

**CONSULTATION ON GUIDANCE RELATING TO  
THE CONSENT TO LOCATE PROCESS UNDER  
PART 4A OF THE ENERGY ACT 2008**



Department of Energy and Climate Change (DECC)  
Atholl House  
86-88 Guild Street  
Aberdeen  
AB11 6AR

Website: <http://og.decc.gov.uk/>

© Crown copyright 2012

Copyright in the typographical arrangement and design rests with the Crown.  
This publication (excluding logos) may be re-used free of charge in any format or medium provided that it is re-used accurately and not used in a misleading context. The material must be acknowledged as crown copyright and the title of the publication specified.

For further information on this consultation, contact:

Department of Energy and Climate Change (DECC)  
Energy Development Unit (EDU)  
Oil and Gas Environment and Decommissioning (OGED)  
Environmental Management Team  
4<sup>th</sup> Floor, Atholl House  
86-88 Guild Street  
Aberdeen  
AB11 6AR

Telephone: 01224 254102 or 01224 254098

E-mail: [emt@decc.gsi.gov.uk](mailto:emt@decc.gsi.gov.uk)

The consultation can be found on DECC's Oil and Gas website at:  
[http://og.decc.gov.uk/en/olgs/cms/tech\\_papers/consultations/consultations.aspx](http://og.decc.gov.uk/en/olgs/cms/tech_papers/consultations/consultations.aspx)

Published by the Department of Energy and Climate Change

# CONTENTS

## Acronyms and Abbreviations

## General Information

## Executive Summary

## Catalogue of Consultation Questions

## Consent to Locate Regime Under Part 4A of The Energy act 2008

1. Introduction
2. Scope of Controls
  - 2.1 Applicable area
  - 2.2 Applicable operations
  - 2.3 Exceptions
3. Consents and Notifications
  - 3.1 Consents
  - 3.2 Other operations
  - 3.3 Notifications
4. Application and Consenting Process
  - 4.1 Who should apply?
  - 4.2 Guidance
  - 4.3 Environmental Statements
  - 4.4 Application preparation
  - 4.5 Related application requirements
  - 4.6 Submission of applications
  - 4.7 Assessment of applications
  - 4.8 Determination of applications
  - 4.9 Conditions of Consent
  - 4.10 Updates, Variations and Extensions
5. Failure of Aids to Navigation and Emergency Safety Provisions
  - 5.1 Reporting procedures
  - 5.2 Requests for dispensation
  - 5.3 Power of Direction
  - 5.4 Emergency Safety Notices
  - 5.5 Immediate Action Notice
  - 5.6 Recovery of reasonable costs
6. Enforcement
  - 6.1 Offences
  - 6.2 Injunctions and criminal proceedings
  - 6.3 Inspectors
  - 6.4 Seaward inspections

## What happens next?

### Annexes

- A Summary of changes to the Consent to Locate Process
- B Organisations and Individuals Consulted
- C Consultation Response form
- D Consultation Principles
- E Application Form
- F General Lighthouse Authority Areas
- G Standard Marking Schedule
- H Petroleum Operations Notice No.10 Pro-Forma for reporting Non-compliance

## ACRONYMS AND ABBREVIATIONS

AIS	Automatic Identification System
ARPA	Automatic Radar Plotting Aids
AtN	Aids to Navigation
CCS	Carbon Capture and Storage
CDSP	Carbon Dioxide Storage Permit
CIL	Commissioner of Irish Lights
CRMP	Collision Risk Management Plan
CPA	Coastal Protection Act 1949
CRA	Collision Risk Assessment
CtL	Consent to Locate
DECC	Department of Energy and Climate Change
DepCon	Deposit Consent
Dft	Department for Transport
DP	Dynamic Positioning
DPA	Data Protection Act
DWR	Deepwater Routes
EA	Energy Act 2008
EDU	Energy Development Unit
EERV	Emergency Evacuation and Response Vessels
EIA	Environmental Impact Assessment
EIR	Environmental Information Regulations 2004
EMT	Environmental Management Team
ES	Environmental Statement
ESN	Emergency Safety Notice
FDP	Field Development Plan
FOIA	Freedom Of Information Act
FPSO	Floating Production Storage and Offloading
GLA	General Lighthouse Authority
GS&U	Gas Storage and Unloading
GSDP	Gas Storage Development Plan
IALA	International Association of Marine Aids to Navigation and Lighthouse Authorities
IAN	Immediate Action Notice
LED	Licensing, Energy Development
LWM	Low Water Mark
MCAA	Marine and Coastal and Access Act 2009
MCZ	Marine Conservation Zone
MPA	Marine Protected Area
MCA	Maritime and Coastguard Agency
MOD	Ministry of Defence
MoDU	Mobile Drilling Unit
NFFO	National Federation of Fishermen's Organisations
NGO	Non-Government Organisation
NIFPO	Northern Ireland Fish Producers Organisation
NLB	Northern Lighthouse Board
NUI	Normally Unattended Installation
ODAS	Ocean Data Acquisition System
OED	Offshore, Environment and Decommissioning
OEI	Offshore Environmental Inspectorate
PON	Petroleum Operations Notice
PA	Petroleum Act
PWA	Pipeline Works Authorisation
ROV	Remotely Operated Vehicle

SAC	Special Area of Conservation
SFF	Scottish Fishermen's Federation
SMS	Standard Marking Schedule
SoS	Secretary of State
SPA	Special Protection Area
TH	Trinity House
TSS	Traffic Separation Schemes
VTS	Vessel Traffic Survey

# GENERAL INFORMATION

## PURPOSE OF CONSULTATION

The Department of Energy and Climate Change (DECC) assumed responsibility for administration of Section 34 of The Coast Protection Act 1949 (CPA) in relation to offshore oil and gas operations in October 2005. Since then, DECC has been issuing 'Consents to Locate' (CtLs) under Part II of Section 34 of the CPA on behalf of the Department for Transport (DfT).

As of April 2011, the CtL provisions of Section 34 of the CPA were incorporated into The Marine and Coastal Access Act 2009 (MCAA). The MCAA provided a regulatory framework for a new marine licensing regime that included consideration of works detrimental to navigation. Although the MCAA licensing regime applies to a number of offshore oil and gas operations, including the disturbance of the seabed and the deposit and removal of substances or articles during the course of decommissioning operations, Section 77 of the MCAA exempts the vast majority of offshore oil and gas operations and carbon dioxide storage operations controlled under The Petroleum Act 1998 (PA) or The Energy Act 2008 (EA). To maintain the CtL provisions for these exempted operations, Section 314 of the MCAA created a new Part 4A of the EA, transferring the provisions of Section 34 of the CPA to the EA and transferring regulatory competence from DfT to DECC.

As part of this change, DECC determined to revise the procedures in place under the CPA, to ensure that the new consenting process under Part 4A of the EA reflected the specific requirements of the operations that are covered by the MCAA exemption. The revision took account of the requirements set out in Part 4A of the EA, practices that were not envisaged when the CPA was drafted and alignment of the regime with other permitting, consenting and approval processes administered by the DECC Environmental Management Team (EMT). It also took account of the views of the bodies consulted prior to issuing consents under the CPA, who will continue to provide advice to DECC in relation to navigational matters under the new consenting regime. The changes resulting from the revision are detailed in this document, and a summary of the changes is appended at Annex A.

The proposed regime, and this consultation, only applies to CtL processes under Part 4A of the EA, where consenting will be the responsibility of the DECC Secretary of State, and addresses the following issues:

- Scope of the legislation;
- Consent types, and the application and consenting process;
- Requirements relating to Aids to Navigation (AtN) and emergency safety provisions; and
- Regulatory compliance, inspections and enforcement.

The aim of this consultation is to seek the views of relevant stakeholders (e.g. offshore oil and gas and carbon dioxide storage operators; government departments and agencies and bodies that have an interest in navigational matters; and individuals or groups, including Non-Governmental Organisations, who have an interest in the marine environment). A list of those organisations and individuals consulted directly is appended at Annex B. We would welcome suggestions of others who may wish to be involved in this consultation process.

## **ISSUED**

11 October 2012

## **RESPOND BY**

30 November 2012

## **ENQUIRIES**

Any enquiries relating to this consultation should be addressed to:

Department of Energy and Climate Change (DECC)  
Energy Development Unit (EDU)  
Oil and Gas Environment and Decommissioning (OGED)  
Environmental Management Team  
4<sup>th</sup> Floor, Atholl House  
86-88 Guild Street  
Aberdeen  
AB11 6AR

Tel: 01224 254102 or 01224 254098

Fax: 01224 254019

## **TERRITORIAL EXTENT**

This consultation relates to all qualifying operations in United Kingdom territorial waters and on the United Kingdom Continental Shelf (UKCS).

## **HOW TO RESPOND**

A Consultation Response form is appended at Annex C, and copies can also be found within the consultation document on the DECC website at [http://og.decc.gov.uk/en/olgs/cms/tech\\_papers/consultations/consultations.aspx](http://og.decc.gov.uk/en/olgs/cms/tech_papers/consultations/consultations.aspx). When responding please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Responses should preferably be forwarded by e-mail to [emt@decc.gsi.gov.uk](mailto:emt@decc.gsi.gov.uk), but can also be submitted by post or fax to the above address.

## **ADDITIONAL COPIES**

You may make copies of this document without seeking permission. Further printed copies of the consultation document can be obtained from the above address.

Other versions of the document in Braille, other languages or audio-cassette are also available on request.

## **CONFIDENTIALITY AND DATA PROTECTION**

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR)). If you want information, including personal data that you provide to be treated as confidential, please confirm



your requirements in your response, but you should be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of the above, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

We will summarise all responses and place the summary on our website at [http://og.decc.gov.uk/en/olgs/cms/environment/leg\\_guidance/leg\\_guidance.aspx](http://og.decc.gov.uk/en/olgs/cms/environment/leg_guidance/leg_guidance.aspx) . The summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

## **Quality Assurance**

This consultation has been carried out in accordance with the Cabinet Office Consultation Principles and the Government's Code of Practice on consultation.

The Cabinet Office Consultation Principles are appended at Annex D, and can also be found at: <http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

A Government Code of Practice on consultation can be found at: <http://webarchive.nationalarchives.gov.uk/http://bis.gov.uk/policies/better-regulation/consultation-guidance>

If you have any comments or complaints about the way this consultation has been conducted these should be sent to:

DECC Consultation Co-ordinator  
3 Whitehall Place  
London  
SW1A 2AW

Email: [consultation.coordinator@decc.gsi.gov.uk](mailto:consultation.coordinator@decc.gsi.gov.uk)

## EXECUTIVE SUMMARY

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

As part of this change, DECC determined to review the procedures in place under the CPA, to ensure that the new consenting process under Part 4A of the EA reflected the specific requirements of the operations that are covered by the MCAA exemption. In general terms, the proposed consenting regime remains the same as the regime applied under the CPA, but there are some differences to better reflect the requirements set out in Part 4A of the EA, to cover practices that were not envisaged when the CPA was drafted and to bring the regime into line with other permitting, consenting and approval processes administered by the DECC Environmental Management Team (EMT). The changes also take account of the views of the bodies consulted prior to issuing consents under the CPA, who will continue to provide advice to DECC in relation to navigational matters under the new consenting regime.

