



Offshore Petroleum Regulator  
for Environment & Decommissioning

ES/2022/003

Shell U.K. Limited  
c/o [REDACTED]  
Shell Centre  
London  
SE1 7NA

15/08/2023

Dear [REDACTED]

**Department for Energy Security &  
Net Zero**

Offshore Petroleum Regulator for  
Environment & Decommissioning  
AB1 Building  
Wing C  
Crimon Place  
Aberdeen  
AB10 1BJ

Tel [REDACTED]

[www.gov.uk/desnz](http://www.gov.uk/desnz)  
[OPRED@Energysecurity.gov.uk](mailto:OPRED@Energysecurity.gov.uk)

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

**NOTICE UNDER REGULATION 12(3)**

**Victory Field Development**

The Offshore Petroleum Regulator for Environment and Decommissioning (“OPRED”) acting on behalf of the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) understands that following the acquisition of Corallian Energy Limited by Shell U.K. Limited, the developer of the Victory Field Development has changed from Corallian Energy Limited to Shell U.K. Limited. Shell U.K. Limited is therefore now subject to certain obligations under the Regulations as developer of this project.

OPRED further understands that the Oil and Gas Authority (operating as the North Sea Transition Authority) has been notified of this change of developer. Shell U.K. Limited has confirmed that it intends to proceed with the proposals as detailed in the original environment statement, and that it is content to comply with the commitments detailed in the environmental statement. Consistent with OPRED’s published guidance, it is therefore not necessary to re-submit the environmental statement for this project.

**Further Information**

OPRED acting on behalf of the Secretary of State has obtained or received further information relating to the above project.

OPRED hereby notifies you that the Secretary of State considers that the following further information (“the Further Information”) ought to be made public because the information is directly relevant to reaching a conclusion on whether the project is likely to have a significant effect on the environment:

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- a) The further information dated 11<sup>th</sup> October 2022 provided by Corallian Energy Limited in response to 'specific comments' item numbered 4 in the Regulation 12(1) notice sent to Corallian Energy Limited on 12<sup>th</sup> September 2022.

In accordance with regulation 20, you are not required to disclose any information which is subject to an obligation of confidentiality by virtue of any law of any part of the United Kingdom.

The Secretary of State will be obliged to publish the Further Information on a public website in due course in accordance with Regulation 12(10). Please therefore provide OPRED with a copy of the Further Information that is suitable for publication as soon as possible. If and to the extent that you consider any of the Further Information to be subject to an obligation of confidentiality within the scope of Regulation 20, please ensure that the copy provided to OPRED for publication is not confidential.

### **Publication of Regulation 12(5)(c) Notice**

Under Regulation 12(8)(b), the Secretary of State hereby directs that Shell U.K. Limited must publish the notice referred to in Regulation 12(5)(c) in:

- a) The Telegraph (being a newspaper with national circulation); and
- b) Press and Journal and the Shetland Times (being newspapers with local circulation in the area adjacent to the project)

Shell U.K. Limited may also choose to publish the notice in additional newspapers.

### **Next Steps**

The following paragraphs set out some guidance on next steps. However, it remains Shell U.K. Limited's responsibility to ensure that it has fully complied with the requirements of Regulation 12. Failure to comply with any of the requirements could delay the environmental impact assessment process.

#### **1) Publication of Relevant Documents on a Public Website**

Under Regulation 11(5), the developer is required to publish the notice under Regulation 11(3)(c), the environmental statement and the summary of the project on a public website at least until the date three months after the date on which the Secretary of State publishes the notice under regulation 16(1).

OPRED understands that the relevant documents were previously published on the website of the former developer, Corallian Energy Limited, at <https://NULLcorallian.co.uk/victory>. OPRED is now aware that following the acquisition of Corallian Energy Limited, that website is no longer live, and the relevant documents are no longer publicly available at that address. OPRED notified you of this issue, and the relevant documents have now been re-published on a

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public website of Shell U.K. Limited at  
<https://www.shell.co.uk/sustainability/reporting.html>.

