addition to years 2012-2014), so there is an impact assessment requirement. The averaging process for years 2011 – 2015 indicates that the average increase exceeds the 500,000 m³ per day Schedule 1 threshold for gas production, so an EIA (ES) is required.

Example 2:

BASELINE			
	Current consent m3/day	Gas applied for m3/day	
2011	1,570,000	3,000,000	
2012		2,600,000	
2013		1,800,000	
2014		1,500,000	
2015		1,200,000	
Average revised consent (2011- 2015)		2,020,000	
Increase in production		450,000	
DIFFERENCE BETWEEN THE BASELINE AND AVERAGE			

There is a projected increase against the baseline for 2011 alone (in addition to years 2012 and 2013), so there is an impact assessment requirement. The averaging process for years 2011 – 2015 indicates that the average increase is below the Schedule 1 threshold of 500,000 m3/d for gas production, so a Production Operations MAT supporting a Production (PR) SAT application for a Screening Direction is required.

Example 3:

BASELINE			
	Current consent m3/day	Gas applied for m3/day	
2011	1,570,000	3,000,000	
2012		1,500,000	
2013		1,300,000	
2014		1,000,000	
2015		900,000	
Average revised consent (2011- 2015)		1,540,000	
Increase in production		-30,000	
DIFFERENCE BETWEEN THE BASELINE AND AVERAGE			

There is a projected increase against the baseline for 2011, so there is an environmental assessment requirement. The averaging process for Years 2011 – 2015 indicates that there is no

average increase, but that does not totally negate an environmental assessment requirement as an application for a Screening Direction is required to cover the increase in 2011.

Example 4:

	Current consent m3/day	Gas applied for m3/day
2011	1,570,000	1,570,000
2012	1,500,000	1,300,000
2013	1,200,000	1,400,000
2014	1,000,000	1,100,000
2015		900,000

A yellow box labeled "BASELINE" is positioned above the 2011 row, with an arrow pointing to the 1,570,000 value in the "Current consent" column.

There is a projected increase between 2012 and 2013, but there is no increase against the baseline for 2011. The increase between 2012 and 2013 is therefore irrelevant and there is no environmental assessment requirement.

A.2.2 Extending the duration of a production consent

Extending the duration of a production consent at the same or reduced production levels does not trigger a requirement for an EIA (ES) or a Screening Direction unless there is an enabling activity that meets the definition of “project” under the Regulations. However, it will be necessary to update relevant sections of the Production Operations MAT, to amend any references to the consented production data (which should always be included in the Production Operations MAT for all fields covered by the submission), and possibly to amend related information presented in the EAJ submission (e.g., chemical use and/or discharge, produced water discharges, atmospheric emissions, etc.). If it is unnecessary to seek a variation of any environmental application as a consequence of extending the duration of the consent, the information presented in the EAJ submission in the Production Operations MAT should still be amended to confirm the extension, but it is unnecessary to submit the amendment via PETS until there is a requirement to seek a variation of any relevant environmental application.

Appendix B

ES Submission Information

THE OFFSHORE OIL AND GAS EXPLORATION, PRODUCTION, UNLOADING AND STORAGE (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2020

The following information must be provided as a preface to all Environmental Statements (ESs). If you have any queries in relation to the data requirements, please contact:

Environmental Management Team
Offshore Petroleum Regulator for Environment and Decommissioning (OPRED)
Department for Business, Energy and Industrial Strategy (BEIS)
2nd Floor, Wing C, AB1 Building
Crimon Place
Aberdeen
AB10 1BJ

Tel: 01224 254079 or 254040

Email: emt@beis.gov.uk

ENVIRONMENTAL STATEMENT DETAILS

Section A: Administrative Information

A1 – Project Reference Number

Please confirm the unique ES identification number for the project.

Number:

A2 - Developer Contact Details

Company name:

Contact name:

Contact title:

A3 - ES Contact Details (if different from above)

Company name:

Contact name:

Contact title:

A4 - ES Preparation

Please confirm the key expert staff involved in the preparation of the ES:

Name	Company	Title	Relevant Qualifications / Experience

Please extend table if necessary.