The key changes are related to:

- Consent requirements for some well intervention operations undertaken vessels;
- Introduction of a formal application form;
- Consent validity periods to be linked to related approvals;
- Formal consent conditions relating to the maintenance of Aids to Navigation; and
- Formal compliance, inspection, and enforcement procedures.

The purpose of this twelve-week consultation (closing on 30 November 2012) is to seek the views of stakeholders on the proposals for the consenting system that are set out in this guidance document. In particular, DECC expects this consultation to be of specific interest to:

- Offshore operators and other organisations that carry out the operations that will require a consent to locate;
- Government departments and agencies and navigational bodies that have an interest in navigational matters; and
- Individuals or groups that have an interest in the marine environment around the United Kingdom (UK).

All responses received in relation to this consultation will be taken into consideration when finalising the guidance for the consenting regime.

## CATALOGUE OF CONSULTATION QUESTIONS:

No.	Question	Page
1	Do you agree with the approach outlined in relation to the consents and the types of consent?	14
2	Do you agree with the application process and the level of information proposed to enable DECC and its consultees to make an informed decision, and are you content with the proposed 28-day determination period?	18
3	Do you agree with the approach taken with respect to consent conditions?	19
4	Do you agree with the approach taken to accommodate operational changes?	20
5	Do you agree with the procedure for reporting failures of aids to navigation and non-compliance with the consent conditions, and the actions that could be taken in response to such events?	21
6	Do you agree with the enforcement proposals?	22
7	Do you have any other comments on the proposals put forward in this consultation, including the annexed documents? Are there other issues which should be covered by the consenting regime that are not addressed? All comments will be taken into consideration, and there is no requirement to restrict your comments to the specific questions detailed in the consultation document.	23

# CONSENT TO LOCATE REGIME UNDER PART 4A OF THE ENERGY ACT 2008

## 1 Introduction

The issue of a 'Consent to Locate' (CtL) to an individual or organisation by the DECC Secretary of State under Part 4A of the Energy Act 2008 (EA) indicates that the impact of the proposals with respect to navigation has been considered, and that no significant obstruction or danger is anticipated as a consequence of the proposed offshore structure or operations providing they are undertaken in accordance with the consent conditions. It allows DECC to insist upon the provision of navigational markings that are considered appropriate for the proposed offshore structure or operations. The installation of offshore infrastructure, or the undertaking of certain types of offshore operations, may only be undertaken in accordance with any conditions set out in the consent. The consent, however does not confer exclusive rights to the location applied for, nor prevent other individuals or organisations from applying for consent at the same location. Nor does it relinquish the rights of navigation in a given area.

## 2 Scope of Controls

### 2.1 Applicable area

Under the Petroleum Act 1998 (PA) and the EA, DECC is the regulatory authority for oil and gas operations, Gas Storage and Unloading (GS&U) operations and elements of Carbon Capture and Storage (CCS) operations undertaken seaward of the landward baseline of the territorial sea. Where there is a closure line enclosing designated internal waters, that line forms the landward baseline of the territorial sea. Where there is no closure line, the baseline is Low Water Mark (LWM). For operations undertaken landward of the baseline, or pipeline systems that extend landward of the baseline, the regulatory regime and authorities may be different, and operators should seek advice from DECC.

### 2.2 Applicable operations

Part 4A of the Energy Act, Section 79a (5) confirms that the regime will apply to operations that are controlled under:

- Section 3 of the Petroleum Act 1998 or Section 2 of the Petroleum (Production) Act 1934, for, or in connection with, the exploration for or production of petroleum;
- Section 4 or 18 of the Energy Act 2008 with respect to the carrying on of a storage or unloading operation or for the purpose of carrying out test injections of carbon dioxide or combustible gas;
- A works authorisation (a Pipeline Works Authorisation - PWA) under Part 3 of the Petroleum Act 1998 (construction etc. of submarine pipelines).

A written consent will be required from the DECC Secretary of State (SoS) if a relevant operation will result, or is likely to result, in an obstruction or danger to navigation (during or subsequent to the operation). The relevant operations will include the construction, alteration, maintenance, improvement, dismantling or abandonment of any works; and the deposit or removal of any substance or article.

A consent will not be required if a mobile installation intends to occupy a standby location between relevant operations, or occupies a location to shelter from bad weather. A written consent is only required when undertaking relevant operations associated with the exploration or production of petroleum, the storage or unloading of carbon dioxide or combustible gas or the undertaking of test

injections of carbon dioxide or combustible gas. In between these times, the mobile installation will be subject to the provisions of Merchant Shipping Regulations, and DECC will have no locus regarding any applicable navigational requirements. However, the mobile installation will still be subject to any conditions included in a written consent regarding the notification of moves relating to that consent (i.e. notification of moves to occupy and vacate the consented location).

This document provides guidance in relation to the Consent to Locate (CtL) process when planning operations relating to the exploration for production of petroleum, the storage or unloading of carbon dioxide or combustible gas or the undertaking of test injections of carbon dioxide or combustible gas. It includes details of the consent requirements, the application and consenting process and the enforcement of the legislation and consent conditions.

## 2.3 Exceptions

Section 77(1) of the Marine and Coastal Access Act 2009 (MCAA) provides an exception from the marine licensing requirements for virtually all offshore oil and gas exploration, production, storage and unloading operations, to avoid the double regulation of operations requiring approval under the PA or EA that are underpinned by a separate environmental regime. However, there are some related operations that are not covered by the exception, such as offshore decommissioning operations and some well abandonment operations. Further information can be found in the MCAA guidance.

The MCAA marine licensing regime includes provision for the consideration of navigational implications. Navigational bodies are consulted and relevant navigational provisions are included in the conditions of the MCAA Marine Licence. Where there is a requirement for a MCAA Marine Licence, it is therefore unnecessary to obtain a CtL under Part 4A of the EA.

## 3 Consents and Notifications

### 3.1 Consents

A number of consent types are proposed, dependent upon whether the proposals are temporary or permanent and the nature of the proposed operations. The types are detailed below.

Consent Type		Description
CtL1	Mobile Installations, e.g. mobile drilling units (MoDUs), accommodation units (Flotels), crane units	A CtL1 will be required for mobile installations that are to be temporarily located to undertake relevant operations. The commonest example will be the location of a drilling rig. The 'term' consent will be valid for the period requested by the operator, to cover the move to the proposed location, the undertaking and completion of the operations, and the vacating of the location.
CtL2	Mobile Vessels undertaking offshore operations, e.g. well intervention vessels, well operations vessels	A CtL2 will be required for vessels or barges that are temporarily located to undertake relevant operations, where it is determined that the nature of the operations could result in an obstruction or danger to navigation. The commonest example will be the location of a well intervention vessel. The 'term' consent will be valid for the period requested by the operator, to cover the move to the proposed, the undertaking and completion of the operations, and the vacating of the consented location. Operations that do not constitute a potential navigational hazard, as there is no physical connection to subsea infrastructure or the seabed and/or the vessels could move off location in an emergency, do not require consent. If there is any uncertainty advice can be obtained from DECC.
CtL3	Permanent / Fixed Installations, e.g. manned platforms, NUIs, FPSOs and FSUs	A CtL3 will be required for permanent / fixed surface installations designed to remain in position for the life of the field. The commonest example will be the installation of a manned platform or NUI. The 'life' consent will have an indeterminate period of validity, to cover installation, and the duration of the operations until final decommissioning.

CtL4	Permanent / Fixed Structures, e.g. well templates, wellheads, and xmas trees	A CtL4 will be required for permanent / fixed subsea structures designed to remain in position for the life of the field that are not covered by a PWA. The commonest example will be the location of a wellhead. The 'life' consent will have an indeterminate period of validity, to cover installation, and the duration of the operations until final decommissioning.
CtL5	Pipeline and Cable Systems, e.g. oil and gas pipelines, water injection lines and control umbilicals	A CtL5 will be required for permanent / fixed subsea infrastructure designed to remain in position for the life of the field that is covered by a PWA. The commonest example will be the installation of infield pipeline systems. The 'life' consent will have an indeterminate period of validity, to cover installation, and the duration of the operations until final decommissioning.
CtL6	Other operations, e.g. the installation of surface moorings or buoys	There are other operations involving the deployment of surface or seabed substances or articles, whether on a temporary or permanent basis, that could result in an obstruction or danger to navigation and may therefore require a CtL6. Further information can be found in Section 3.2.

'Term' consents will be valid for a specified period, and will cover all temporary deployments, such as the drilling of a well using a MoDU. When the deployment is considered to be permanent or fixed, 'life' consents will be issued and the end date will not be specified. The issue of life consents will remove a current anomaly, as consents for permanent or fixed structures issued under the DfT regime included an expiry date, and it was not possible to enforce the consent conditions after expiry.

Term and life consents will be subject to the update and variation procedures outlined in Section 4.10. The variation procedure for life consents for permanent or fixed surface installations will extend to the deployment of a mobile installation, or the installation of additional subsea infrastructure within the surface installation's 500 metre (m) safety (e.g. the deployment of a MoDU, Flotel, crane barge or new bridge-linked platform), and it will not be necessary to obtain a separate CtL.

As a consequence of the decision to issue life consents, DECC intends to re-issue consents for all surface manned platforms, NUI's, FPSO's etc under Part 4A of the Energy Act 2008. The re-issue will not extend to existing seabed infrastructure, as there isn't a requirement to enforce conditions that were only relevant to the installation of the infrastructure. Nevertheless, new permanent or fixed seabed infrastructure will be issued with life consents so that they can use the update and variation procedures for maintenance or replacement operations.

### 3.2 Other operations

There are a number of operations that are excepted under Section 77(1) of the MCAA that may require a CtL if undertaking the operations would result or be likely to result, in an obstruction or danger to navigation (during or subsequent to the operation). A list of operations that may fall into this category is appended below.

- (a) The deployment of moorings or buoys directly related to relevant exploration, production, storage or unloading operations that could interfere with navigation, e.g. Ocean Data Acquisition System (ODAS) buoys;
- (b) The deployment of equipment to test procedures that would be implemented in the event of a release or spill from an offshore installation or pipeline, e.g. trial deployments relating to the control of a subsea blow-out;
- (c) The deployment of scientific equipment or tracers, e.g. during trials of new equipment, or during a survey to collect data in the course of a controlled operation, a survey to detect a leak in subsea infrastructure, or an environmental survey relating to the approval of a controlled operation;

- (d) Operations relating to the removal, relocation or deliberate detonation of Unexploded Ordnance (UXO).