The relevant documents have been, and remain, publicly available on OPRED's part of GOV.UK at all times since at least 18 August 2022, at:  
<https://www.gov.uk/government/publications/victory-field-development>. Pursuant to this notice, there will also be a further period of public consultation under Regulation 12.

In the circumstances, OPRED currently does not consider there to have been any significant detriment to members of the public wishing to participate in the environmental impact assessment process, and OPRED is content for that process to continue notwithstanding the developer's apparent failure to comply with Regulation 11(5).

However, it remains Shell U.K. Limited's responsibility to reach its own view as to whether the current process can or should continue, and to ensure that it has fully complied with the requirements of the Regulations and continues to do so.

2) Service on Authorities

OPRED has previously served a notice under Regulation 11(1) on Corallian Energy Limited dated 8<sup>th</sup> July 2022, specifying the authorities ("the Authorities") that the Secretary of State considers would be likely to be interested in the project due to their particular environmental responsibilities or local or regional competence.

Under Regulation 12(5)(a), Shell U.K. Limited must now promptly serve the following on each of the Authorities:

- a) the Further Information; and
- b) a notice referring to the material previously served on that Authority and stating that further representations may be made to the Secretary of State by a date specified in the notice, which must be at least 30 days after the date on which the further information was served on that Authority.

Under Regulation 12(5)(b), once the Further Information and notice above have been served, Shell U.K. Limited must notify the Secretary of State of the names of the authorities on whom Shell U.K. Limited has served that Further Information and notice, and the date of such service. We would request that this notice be provided by email to OPRED's Business Support Team at [OPRED@Energysecurity.gov.uk](mailto:OPRED@Energysecurity.gov.uk).

3) Publication for Consultation

Under Regulation 12(5)(c) Shell U.K. Limited must promptly publish a notice ("the Regulation 12(5)(c) notice") containing the information set out in that regulation. A suggested template for the Regulation 12(5)(c) Notice is annexed to this letter.

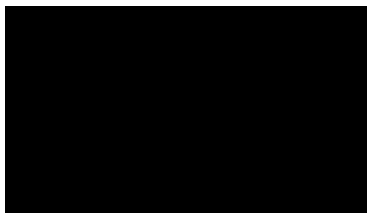
Shell U.K. Limited must:

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- a) publish the Regulation 12(5)(c) Notice and the Further Information in accordance with Regulation 12(7). It is a matter for Shell U.K. Limited to consider whether, and how, that obligation can be met. However, in the circumstances, OPRED is content to proceed on the basis that there would not be any significant detriment to members of the public wishing to participate in the environmental impact assessment process if publication were on the same public website of Shell U.K. Limited where the environmental statement, regulation 11(3)(c) notice and summary of project have now been published (i.e. <https://www.shell.co.uk/sustainability/reporting.html>);
- b) publish the Regulation 12(5)(c) Notice in the newspapers identified in the Secretary of State's direction under Regulation 12(8)(b) above;
- c) during the consultation period specified in the Regulation 12(5)(c) Notice, provide one copy of the ES, the Further Information and the summary of the project by post or email in accordance with a request for such copies;
- d) provide a copy of the Regulation 12(5)(c) Notice to the Secretary of State promptly, and also provide, within a reasonable time, the names of the newspapers in which the notice was published and the dates of publication. We would request that this information be provided to OPRED's Business Support Team by email at [OPRED@Energysecurity.gov.uk](mailto:OPRED@Energysecurity.gov.uk).

Following publication of the newspaper notice, we would also request that Shell U.K. Limited provide hard or scanned copies of the relevant pages of the newspapers (to include the names of the newspapers and the dates of publication) and the address of the public website where the items are published. We would request that this information be sent to OPRED's Business Support Team by email ([OPRED@Energysecurity.gov.uk](mailto:OPRED@Energysecurity.gov.uk)) or by post (to the address given above).