A5 - Licence Details

a) Please confirm licence(s) covering proposed activity or activities

Licence number(s):

b) Please confirm licensees and current equity

Licence Number:	
Licensee	Percentage Equity

Please provide a separate table for each relevant licence and extend the table(s) if necessary.

Section B: Project Information

B1 - Nature of Project

a) Please specify the name of the project.

Name:

b) Please specify the name of the ES (if different from the project name).

Name:

c) Please provide a brief description of the project.

B2 - Project Location

a) Please indicate the offshore location(s) of the main project elements (for pipeline projects please provide information for both the start and end locations).

Quadrant number(s):

Block number(s):

Latitude: Longitude (W / E):

Distance to nearest UK coastline (km):

Which coast? England / Wales / Scotland / NI

Distance to nearest international median line (km)

Which line? UK /

B3 - Previous Applications

If the project, or an element of the project, was the subject of a previous consent application supported by an ES, please provide details of the original project

Name of project:

Date of submission of ES:

Identification number of ES:

Appendix C

Schedule 3 Notification

Information required in the Schedule 3 Projects notification is shown below. Schedule 3 notification must be submitted to OPRED via the following email address: emt@beis.gov.uk

Layout of the Notification

1 Background

The 2020 Offshore EIA Regulations¹ define Schedule 3 projects as projects associated with the construction, maintenance, repair, replacement, protection or extension of a pipeline which is within 500 m of a well or any part of an installation (surface or subsea) to which that pipeline would be directly or indirectly attached (regardless of whether the well or installation has a statutory 500 m exclusion zone).

For Schedule 3 projects, the developer is required to submit this Schedule 3 notification which contains a summary of the proposed activities. OPRED will use the information provided in this notification to confirm that the proposal is a Schedule 3 project.

Schedule 3 notifications must be submitted to OPRED via the following email address: emt@beis.gov.uk

2 Project Description

2.1 Developer Information

Name of Developer	
Name of Primary Contact	
Contact Position	
Telephone Number	
Email address	

¹ The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 (“The 2020 Offshore EIA Regulations”).

2.2 Details of Activities

Timing (include start and finish dates)	
Block Number	
Name of Field	
Installation or well identifier	
Pipeline Works Authorisation (PWA) number	
Are the activities taking place within a 500 m exclusion zone	
Overview of the activities	

2.3 Environment

Are the activities taking place within a protected area? If yes provide name, and designating features	
Summary of environmental impacts	

Appendix D

Summary of Project Template

THE OFFSHORE OIL AND GAS EXPLORATION, PRODUCTION, UNLOADING AND STORAGE (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2020

Project Summary – Regulation 11(2)

>>Developer Name<<
>>Enter Project Name<<
Environmental Statement dated >>Date of ES<<
>>BEIS Reference Number<<
>>Date of Notice<<

Proposed Location of the Project

Please include at least the following information:

- The project location (Quadrant and Block number, including suffix if applicable);
- The water depth at the proposed location;
- The distance to nearest UK coastline (km) and whether it is England, Wales, Scotland or Northern Ireland (including any relevant island names); and
- The distance to nearest international median line (km) and identification of the relevant adjacent State.

Proposed Activities

Please include at least the following information:

- Whether the proposal relates to a new project or a change to a previously consented project where the change in itself meets the thresholds, if any, listed in Schedule 1 of the Regulations;
- The main elements of the project (e.g. the number of wells, the establishment or extension of a surface or subsea installation, the establishment of intra and inter-field pipelines, umbilicals and cables, the production, processing and export of oil and/or condensate and/or natural gas, the unloading of natural gas, or the storage of natural gas or carbon dioxide);
- If the project involves connection to an existing “host” facility, brief details of that facility; and
- The names of any existing oil, condensate or gas fields, or unloading or storage facilities, associated with the host installation.

Proposed Timeline for Activities

Please include at least the following information:

- The proposed timeline for the main project elements.