In some cases, the operations may already be covered in a related CtL. In other cases, the operations may not require a surface vessel to be anchored or maintained on station for a period of time that would constitute a navigational hazard. In other cases the substance or article deposited on the seabed may not be considered to constitute a navigational hazard. Operators should be able to decide whether a CtL is likely to be required, but if there is any uncertainty they should seek advice from DECC.

### **3.3 Notifications**

Where there is not a requirement for a CtL, there may still be a requirement to notify other users of the sea via a Notice to Mariners or the Kingfisher Fortnightly Bulletin. Notifications should be submitted directly to the relevant bodies, in line with current procedures. If there is any doubt about whether a notification is required, operators should seek advice from DECC.

**Question 1. Do you agree with the approach outlined in relation to the consents and the types of consent?**

## **4 Application and Consenting Process**

### **4.1 Who should apply?**

All CtL applications should be made by the licensee who has been approved as the operator of the licence under the Petroleum Act 1998 or the Energy Act 2008. In some cases, contractors or consultants may apply on behalf of the licensed operator, but the operator must be named in the application and the CtL will only be issued to the licensed operator. Where a consultant applies on behalf of the licensed operator, a copy of the application must be forwarded to the operator and a copy of the CtL will be issued to the consultant.

### **4.2 Guidance**

The final draft of the guidance will be published on the DECC Oil and Gas website. The aim of the guidance is to provide a clear, logical guide to the application and consenting process, so that operators, contractors and consultants understand the CtL requirements and can take appropriate action at an early stage in the planning of the proposed operations. It is hoped the guidance will assist the applicant in:

- (a) Determining whether the proposed operations requires a CtL;
- (b) Preparing the application and ensuring that it includes the relevant supporting information required to determine the application for a CtL;
- (c) Identifying potential related requirements to satisfy European or domestic obligations for the protection of the environment and the conservation of protected habitats and species;
- (d) Anticipating the nature of the conditions that may be included in the CtL;
- (e) Identifying the reporting procedures required in the event of a failure of the Aids to Navigation (AtN) or any other non-compliance with the consent conditions; and
- (f) Understanding the offences and enforcement requirements.

Supplementary advice and support can be obtained directly from the DECC Environmental management Team (EMT), and applicants should contact EMT at the earliest opportunity if they have any questions about the CtL process or requirements.

### **4.3 Environmental Statements**

For new field developments or redevelopments and stand-alone wells or pipeline systems that are subject to the Environmental Statement (ES) process, consent to locate issues will be considered at the ES stage. The relevant navigational consultees, usually the Maritime and Coastguard Agency (MCA), the appropriate General Lighthouse Authority (GLA) and the Ministry of Defence (MOD) will therefore be consulted if any significant navigational issues are identified during discussions prior to the submission of the ES or during the review of the ES. In the case of ESs that relate to the approval of a Field Development Plan (FDP), a Gas Storage Development Plan (GSDP) or a Carbon Dioxide Storage Permit (CDSP), DECC Licensing, Exploration and Development (LED) will need to be content that there are no significant environmental or navigational issues at this stage in the project's planning and development, and the navigational consultees will always be consulted and asked to provide their initial comments, to ensure that there are no potential 'show-stoppers' on navigational grounds. This early consultation will also provide the operator with notification of any project-specific conditions that may be requested by the navigational consultees.

### **4.4 Application preparation**

A formal application form will be required to initiate the application process. The application form can be used for all the CtL types and is appended at Annex E, and it can be used to apply for a single consent or for more than one CtL type if there are multiple requirements relating to the proposed operations. The form can also be used to apply for a number of consents of the same type if they relate to the same field, for example if a rig is going to undertake a number of well operations (drilling or interventions) at different locations in connection with the development of the same field. Each type of CtL will require application-specific information to facilitate the assessment and determination.

#### **(a) Description of proposed works**

Each CtL application form must include a summary of the proposed works, and operators should note the specific information requested for the relevant application type or types.

#### **(b) Supporting Information**

In most cases, the application will have to be accompanied by supporting information, such as a Vessel Traffic Survey (VTS) to confirm the potential for interference with regularly-used shipping routes and a Collision Risk Assessment (CRA) if significant interference is likely. For multiple applications relating to the same location or field, a single VTS or CRA will suffice. The surveys and assessment reports will remain valid for 12 months, and can therefore be used a number of times throughout the year for subsequent applications relating to the same general location. However, if the survey or assessment is more than 12 months old, a new survey or assessment will be required.

Where there are significant navigational issues, for example operations within, or in the immediate vicinity of, a shipping lane, or where the shipping density is very high, operators are encouraged to contact EMT to discuss the application and seek advice on any additional supporting information that may be required. Operations in the vicinity of Deepwater Routes (DWR) and Traffic Separation Schemes (TSS) are particularly sensitive, and operators are advised to contact EMT at an early stage, as navigational consultees may wish to impose stringent CtL conditions or may even recommend that any application should be refused.



Operators should also be aware that some blocks or sub-blocks may lie within a designated MOD "Danger Area", used by military aircraft as a firing or bombing range, which is protected by a bye-law that provides the MOD with the power to prevent persons and vessels, including offshore installations, occupying the area. In such circumstances, the MOD will be prepared to work with operators to try to accommodate the proposed operations, but early dialogue will be essential. However, taking account of current and/or past usage of the area, it cannot be assumed that the MOD will necessarily agree to the proposed operations or the presence of facilities at any proposed location or at any proposed time within the area. Some blocks or sub-blocks may also lie within MOD training ranges or exercise areas, and this will normally be covered by special conditions attached to the relevant licence. Where there is an ES relating to the proposed operations, issues of this nature will be identified at that stage as the MOD will be consulted. However, it is the responsibility of operators to ensure that they comply with any conditions attached to their licence, and early dialogue will be essential.

(c) Aids to navigation/proposed mitigation

Where relevant, there will be a requirement to provide brief details of any proposed AtN and/or other navigational mitigation measures. This will usually only be relevant for surface installations, vessels or structures and, if available, a plan or diagram of the proposed AtN can be provided to support the assessment. If any special, non-standard, marking arrangements are required or proposed, detailed plans or diagrams may be requested.

#### **4.5 Related application requirements**

Some operations may require an impact assessment to fulfil the requirements of The Offshore Petroleum Act (Conservation of Habitats) Regulations 2001 (as amended), and the application form has been designed to cover this potential requirement. An assessment will only be required where operations are taking place within or adjacent to a protected conservation area, for example a Special Areas of Conservation (SAC), a Special Protection Areas (SPA), a Marine Conservation Zone (MCZ) or a Marine Protected Areas (MPA), **and** an impact assessment has not been provided in a related application, such as an application for a Direction under the The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 (as amended). Where an impact assessment has been provided in a related application, the relevant application should be referenced in the CtL application. Where there are any related applications, it should be noted that the CtL will normally be withheld until DECC has considered the related applications and is content that there are no significant issues that would prevent the operations from going ahead.

#### **4.6 Submission of applications**

The completed application form should be submitted by e-mail to EMT ([EMT@decc.gsi.gov.uk](mailto:EMT@decc.gsi.gov.uk)). Any supporting documents should be submitted at the same time, preferably as separate or embedded Word or Portable Document Format (pdf) documents. Full details of acceptable file formats can be obtained from EMT. Applications should be submitted at least 28 days prior to the start of the proposed operations, and applications for larger projects, such as new permanent or fixed installations or large pipelines (greater than 40 km in length and 800 mm in diameter), or projects where there are likely to be significant navigational issues, should be submitted as soon as possible and in advance of the normal 28-day assessment period. EMT will endeavour to deal with urgent applications within a shorter time period, but cannot guarantee that the CtL will be issued to meet the applicant's requirements. EMT will acknowledge receipt by e-mail, detailing the reference number allocated to the application and the organisations that have been consulted.

Applications can also be uploaded within PON15 applications submitted via the UK Oil and Gas Portal, but operators will be required to upload completed application forms in addition to any relevant supporting documents, and any subsequent updates or variations will have to be submitted separately by e-mail to EMT. This is an interim arrangement as the entire CtL process is

currently being developed as a Portal-based system, and when that work is completed it will also be possible to submit updates and variations via the UK Oil and Gas Portal.

#### 4.7 Assessment of applications

Following receipt, EMT will forward the application to the relevant consultees, as outlined in the appended table (a map showing the overlapping GLA areas of jurisdiction is appended at Annex F). The duration of the review and assessment process will depend upon a number of factors, including, but not limited to, the location of the proposed operations and whether or not they are in a navigationally or environmentally sensitive area. If the information provided in the application is considered to be deficient, EMT will revert to the operator to request the additional information, and this may delay the review and assessment process.

UKCS Sea Area	Consultees
Northern North Sea (Above 56° 30' North)	Northern Lighthouse Board (NLB) Maritime and Coastguard Agency (MCA) Ministry of Defence, Defence Estates (MOD) Scottish Fishermen's Federation (SFF)
Central North Sea (Between 56° 30' and 55° North)	NLB Trinity House (TH) MCA MOD SFF National Federation of Fishermen's Organisations (NFFO)
Southern North Sea (Below 55° North), English Channel, Southwest Approaches and Celtic Sea (Below 51° North)	TH MCA MOD NFFO Anglo North Irish Fish Producers Organisation (ANIFPO)
Celtic Sea (Above 51° North) and South Irish Sea (Below 53° 30' North)	TH Commissioner of Irish Lights (CIL) MCA MOD NFFO ANIFPO
North Irish Sea (Between 53° 30' and 55° North)	TH NLB CIL MCA MOD NFFO SFF ANIFPO
South Sea of Hebrides (Below 56° 30' North) and North Channel Approaches (Above 55° North)	NLB CIL MCA MOD SFF ANIFPO
West and North of Scotland (Above 56° 30' North)	NLB MCA MOD SFF

## 4.8 Determination of applications

Once all the consultee responses have been received, EMT will determine the application on behalf of the DECC SoS. EMT will base its decision on the information included in the application, the advice received from the consultees and an assessment of whether any objections received are valid. The options available to the SoS are to:

- a) Refuse consent, on the grounds that the operations will result, or are likely to result, in an unacceptable obstruction or danger to navigation; or
- b) Issue consent, subject to any conditions that the SoS considers appropriate.

When determining the application, EMT will evaluate the risk to shipping which may arise from the proposed operations, and the measures proposed or necessary to reduce any risk. Applications will be considered on a case-by-case basis, and take full account of the nature and extent of any obstruction or danger to navigation. EMT will take the following into consideration:

- Evidence of shipping movements in the vicinity of the proposed operations;
- The impact of likely changes in shipping movements as a consequence of the operations;
- Any constraints that would be imposed on local navigation as a consequence of the operations;
- Collision risks with respect to vessels and the operations, and between vessels as a result of the action taken to avoid the operations; and
- The reduction in risk as a consequence of the implementation of mitigation measures.

**Question 2. Do you agree with the application process and the level of information proposed to enable DECC and its consultees to make an informed decision, and are you content with the proposed 28-day determination period?**

## 4.9 Conditions of consent

If EMT decides to issue consent on behalf of the SoS, the consent will be subject to conditions that are specific to the proposed operations, the proposed location and the proposed timing of the operations. The conditions will apply to the consent holder and any other person involved in the undertaking of the operations, and will apply for the duration of the consent.

In addition to general conditions relating to good practice and ensuring compliance with the legislative requirements, Section 79D(6) of Part 4A of the Energy Act 2008 (as introduced by Section 314 of the MCAA) specifies that the consent conditions shall relate to the provision of any lights, signals or other aids to navigation; the stationing of guard ships in the vicinity of the operations; and the taking of any other measures for the purposes of, or in connection with, controlling the movements of ships in the vicinity of the operations. The latter may include:

### (a) Standard Marking Schedule

The requirement to comply with Standard Marking Schedules (SMS) will be incorporated into the conditions of relevant consents. The SMS for offshore installations is appended at Annex G. In addition, it will be a condition that offshore structures must be marked in accordance with the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA or IALA-AISM) recommendations and guidelines for the planning,

operation and management of the marking of offshore structures and aids to navigation. The recommendations and guidelines can be found at <http://www.iala-aism.org/>.

(b) Automatic Identification Systems (AIS) and Automatic Radar Plotting Aids (ARPA)

The consent conditions may include a requirement for one or both of these systems, if this is recommended by the navigational consultees. They will not be included solely on the basis of a recommendation from the consultants that prepared the VTS or CRA.

(c) Collision Risk Management Plans

The consent conditions may include a requirement for a Collision Risk Management Plan (CRMP), e.g. for consents relating to relevant well operations undertaken using a MoDU or vessel and consents relating to pipelay operations, to record the measures that will be taken to minimise the risk of ship collision and to define the guarding role of the Emergency Evacuation and Response Vessels (EERV) whilst on location.

(d) MOD Beacon Requirements

Prior to the transfer of the CtL regime from the CPA to the EA, the requirement to install a beacon or submarine sonar 'pinger' was routinely included in Model Clauses attached to certain licences. This type of equipment was usually restricted to the temporary deployment of mobile installations, e.g. MoDUs, but was occasionally extended to permanent or fixed structures. With the introduction of the EA regime, this requirement will only apply if it is a condition of the CtL, irrespective of any Model Clause requirements. This change has been agreed with the MOD.

**Question 3. Do you agree with the approach taken with respect to consent conditions?**

#### 4.10 Updates, Variations and Extensions

DECC accepts that changes relating to proposed or current operations may be necessary, for a variety of reasons, and that some of the changes could make it necessary to amend a CtL application or consent. Relevant changes could include, but would not be limited to, the timing of the operations, the location of the operations, the vessel or MoDU undertaking the operations and modifications to existing permanent or fixed installations or subsea infrastructure. Changes will fall into three categories:

(a) Updates

Changes following submission of the application but prior to the issue of consent will be referred to as updates. If changes are necessary, but there will be a delay in the submission of the update, operators should notify EMT of the proposed update as soon as possible by e-mail ([EMT@decc.gsi.gov.uk](mailto:EMT@decc.gsi.gov.uk)), so that, if necessary, the review and assessment process can be suspended pending receipt of the update.

(b) Variations

Changes subsequent to the issue of consent will be referred to as variations. Requests for variations will only be accepted during the period of validity of the original consent.

(c) Extensions

If, for any reason (e.g. operational delays or problems, bad weather, etc.), it is necessary to extend the period of validity of a current term consent, this will be referred to as an extension. Requests for extensions will only be accepted during the period of validity of the

original consent. If the original consent expires prior to completion of the operations and a request for an extension is not received by the date of expiry, a new application will be required for the outstanding operations.

Requests for updates, variations and extensions should always be submitted using an amended copy of the original application, with all the changes highlighted in the application. If the changes are significant or particularly complicated, then the amendment should include an appropriate explanation. Upon receipt of the amended application, EMT will decide whether it is necessary to seek the views of the navigational consultees. Changes unlikely to affect the assessment, for example minor relocations or changes to the subsea infrastructure, will not be forwarded to the consultees for comment, but they will be requested to comment on any changes that are considered to be significant in terms of navigational impact. Following a review of the amended application and any comments received from the consultees, DECC will either accept or reject the proposed changes, and will issue a letter confirming its decision. Where any accepted changes necessitate amendment of the consent, the letter will be accompanied by a copy of the amended consent. Irrespective of whether they were consulted on the proposed changes, the navigational consultees will be notified of any approved changes.

<p><b>Question 4. Do you agree with the approach taken to accommodate operational changes?</b></p>
--

## **5 Failure of Aids to Navigation and Emergency Safety Provisions**

### **5.1 Reporting procedures**

Any non-compliance with the CtL conditions relating to the provision of any lights, signals or other aids to navigation; the stationing of guard ships in the vicinity of the operations; and the taking of any other measures for the purposes of, or in connection with, controlling the movements of ships in the vicinity of the operations must be reported immediately to DECC, and copied to the UK Hydrographic Office and other relevant consultees, using the reporting form available on the DECC Oil and Gas website and appended at Annex H. Immediate notification will be required in the event of the following:

- If either main or subsidiary navigational lights fail, or fall below a 2 mile visibility radius;
- If fog signals cannot be given;
- If any element of the aids to navigation are operating on stand-by because of the primary system failure;
- If there is a failure of the AIS or ARPA required as a condition of the consent;
- If the EERV required as a condition of the consent is no longer able to fulfil its guarding role or has to be withdrawn from the location; and
- If there is a failure of the MOD Beacon required as a condition of the consent.

When the notification is received by the UK Hydrographic Office, they will decide whether to issue a safety warning to shipping. All broadcasts of this nature made on behalf of DECC will be at the operator's expense. In the case of major failures, the UK Hydrographic Office will issue further notices as they deem necessary.

In the event of any other non-compliance with the CtL conditions, DECC should be notified using the reporting form within 24 hours, and DECC will decide whether the reports should be forwarded to the appropriate navigational consultees to seek guidance on the appropriate course of action.

## 5.2 Requests for dispensation

DECC recognises that, in some circumstances, a dispensation may be required by the operator to set aside specific consent conditions, for example when maintenance procedures will temporarily disrupt the AtN, or to respond to a reported failure or non-compliance with the consent conditions. Requests for dispensations to deal with planned events should be submitted by e-mail to EMT ([EMT@decc.gsi.gov.uk](mailto:EMT@decc.gsi.gov.uk)). Requests relating to a reported failure or non-compliance can be included in the notification.

## 5.3 Power of Direction

Section 79E of Part 4A of the EA specifies that, in circumstances where an operator fails to comply with the provisions of the consent, the SoS may direct that the consent holder takes reasonable steps that are considered necessary or appropriate to comply with the relevant provisions within a specified period. Directions will be issued in writing, and before issuing a Direction DECC will consult the consent holder and relevant navigational consultees. Directions will be copied to relevant consultees.

## 5.4 Emergency Safety Notices

Section 79F of Part 4A of the EA specifies that, when it is the opinion of the SoS that a danger to navigation has arisen, in circumstances where substantial damage has been sustained to the works to which the consent relates or where a substantial and unforeseen change in the state or position of the works has occurred, the SoS can serve an Emergency Safety Notice (ESN) on the consent holder. An ESN enables the SoS to impose requirements on the consent holder relating to the provision of lights, signals, other aids to navigation and the stationing of guard ships in the vicinity of the works in order to mitigate any danger to navigation. ESNs will be issued in writing following consultation with relevant navigational consultees, and the consent holder will have 24 hours to comply or as soon as reasonably practicable after the end of that period. In the event that an ESN is served, discussions will be held with the consent holder. ESNs will be copied to relevant consultees.

## 5.5 Immediate Action Notices

Section 79G of Part 4A of the EA specifies that, if the consent holder fails to comply with a condition of the consent and in the opinion of the SoS that failure to comply has resulted in a danger to navigation, the SoS can serve an Immediate Action Notice (IAN) on the consent holder. An IAN enables the SoS to impose requirements on the consent holder relating to the provision of lights, signals, other aids to navigation and the stationing of guard ships in the vicinity of the works in order to mitigate any danger to navigation, and to require immediate action to rectify the failure. For example, an IAN could be served in circumstances where warning lights had failed because of negligence on the part of the consent holder, such as a failure to maintain the system, and this had led to a total loss of the navigational warning lights. IANs will be issued in writing and the consent holder will have 24 hours to comply or as soon as reasonably practicable after the end of that period. In the event that an IAN is served, discussions will be held with the consent holder. IANs will be copied to relevant consultees.

## 5.6 Recovery of reasonable costs

In circumstances where an operator fails to comply with a Direction, ESN or IAN, the SoS may execute Directions or Notices on behalf of the consent holder, or make arrangements for a third party to do so, and can recover any reasonable costs incurred from the consent holder.

**Question 5. Do you agree with the procedure for reporting failures of aids to navigation and non-compliance with the consent conditions, and the actions that could be taken in response to such events?**

## **6 Enforcement**

### **6.1 Offences**

Part 4A of the EA details a number of offences relating to the consents and the conditions served. If found guilty of such offences, a person can be fined up to the maximum sum of £50,000 or sentenced to imprisonment for a term not exceeding 2 years, or both. The following are detailed as offences:

- It is an offence to carry out operations that fall under Part 4A of the Energy Act without the written consent of the SoS or to fail to comply with any conditions of the consent;
- It is an offence to knowingly make false statements within their application in order to obtain consent from the SoS;
- It is an offence to fail or refuse to disclose information which is known, or should be known, to be relevant to an application to obtain consent from the SoS;
- Unless it is proved that due diligence was exercised to avoid a failure, it is an offence to fail to comply with a Direction served by the SoS; and
- It is an offence to fail to comply with an ESN or IAN served by the SoS.

### **6.2 Injunctions and interdicts**

Where the SoS considers it necessary to restrain or apprehend a breach of the legislation, the SoS may apply to the court for an injunction, or an interdict if in Scottish Waters. An application for an injunction or interdict can be made irrespective of whether or not the SoS has exercised or is proposing to exercise other powers under the legislation.

### **6.3 Inspectors**

Analogous to other environmental Acts and Regulations, Part 4A of the EA provides for the SoS to appoint persons to act as inspectors to assist the carrying out of functions by the SoS. The DECC Offshore Environmental Inspectorate (OEI) is responsible for the inspection, investigation and enforcement of the environmental legislation regulated by DECC and will be providing this function for Part 4A of the EA. Any offshore operation may be inspected against the provisions of the legislation and any consents issued under the legislation. If non-compliances are found, action may be taken in accordance with the DECC Enforcement Policy.

### **6.4 Seaward Inspections**

As part of the GLA's responsibilities, seaward inspections of installations are conducted annually. In addition to DECC's powers outlined above, GLAs will continue to monitor the aids to navigation on offshore installations through their regular seaward inspections. Any observed and significant failures will be notified immediately to the offshore installation manager and, where present, the consent holder. DECC will also be notified of all failures, and the OEI will investigate the failure and require the consent holder to undertake any necessary steps to comply with any relevant consent conditions. DECC will also review the GLA annual reports, and contact the consent holder if there are any incidences or trends that cause concern.

**Question 6. Do you agree with the enforcement proposals?**

## WHAT HAPPENS NEXT?

**Question 7.** Do you have any other comments on the proposals put forward in this consultation document, including the annexed documents? Are there other issues which should be covered by the consenting regime that are not addressed? All comments will be taken into consideration, and there is no requirement to restrict your comments to the specific questions detailed in the consultation document.

The deadline for responses to this consultation is 30 November 2012.

Decisions resulting from this consultation will be made public in a summary of the views expressed and reasons for the decisions finally taken. The summary of comments received, and the Government's subsequent response, will be published on the DECC Oil and Gas website within one month of the close of this consultation. If you would like to be notified by e-mail when these are published please indicate this in your response.



## SUMMARY OF CHANGES TO THE CONSENT TO LOCATE PROCESS

Issue	CPA 1949 Regime	Energy Act 2008 Regime
Vessel Operations	Anchored and dynamically positioned MoDUs required consent, but there was no agreed policy in relation to similar operations undertaken using vessels.	If a vessel is physically connected to the seabed or seabed infrastructure undertaking operations controlled under the PA or EA, and it cannot disconnect immediately to move off-station in the event of potential collision, a consent will be required for the proposed operations.
Pipeline Operations	Submission of a Pipeline Works Authorisation (PWA) application or a related variation or Deposit Consent (DepCon) initiated the consent process, but the documentation did not provide relevant navigational information.	It will be necessary to separately apply for a consent, alongside the related requests for relevant environmental approvals. The PWA process will be separate.
Safety Zone	Only notification required for installations being located within the safety zone (500 m zone) of an existing installation for a period of less than 6 months.	All proposed locations within a safety zone, irrespective of the period of deployment, will be covered by the variation procedure for the consent relating to the existing installation.
Buoys and Moorings	No firm policy in relation to the consent requirements.	Buoys or mooring that could pose an obstruction or danger to navigation will require consent if they are not, or cannot be, included in the provisions of an existing consent.
Application	No formal application form.	A formal application form will be required, clearly identifying the information required by the navigational consultees to advise DECC.
Environmental Statements (ESs)	Where there was a related ES, there was no formal consultation on the navigational implications.	Navigational consultees will be contacted at the ES stage and provide an interim assessment identifying any significant navigational issues or required mitigation.
Consultation period	30-day consultation period.	A 28-day consultation period will be introduced, to align with other environmental regimes administered by DECC.
Consent Duration	All consents time-limited, and permanent and fixed installation and structure consents only covered the period of installation.	'Life' consents will be issued for permanent and fixed installations and structures, to cover the period from installation to decommissioning, and any changes will be covered by the variation procedure for the existing consent. Decommissioning operations will be separately covered under the MCAA regime, and the CtL will be cancelled.
Guard vessels (ERRVs).	Requirements outlined as comments on the application, and it is questionable whether they were legally enforceable.	Requirements will be included as consent conditions.
MOD Beacons	Conditions included in the Model Clauses of the licence were being ignored.	Requirements will be included as consent conditions.
Failure of AtN	No formal reporting procedure, and no powers to take action to implement remedial works because the consents had expired.	Formal reporting requirements and powers to enforce consent conditions and insist upon remedial works will be incorporated into the 'life' consents.
Enforcement	No formal DECC enforcement procedures or linkage with GLA annual inspections, because the consents had expired.	Formal procedures including self-reporting of non-compliance, introduction of record keeping, appointment of DECC inspectors for offshore visits and linkage with GLA annual inspections. will be incorporated into the 'life' consents.

## ORGANISATIONS AND INDIVIDUALS CONSULTED

<p><b>Offshore Licensees / Operators</b></p>	<p>Antrim Resources (NI) Ltd  Apache North Sea Ltd  ATP Oil and Gas Ltd  Bayerngas  BG Group  BHP Billiton  BP Exploration Operating Company Ltd  Bridge Energy  Britannia Operator Ltd  Caithness Oil  Centrica (HRL) Ltd  Centrica Energy Upstream NL  Centrica Storage  Chevron  Chrysaor  CNR International  ConocoPhillips  Dana Petroleum (E&amp;P) Ltd  Dong E&amp;P  Endeavour Energy UK Ltd  ENI UK Ltd  E.ON E&amp;P UK Ltd  Enquest  Fairfield Energy Limited  Faroe Petroleum  First Oil Expro  GDF SUEZ  Hansa Hydrocarbons  Hess  Hurricane Exploration Plc  Idemitsu  Iona Energy  Island Gas  Ithaca Energy (UK) Ltd  Maersk  Marathon Oil  Mobil  Nexen Petroleum  Nippon Oil Exploration &amp; Production  Norwegian Energy  OMV (UK) Ltd  PA Resources  Perenco UK Ltd  Premier Oil  RWE DEA UK Ltd  Serica Energy (UK) Ltd  Shell (UK) Ltd  Star Energy  Statoil UK Ltd  Sterling Resources Ltd  Summit Petroleum  Suncor  TAQA Bratani Ltd  Talisman  Total E&amp;P UK Ltd  Tullow Oil UK Ltd  Valiant  Volantis Exploration  Wintershall (E&amp;P) Limited  Wintershall Noordzee BV  Xcite Energy Resources</p>
<p><b>Offshore Rig, Vessel, Survey and Production / Well Management Companies</b></p>	<p>AGR Petroleum Services  AWilco  BBL Company VOF  Bluewater Services (UK) Ltd  Calenergy Gas Limited  Challenger Minerals  Cirrus Energy UK  Deliverit  DEO Petroleum  Diamond Offshore Drilling  Dolphin Drilling Ltd</p>

	<p>Echo Exploration  Eclipse Energy Company Ltd  ENSCO Offshore UK Limited  Excelsoir Energy North Sea Limited  Focus Energy Ltd  Fugro  Genesis Exploration and Production Ltd  GTO  GX Technology Corporation  Helix ESG  Helix Well Ops UK Ltd  Holywell Resources  Maersk Drilling  Nautical Petroleum  Noble Drilling  Noble Energy (Europe) Ltd  North Atlantic Drilling  Odfjell Drilling (UK) Ltd  PGS Exploration  Polarcus UK  Stena Drilling Ltd  Swift Drilling  Transocean</p>
<b>Industry Associations</b>	<p>British Rig Owners Association  International Association of Drilling Contractors (IADC)  International Marine Contractors Association (IMCA)  Offshore Contractors Association  Oil &amp; Gas UK</p>
<b>Application Consultees and Other Government Departments and Agencies</b>	<p>Commissioner of Irish Lights  Health &amp; Safety Executive  Maritime and Coastguard Agency  Ministry of Defence, Defence Estates  Northern Ireland Assembly  Northern Lighthouse Board  Scottish Government  Trinity House  Welsh Assembly Government (WAG)</p>
<b>Fisheries Organisations</b>	<p>Anglo North Irish Fish Producers Organisation  National Federation of Fishermen's Organisations  Scottish Fishermen's Federation</p>
<b>Other</b>	<p>ANATEC</p>

**CONSULTATION ON GUIDANCE RELATING TO THE CONSENT TO LOCATE  
PROCESS UNDER PART 4A OF THE ENERGY ACT 2008**

**CONSULTATION RESPONSE FORM**

The closing date for this consultation is 30 November 2012

Please send your response by email to: [emt@decc.gsi.gov.uk](mailto:emt@decc.gsi.gov.uk)

<b>Respondent's Name</b>	
<b>Respondents Organisation and remit (if applicable)</b>	
<b>Contact Details</b>	<b>Email:</b> <b>Tel:</b>

Please indicate one of the following that best describes you or your organisation

- Operator**
- Offshore Oil and Gas Service Provider**
- Marine Environment User (e.g. fishing interest, windfarm developer)**
- Environment or heritage organisation**
- Central Government Organisation, Agency or Statutory Advisor**
- Devolved administration**
- Local Government**
- Regional Organisation**
- Law Firm**
- Academic Institution**
- Consultant**
- Individual**
- Other (please specify)**

Please feel free to answer as many or as few questions as you wish. It is helpful if you can explain your views as fully as possible in the comment boxes, especially where you disagree with the proposals set out in the consultation document.

**Question 1:** Do you agree with the approach outlined in relation to the consents and the types of consent?

Yes       No       No view

Comments

**Question 2:** Do you agree with the application process and the level of information proposed to enable DECC and its consultees to make an informed decision, and are you content with the proposed 28-day determination period?

Yes       No       No view

Comments

**Question 3:** Do you agree with the approach taken with respect to consent conditions?

Yes       No       No view

Comments

**Question 4:** Do you agree with the approach taken to accommodate operational changes?

Yes       No       No view

Comments

**Question 5:** Do you agree with the procedure for reporting failures of aids to navigation and non-compliance with the consent conditions, and the actions that could be taken in response to such events?

Yes       No       No view

Comments

**Question 6:** Do you agree with the enforcement proposals?

Yes       No       No view

Comments

**Question 7:** Do you have any other comments on the proposals put forward in this consultation document, including the annexed documents? Are there other issues which should be covered by the consenting regime that are not addressed? All comments will be taken into consideration, and there is no requirement to restrict your comments to the specific questions detailed in the consultation document.

Yes       No       No view

Comments

Thank you for taking the time to comment and let us have your views.

If you would like to be notified by email when the summary of comments and the Departments response is published on the DECC website, please indicate here.

## CONSULTATION PRINCIPLES

This guidance sets out the principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation. It is not a 'how to' guide but aims to help policy makers make the right judgements about when, with whom and how to consult. The governing principle is proportionality of the type and scale of consultation to the potential impacts of the proposal or decision being taken, and thought should be given to achieving real engagement rather than following bureaucratic process. Consultation is part of wider engagement and whether and how to consult will in part depend on the wider scheme of engagement.

Policy makers should bear in mind the Civil Service Reform principles of open policy making throughout the process and not just at set points of consultation. Modern communications technologies enable policy makers to gather information and to consult more quickly and in a more targeted way than before, and mean that the traditional written consultation is not always the best way of getting the right evidence. This guidance replaces the Code of Practice on Consultation issued in July 2008.

### Subjects of consultation

There may be a number of reasons to consult: to garner views and preferences, to understand possible unintended consequences of a policy or to get views on implementation. Increasing the level of transparency improves the quality of policy making by bringing to bear expertise and alternative perspectives, and identifying unintended effects and practical problems. It should be part of strengthening policy making and should involve understanding the effects of the policy on those affected. The objectives of any consultation should be clear, and will depend to a great extent on the type of issue and the stage in the policy-making process – from gathering new ideas to testing options.

There may be circumstances where consultation is not appropriate, for example, for minor or technical amendments to regulation or existing policy frameworks, where the measure is necessary to deal with a court judgment or where adequate consultation has taken place at an earlier stage. However, longer and more detailed consultation will be needed in situations where smaller, more vulnerable organisations such as small charities could be affected. The principles of the Compact between government and the voluntary and community sector will continue to be respected<sup>1</sup>.

### Timing of consultation

Engagement should begin early in policy development when the policy is still under consideration and views can genuinely be taken into account. There are several stages of policy development, and it may be appropriate to engage in different ways at different stages. As part of this, there can be different reasons for, and types of consultation, some radically different from simply inviting responses to a document. Every effort should be made to make available the Government's evidence base at an early stage to enable contestability and challenge.

Timeframes for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response. The amount of time required will depend on the nature and impact of the proposal (for example, the diversity of interested parties or the complexity of the issue, or even external events), and might typically vary between two and 12 weeks. In some cases there will be no requirement for consultation at all and that may depend on the issue and whether interested groups have already been engaged in the policy making process. For a new

---

<sup>1</sup> "Where it is appropriate, and enables meaningful engagement, conduct 12-week formal written consultations, with clear explanations and rationale for shorter time-frames or a more informal approach." The Compact (Cabinet Office 2010) para. 2.4.2.

and contentious policy, such as a new policy on nuclear energy, the full 12 weeks may still be appropriate. The capacity of the groups being consulted to respond should be taken into consideration.

### **Making information useful and accessible**

Policy makers should think carefully about who needs to be consulted and ensure the consultation captures the full range of stakeholders affected. Information should be disseminated and presented in a way likely to be accessible and useful to the stakeholders with a substantial interest in the subject matter. The choice of the form of consultation will largely depend on the issues under consideration, who needs to be consulted, and the available time and resources.

Information provided to stakeholders should be easy to comprehend – it should be in an easily understandable format, use plain language and clarify the key issues, particularly where the consultation deals with complex subject matter. Consideration should be given to more informal ways of engaging that may be appropriate – for example, e-mail or web-based forums, public meetings, working groups, focus groups, and surveys – rather than always reverting to a written consultation. The medium should be appropriate for the subject and those being consulted. Policy-makers should avoid disproportionate cost to the Government or the stakeholders concerned.

### **Transparency and feedback**

The objectives of the consultation process should be clear. To avoid creating unrealistic expectations, any aspects of the proposal that have already been finalised and will not be subject to change should be clearly stated. Being clear about the areas of policy on which views are sought will also increase the usefulness of responses.

Sufficient information should be made available to stakeholders to enable them to make informed comments. Relevant documentation should normally be posted online to enhance accessibility and opportunities for reuse. As far as possible departments should use the Government's single web platform to enable stakeholders to find information on consultations as easily as possible.

Departments should make clear at least in broad terms how they have taken previous feedback into consideration, and what future plans (if any) they may have for engagement.

### **Practical considerations**

Consultation exercises should not generally be launched during local or national election periods. If there are exceptional circumstances where launching a consultation is considered absolutely essential (for example, for safeguarding public health) departments should seek advice from the Propriety and Ethics team in the Cabinet Office.

Departments should be clear how they have come to the decision to consult in a particular way, and senior officials and ministers should be sighted on the considerations taken into account.

The consultation process is also linked to the need for collective agreement in policy making at an early stage before any public engagement that might be seen as committing the Government to a particular approach. Ministers are obliged to seek the views of colleagues early in the policy making process and the documents supporting consultations should be cleared collectively with ministerial colleagues. If departments are intending to use more informal methods of engaging with stakeholders they should think about at what point, and with what supporting documentation, collective agreement should be sought. For instance, a 'call for evidence' should be cleared collectively. The Cabinet Secretariat will be able to advise on particular cases.



This guidance does not have legal force and does not prevail over statutory or mandatory requirements<sup>2</sup>.

---

<sup>2</sup>Some laws impose requirements for the Government to consult certain groups on certain issues. This guidance is subject to any such legal requirement. Care must also be taken to comply with any other legal requirements which may affect a consultation exercise such as confidentiality or equality

## THE ENERGY ACT PART 4A, APPLICATION FOR A CONSENT TO LOCATE

**IMPORTANT:** before you start to complete this application form, please read the associated Guidance Notes which can be found at [<inset web address once known>](#).

- This form should be used to apply for a Consent to Locate (CtL) in relation to offshore oil and gas operations, offshore gas storage and unloading operations and offshore elements of Carbon Capture and Storage operations.
- This form can be used to apply for a consent, or to update an existing application, or to request a variation of an existing consent, or to request an extension of an existing consent.
- Please complete all relevant sections of the form. If any information is not available at the time of submission, please indicate at the appropriate location on the form and submit the information separately as soon as possible. Any delay in forwarding information is likely to result in a delay in determining the application.
- To update an application or request a variation or extension of an existing consent, please amend the original application, clearly highlighting all the changes, and provide relevant details in Section 7 of the application.
- Completed and amended forms, and any enquiries, should be forwarded to the Department by e-mail to [emt@decc.gsi.gov.uk](mailto:emt@decc.gsi.gov.uk)

**1. TYPE OF APPLICATION**

To be completed for all applications. Any amendments to an existing application should be clearly highlighted.

	Yes	No
a) Is this an application for a new consent?		
b) Is this is an update of an existing application for a consent?		
c) Is this an application to vary an existing consent?		
d) Is this an application to extend an existing consent?		

If this is a new application, please enter the reference number of any related PON15 application (if known)	
---	--

If this is an update or a request for a variation or extension, please enter the consent reference number (if known)	
--	--

**2. APPLICANT DETAILS**

To be completed for all applications. Any amendments to an existing application should be clearly highlighted.

Name of Company	
Address	
Name of Contact	
Position within Company	
Telephone Number	
Fax Number	
E-mail address	

**NOTE:** The applicant will normally be the licensed operator.

### 3. LICENSED OPERATOR DETAILS

To be completed for all applications if the licensed operator is not the applicant. Any amendments to an existing application should be clearly highlighted.

Name of Company	
Address	
Name of Contact	
Position within company	
Telephone Number	
Fax Number	
E-mail address	

**NOTE:** Any consent will normally be issued to the licensed operator.

### 4. CONSENT TO LOCATE (CtL) APPLIED FOR

To be completed for all applications. Any amendments to an existing application should be clearly highlighted.

CtL1	Mobile Installations, e.g. MoDUs, Flotels, Crane Barges	
CtL2	Mobile Vessels e.g. Well Intervention Vessels, Well Operations Vessels	
CtL3	Permanent / Fixed Installations, e.g. Manned Platforms, NUIs, FPSOs, FSUs, Production Buoys	
CtL4	Permanent / Fixed Structures, e.g. Well Templates, Wellheads and Xmas Trees	
CtL5	Pipeline and Cable Systems, e.g. Oil and Gas Pipelines, Water Injection Pipelines, Power Cables and Umbilicals	
CtL6	Other Operations, e.g. Installation of Surface Buoys and Moorings	

**NOTE:** Multiple consents can be applied for on one application form, providing they relate to the same general location. Please tick all the relevant boxes and then complete the relevant entries in Section 5.

**5. DESCRIPTION OF OPERATIONS**

Please complete the entries that are relevant to the application. Any amendments to an existing application should be clearly highlighted.

**CtL1 – Mobile Installations, e.g. MoDUs, Flotels, Crane Barges**

New applications must be supported by a Vessel Traffic Survey (VTS) and, if the shipping density is high, they should also be supported by a Collision Risk Assessment (CRA).

<b>Location of Proposed Operations:</b>	
Latitude Longitude Coordinates: (Please add more rows for multiple locations)	XX° YY' ZZ" North (degrees, minutes, seconds) XX° YY' ZZ" East / West* (*delete as appropriate)
Quadrant / Block Number	
Admiralty Chart Number	
Field / Prospect Name	
<b>Installation Details:</b>	
Type of Installation (including whether jack-up, anchored or DP)	
Name of Installation	
Maximum Height Above Sea Level	
<b>Timing of Operations:</b>	
Earliest Start Date:	
Latest End Date:	
Duration of Operations	Days
<b>Brief Non-technical Description of Operations (including details of any jack-up stabilisation deposits):</b>	
For applications relating to multiple locations, please include the proposed sequence of operations	
(Please extend text box if necessary)	
<b>Summary of Navigational Aids / Mitigation:</b>	
(Please extend text box if necessary)	

**CtL2 – Mobile Vessels, e.g. Well Intervention Vessels, Well Operations Vessels**

New applications must be supported by a Vessel Traffic Survey (VTS) and, if the shipping density is high, they should also be supported by a Collision Risk Assessment (CRA).

<b>Location of Proposed Operations:</b>	
Latitude Longitude Coordinates: (Please add more rows for multiple locations)	XX° YY' ZZ" North (degrees, minutes, seconds) XX° YY' ZZ" East / West* (*delete as appropriate)
Quadrant / Block Number	
Admiralty Chart Number	
Field / Prospect Name	
<b>Vessel Details:</b>	
Type of Vessel (including whether anchored or DP)	
Name of Vessel	
Maximum Height Above Sea Level	
<b>Timing of Operations:</b>	
Earliest Start Date:	
Latest End Date:	
Duration of Operations	Days
<b>Brief Non-technical Description of Operations (including details of any deposits of protective materials):</b>	
For applications relating to multiple locations, please include the proposed sequence of operations	
(Please extend text box if necessary)	
<b>Summary of Navigational Aids / Mitigation:</b>	
(Please extend text box if necessary)	
<b>Will the vessel be physically connected to the seabed or subsea infrastructure during the operations and unable to disconnect and move away immediately in an emergency?</b>	Yes / No



**CtL4 – Permanent / Fixed Structures, e.g. Well Templates, Wellheads and Xmas Trees**

The construction operations must be supported by a Vessel Traffic Survey (VTS) and, if the shipping density is high, should also be supported by a Collision Risk Assessment (CRA), unless they are covered by a related application, consent or consent variation, e.g. a CtL1 to cover MoDU or crane barge operations. The seabed structures and associated deposits do not require a VTS or CRA.

<b>Location of Proposed Operations:</b>	
Latitude Longitude Coordinates: (Please add more rows for multiple locations)	XX° YY' ZZ" North (degrees, minutes, seconds) XX° YY' ZZ" East / West* (*delete as appropriate)
Quadrant / Block Number	
Admiralty Chart Number	
Field / Prospect Name	
<b>Structure Details:</b>	
Type of Structure	
Method of Installation	
Name of Installing Vessel	
Maximum Height Above Seabed	
Water Depth	
<b>Timing of Operations:</b>	
Earliest Offshore Construction Date:	
Duration of Construction Operations	Days
Anticipated Duration of Deployment	Years
<b>Brief Non-technical Description of Operations (including construction operations and details of any deposits of protective materials):</b>	
For applications relating to multiple locations, please include the proposed sequence of operations	
(Please extend text box if necessary)	
<b>Summary of Navigational Aids / Mitigation during Construction Operations:</b>	
(Please extend text box if necessary)	



**CtL5 – Pipeline and Cable Systems, e.g. Oil and Gas Pipelines, Water Injection Pipelines, Power Cables and Umbilicals**

The construction operations must be supported by a Vessel Traffic Survey (VTS) and, if the shipping density is high, should also be supported by a Collision Risk Assessment (CRA), unless they are covered by a related application, consent or consent variation, e.g. a CtL3 to cover a permanent / fixed installation. The seabed pipelines / cables and associated deposits do not require a VTS or CRA.

<b>Location of Proposed Operations (an Admiralty Chart extract must be submitted to support the application showing the proposed route):</b>	
Latitude Longitude Coordinates of Start of Pipeline System or Cable:	XX° YY' ZZ" North (degrees, minutes, seconds) XX° YY' ZZ" East / West* (*delete as appropriate)
Quadrant / Block Number	
Latitude Longitude Coordinates of Start of Pipeline System or Cable:	XX° YY' ZZ" North (degrees, minutes, seconds) XX° YY' ZZ" East / West* (*delete as appropriate)
Quadrant / Block Number	
Total Length	
<b>Installation Details:</b>	
Type and Diameter of Pipeline / Cable	
Method of Installation	
Name of Installing Vessel	
Water Depth	
<b>Timing of Operations:</b>	
Earliest Offshore Construction Date:	
Duration of Construction Operations	Days
Anticipated Duration of Deployment	Years
<b>Brief Non-technical Description of Operations (including during construction operations and details of trenching, backfill, burial or other protection measures):</b>	
For applications relating to a number of pipelines / cables, please include the proposed sequence of operations	
(Please extend text box if necessary)	
<b>Summary of Navigational Aids / Mitigation during Construction Operations:</b>	
(Please extend text box if necessary)	

**CtL6 – Other Operations, e.g. Deployment of Surface Buoys and Moorings**

The application may require to be supported by a Vessel Traffic Survey (VTS) and, if the shipping density is high, may also require to be supported by a Collision Risk Assessment (CRA), if there will be any sea surface structures or the operations will involve a vessel being physically connected to the seabed or subsea infrastructure for a significant period and it would be unable to disconnect and move away immediately in an emergency. Any seabed deposits would not require a VTS or CRA.

<b>Location of Proposed Operations:</b>	
Latitude Longitude Coordinates: (Please add more rows for multiple locations)	XX° YY' ZZ" North (degrees, minutes, seconds) XX° YY' ZZ" East / West* (*delete as appropriate)
Quadrant / Block Number	
Admiralty Chart Number	
Field / Prospect Name (if relevant)	
<b>Nature of Operation:</b>	
Type of Operation	
Method of Installation	
Name of Installing Vessel	
Water Depth	
<b>Timing of Operations:</b>	
Earliest Offshore Installation Date:	
Duration of Installation Operations	Days
Anticipated Duration of Deployment	Months/Years
<b>Brief Non-technical Description of Operations (including installation operations and details of any deposits on the seabed):</b>	
For applications relating to multiple locations, please include the proposed sequence of operations	
(Please extend text box if necessary)	
<b>Summary of Navigational Aids / Mitigation (including during installation operations):</b>	
(Please extend text box if necessary)	
<b>Will the operations involve a vessel being physically connected to the seabed or subsea infrastructure for a significant period, so that it would be unable to disconnect and move away in an emergency?</b>	Yes / No

**6. ENVIRONMENTAL SENSITIVITIES**

	Yes	No
Are the proposed operations within, or adjacent to a protected site e.g. a SPA, SAC, RAMSAR, SSSI, MCZ or MPA etc.		

Site	Designating feature(s)	Distance to project

	Yes	No
If 'Yes', has an assessment been undertaken to determine whether the proposed operations are likely to have a significant effect on the integrity of the site or the designating features?		

If 'Yes', please provide the reference number for the relevant Environmental Statement or environmental application.	
--	--

If 'No', please provide a separate assessment to support the application.

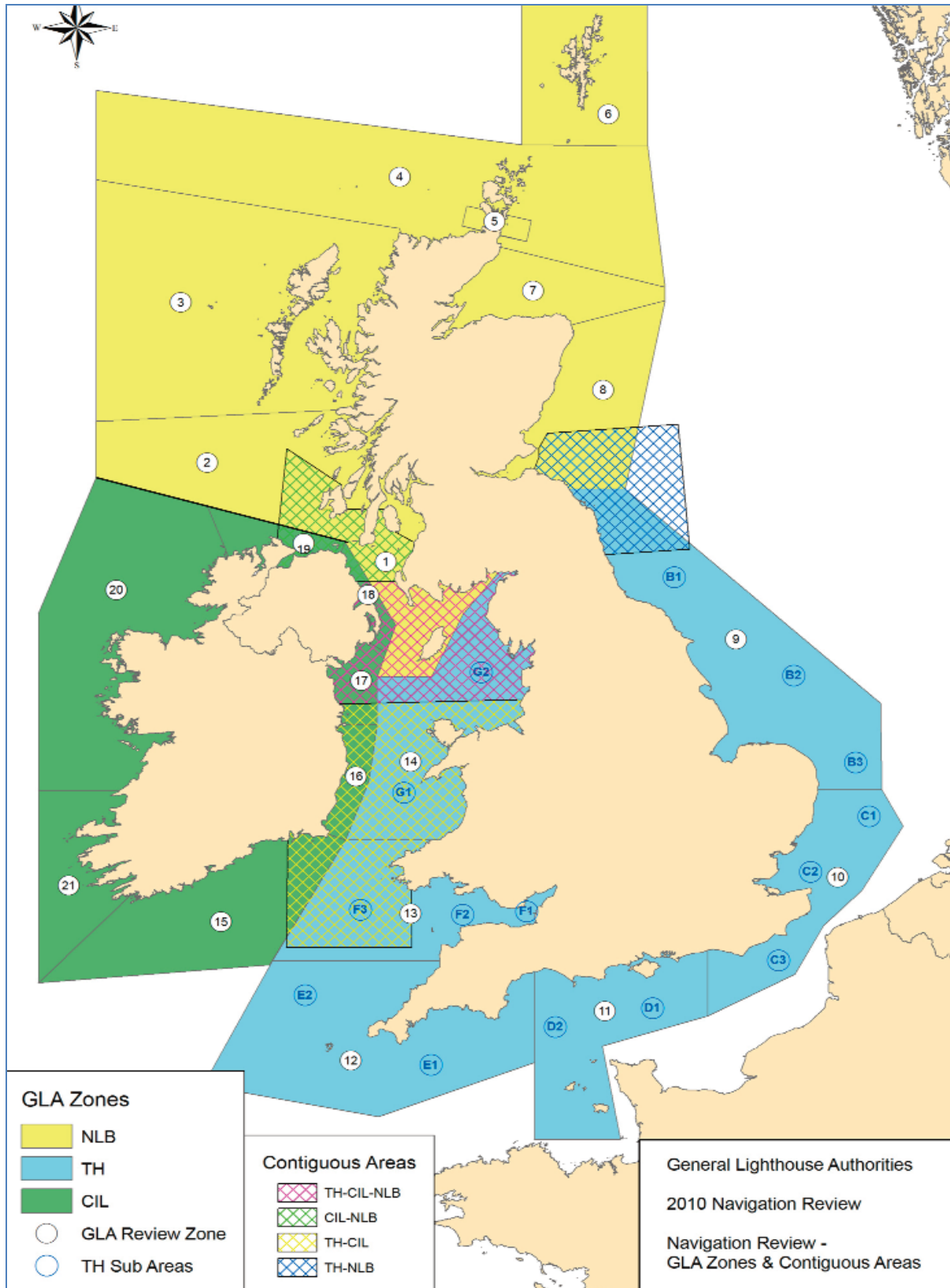
**7. DETAILS OF APPLICATION UPDATES, VARIATIONS AND EXTENSIONS**

If a request is submitted to update an application, or to vary or extend an existing consent, please summarise the request in the appended text box, and add any subsequent requests in chronological order. For example:

29/12/2013 – Requested extension of period of validity of consent until XX/YY/ZZZZ.  
 15/09/2013 – Requested change of MoDU to AAAAAA.

(Please extend text box as necessary)

GENERAL LIGHTHOUSE AUTHORITY AREAS



General Lighthouse Authorities. Aids to Navigation review 2010-2015. Undertaken by The Commissioner of Irish Lights, Northern Lighthouse Board and Trinity House.

## STANDARD MARKING SCHEDULE FOR OFFSHORE INSTALLATIONS

### SECTION A – STRUCTURE (OR VESSEL)

#### 1. GENERAL

- (a) Operators are required, as a condition of the consent of the Secretary of State to which this Schedule is attached, to have an auditable system to ensure that the Aids to Navigation (AtN) requirements specified in this Schedule and/or as required in the consent are fully complied with at all times. A written record shall be kept of the date and time of the inspections, and of any faults found and repairs made, and made available for inspection by any person authorised by the Environmental Management Team, Department of Energy & Climate Change (DECC) at any reasonable time.
- (b) Any deficiency needs to be corrected quickly, even when the installation is protected by operating the secondary systems. If the intensity and interval of lights and/or the volume of fog horns is discovered by any means to be significantly less than specified in this Schedule, the UK Hydrographic Office must be advised so that a decision on the issue of warnings can be taken. Such reports should be copied to the Department at the office which issued the consent to which this Schedule is attached.
- (c) Nothing in this Schedule shall affect the requirement for a vessel to comply with the relevant rules of the International Regulations for the Prevention of Collisions at Sea.

#### 2. RADIO AND RADAR BEACONS

No radio beacon or radar beacon operating in the Marine Radio or Radar frequency bands shall be installed or used on the structure without the prior approval of the Secretary of State.

#### 3. LIGHTS

To determine the effective intensity of lights, the reduction in stationary intensity arising from the rhythmic exhibition of the light shall be computed in accordance with the current IALA Recommendation on determination of effective intensity of marine aid to navigation signal lights.

##### 3.1 MAIN LIGHT(S)

- (a) The main light(s) shall be a flashing white light (or lights operated in unison) to exhibit Morse letter "U" every 15 seconds composed to conform to the following:-
  - (i) The duration of each dot shall be equivalent to the duration of darkness between the dots and of that between the dot and the dash.
  - (ii) The duration of the dash shall be three times the duration of one dot.
  - (iii) The eclipse between successive Morse letters shall be not less than 8 seconds and not more than 12 seconds.
- (b) The light(s) shall normally be mounted at not less than 12 metres and not more than 30 metres above MHWS (sea level in the case of floating rigs or vessels) and shall be arranged so that an unobstructed flashing white light is visible in any direction.
- (c) The effective intensity of each light after all losses including lantern glazing etc., have been taken into account is to be not less than 12,000 candela. The beam axis shall be directed so

that it is not elevated above the horizontal or depressed below the horizon. The total beam width in the vertical plane shall be not less than  $2.5^\circ$  at the points on the curve of intensity distribution where the intensity is 10% of the maximum.

- (d) In exceptional cases where the height of the platform of a permanent structure is such that the main light(s) cannot be mounted below 30 metres, they may be mounted at a height above MHWS of not more than 35 metres. In such cases the beam axis shall be directed at the horizon.
- (e) The light(s) shall be exhibited from 15 minutes before sunset until sunrise and at all times when the meteorological visibility in any direction is 2 miles or less.
- (f) The structure (or vessel) shall be equipped with a secondary lighting system to come into operation automatically on failure of the main white light(s). The secondary lighting system shall be capable of continuous operation at full power for at least four calendar days (96 hours) from a power source independent of that by which the main light(s) is (are) operated. The secondary light(s) shall exhibit Morse letter 'U' every 15 seconds as detailed in paragraph 3.1(a) above and shall be mounted as required by 3.1(b) above and so arranged that an unobstructed flashing white light is visible in any direction. The effective intensity of each light after all losses including lantern glazing etc., have been taken into account is to be not less than 1,200 candela.

### 3.2 SUBSIDIARY LIGHTS

- (a) Flashing red lights shall also be provided and should exhibit the same characteristics as the main light(s) as described in paragraph 3.1(a) of this section; the red lights should operate in unison with each other but not necessarily in unison with the main light(s).
- (b) The subsidiary lights are to be so positioned as to clearly indicate the horizontal extent of the structure or vessel except those extremities which may have already been marked by main flashing white lights as provided by paragraph 3 above. Each subsidiary light is to provide the maximum arc of illumination possible when viewed from approaching vessels.
- (c) The effective intensity of each light after all losses including lantern glazing and red filter etc., have been taken into account is not to be less than 15 candela. The beam axis shall be directed so that it is not elevated above the horizontal or depressed below the horizon. The total beam width in the vertical plane shall be not less than  $2.5^\circ$  at the points on the curve of intensity distribution where the intensity is 10% of the maximum.
- (d) The lights shall be exhibited from 15 minutes before sunset until sunrise.

### 4. FOG SIGNALS

- (a) The usual range of the fog signal is to be computed in accordance with the IALA Report "The Definition and Method of Calculation of the Nominal Range and Usual Range of a Fog Signal", dated February 1968.
- (b) The fog signal(s) shall be sounded whenever the meteorological visibility in any direction is 2 sea miles or less.
- (c) The fog signal (or signals operated in unison) shall sound the Morse letter 'U' viz:-

Blast	0.75 secs)
Silent	1.00 " )
Blast	0.75 " ) 6 secs
Silent	1.00 sec )
Blast	2.50 secs )

Silent	24.00 secs
<hr/>	
Total period	30.00 secs

- (d) The fog signal emitter(s) shall be mounted at not less than 12 metres and not more than 35 metres above Mean High Water Springs (sea level in the case of floating rigs or vessels) and shall be so arranged that the fog signal shall have a usual range\* of at least 2 sea miles in any direction.
- (e) All structures (vessels) shall be equipped with a secondary fog signal system, with a usual range of at least ½ sea mile in any direction. The secondary fog signal, which shall be independent of the main signal is to come into operation automatically in the event of total failure of the main signal, or if partial failure of the main signal results in the usual range falling below ½ sea mile in any direction.
- (f) The main and secondary fog signals shall each be capable of operating continuously at full power for at least 96 hours from a power source independent of the main supply.
- (g) Whenever more than one electromagnetic sound emitter is fitted to a structure (vessel) no pair or emitters shall have frequencies differing by less than 10 Hz. This restriction does not apply to vertically grouped emitters or "stacks" which are designed to depress the angle of vertical sound distribution.

**5. IDENTIFICATION PANELS**

- (a) Identification panels shall be displayed showing the registered name or other designation of the structure (vessel) in black letters/figures at least 1 metre high on a yellow background and shall be so arranged that at least one panel is visible from any direction.
- (b) The panels must be illuminated, unless the letters/figures are on a retro-reflective background.
- (c) Retro-reflective material used for identification panels shall be of an equivalent standard to British Standard 873 covering requirements for the manufacture of road signs.

**SECTION B - MOORINGS & BUOYS**

- (a) Any unlighted buoys attached to the moorings of a structure shall be coloured retro-reflective yellow. The buoys shall carry on their sides identification markings indicating the ownership of the installation or the name of the operating company. The characters used shall be as large as the size of the buoy allows.
- (b) The characteristics of any Cardinal buoys shall be in accordance with the IALA Maritime Buoyage system.

## PETROLEUM OPERATIONS NOTICE NO.10 - PRO-FORMA FOR REPORTING NON-COMPLIANCE WITH CONSENT CONDITIONS UNDER PART 4A OF THE ENERGY ACT 2008, INCLUDING THE FAILURE OF AIDS TO NAVIGATION

Any non-compliance with the consent conditions relating to the provision of any lights, signals or other aids to navigation; the stationing of guard ships in the vicinity of the operations; and the taking of any other measures for the purposes of, or in connection with, controlling the movements of ships in the vicinity of the operations must be reported immediately by completing this form and sending it to DECC and UK Hydrographic Office:

DECC Aberdeen: [offshore.inspectorate@decc.gsi.gov.uk](mailto:offshore.inspectorate@decc.gsi.gov.uk)  
UK Hydrographic Office: [navwarnings@btconnect.com](mailto:navwarnings@btconnect.com)

The reports should also be copied to the Maritime and Coastguard Agency (MCA), and the relevant General Lighthouse Authority and fishermen's representative body:

MCA: [aberdeen.coastguard@mcga.gov.uk](mailto:aberdeen.coastguard@mcga.gov.uk); and  
England and Wales: [navigation.directorate@thls.org](mailto:navigation.directorate@thls.org) and [nffo@nffo.org.uk](mailto:nffo@nffo.org.uk)  
Ireland: [info@cil.ie](mailto:info@cil.ie) and [info@anifpo.co.uk](mailto:info@anifpo.co.uk)  
Scotland: [navigation@nlb.org.uk](mailto:navigation@nlb.org.uk) and [M.Sutherland@sff.co.uk](mailto:M.Sutherland@sff.co.uk)

Any other non-compliance with the consent conditions should be reported to DECC within 24 hours, who will decide whether to copy the report to third parties.

<b>1. Date of report:</b>		
<b>2. Identity of reporter</b>		
<b>Full name:</b>	<b>Position / title:</b>	
<b>Contact telephone number:</b>	<b>Contact e-mail:</b>	
<b>3. Name of consent holder</b>		
<b>4. Details of non-compliance</b>		
<b>Date and time non-compliance noted:</b>	XX/YY/ZZZZ	AA:BB hrs
<b>Name of Installation / Vessel / Operation</b>		
<b>Location of Installation / Vessel / Operation</b>		
<b>Quadrant and Block Number:</b>		
<b>Latitude:</b>	<b>Longitude:</b>	
<b>Please provide a description of the non-compliance.</b> A diagram can be attached to the notification if this is considered to be desirable		



<p><b>Please provide an explanation for the cause of the non-compliance.</b> If this is <i>Force Majeure</i>, it should be clearly stated.</p>	
<p><b>5. Remedial action</b></p>	
<p><b>Please provide detail of plans to rectify the non-compliance, including the anticipated timescale for completing the work.</b> If there are no plans, this should be stated and a justification provided.</p>	
<p><b>Please provide details of any dispensation required to cover the remedial works to restore compliance with the consent.</b></p>	
<p><b>6. Non-compliance relating to the provision of any lights, signals or other aids to navigation; the stationing of guard ships in the vicinity of the operations; and the taking of any other measures for the purposes of, or in connection with, controlling the movements of ships in the vicinity of the operations.</b></p>	
<p><b>Does the report relate to main navigational light failure or &lt;2 miles visibility:</b></p>	<p>Yes / No</p>
<p><b>Does the report relate to subsidiary navigational light failure or &lt;2 miles visibility:</b></p>	<p>Yes / No</p>
<p><b>Does the report relate to failure of equipment required to provide fog signals?</b></p>	<p>Yes / No</p>
<p><b>Does the report relate to failure of AIS or ARPA required as a condition of consent?</b></p>	<p>Yes / No</p>
<p><b>Does the report relate to any element of the aids to navigation operating on stand-by because of the primary system failure?</b></p>	<p>Yes / No</p>
<p><b>Does the report relate to the EERV required as a condition of the consent being unable to fulfil its guarding role or being withdrawn from the location?</b></p>	<p>Yes / No</p>
<p><b>Does the report relate to a failure of the MOD Beacon required as a condition of the consent?</b></p>	<p>Yes / No</p>
<p><b>Does the report relate to any other navigation failure or non-compliance not included above? If 'Yes', please provide details.</b></p>	<p>Yes / No</p>

<p><b>Please provide details of any immediate risks to navigation as a consequence of the failure or non-compliance</b></p>	
<p><b>Please provide details of any interim mitigation measures put in place to deal with any immediate risks to navigation, e.g. use of an ERRV.</b></p>	

For Internal DECC use only

Consultation	Copied	Comments	Closed-out
UKHO			
MCA			
TH			
CIL			
NLB			
NFFO			
ANIFPO			
SFF			

Action	Yes	No
Dispensation		
Direction		
Emergency Safety Notice		
Immediate Action Notice		
DECC Remedial Action		
Cost Recovery		

© Crown Copyright 2012

Department of Energy and Climate Change (DECC)  
Atholl House  
86-88 Guild Street  
Aberdeen  
AB11 6AR

Website: <http://og.decc.gov.uk/>

URN 12D/319