Yours sincerely,



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The Offshore Petroleum Regulator for Environment and Decommissioning  
For and on behalf of the Secretary of State for Energy Security and Net Zero

## **PUBLIC CONSULTATION NOTICE**

### **Oil / Gas Field Development / Gas Storage Project / Carbon Storage Project / Drilling project**

The following template should be completed by the developer submitting the Environmental Statement and published in accordance with Regulation 12.

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

#### **«Project Name»**

[Insert Developer name] has made an application for consent to the Oil and Gas Authority (“the OGA”) in relation to the above project. The OGA now operates under the business name of the North Sea Transition Authority (NSTA). A notice was previously published under Regulation 11(3)(c) in respect of this application for consent and the accompanying Environmental Statement on [DATE OF PUBLICATION OF REGULATION 11(3)(c) NOTICE DD/MM/YYYY]. Further information is now available in respect of this project.

#### **Summary of Project**

[Insert Summary of Project, i.e., the summary required under Regulation 11(2). This must include the proposed location of the project, the proposed activities and the proposed timeline for those activities.]

#### **Environmental Impact Assessment and Consent Process**

In accordance with the above-mentioned Regulations, the project is subject to an environmental impact assessment procedure. [Where relevant: , and Regulation 13 applies as the project could have a significant effect on the environment of [insert Country / Countries]].

The OGA is responsible for deciding whether or not to grant consent for the project, but agreement to the grant of consent must be obtained from the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) prior to consent being granted. The Secretary of State’s decision on whether or not to agree to the grant of consent is based on the environmental impact assessment for the project.

The range of possible decisions in response to the application of consent is:

## Continuation 6

- (a) the Secretary of State agrees to the OGA's grant of consent following the Secretary of State's conclusion regarding the environmental effects of the project, and the OGA grants consent, so the project may proceed;
- (b) the Secretary of State refuses to agree to the OGA's grant of consent following the Secretary of State's conclusion regarding the environmental effects of the project, so the project may not proceed; or
- (c) the Secretary of State agrees to the OGA's grant of consent following the Secretary of State's conclusion regarding the environmental effects of the project, but the OGA does not grant consent, so the project may not proceed.

Where the Secretary of State agrees to the grant of consent, conditions that >>Developer<< must comply with may be attached to the agreement, including environmental conditions to avoid, prevent, reduce or offset any significant adverse effects on the environment, and measure to monitor such conditions.

Notice of the decisions of the Secretary of State and the OGA for the project will be published at: <https://www.gov.uk/guidance/the-2020-eia-regulations#environmental-impact-assessments-eia>, where information on the Secretary of State's decision to agree or refuse to agree to the grant of consent will also be made available.

### Access to Further Information

Copies of this notice, the previous notice made under Regulation 11(3)(c), the summary of the project, the Environmental Statement, and the further information may be viewed and downloaded at [Insert Developer's relevant publicly accessible website address] and at <https://www.gov.uk/guidance/the-2020-eia-regulations#environmental-impact-assessments-eia>. Access shall remain at least three months after the date on which the Secretary of State publishes the notice under Regulation 16(1) (publication of consent decisions).

A copy of the Environmental Statement, summary of the project and the further information may also be obtained by post or email. Requests should be made to [Insert full postal address], by e-mail to >>Insert e-mail address<< or by telephone >>Insert telephone number<< by [Insert date using format DD/MM/YYYY, which must be no earlier than the date given below for representations to be made to the Secretary of State].

### Public Consultation

Representations, comments or questions relating to the project may be made to the Secretary of State by [Insert date using format DD/MM/YYYY, which must be at least 30 days from the date on which the notice was last published]. All representations should quote reference number [Insert OPRED reference number] and may be made by letter or email to:

Business Support Team  
Offshore Petroleum Regulator for Environment & Decommissioning  
Department for Energy Security and Net Zero  
AB1 Building

Continuation 7

Crimon Place  
Aberdeen  
AB10 1BJ

[OPRED@Energysecurity.gov.uk](mailto:OPRED@Energysecurity.gov.uk)

[Regulation 12(5)(c)(ix) permits <<Developer>> to set out any other arrangements made for consulting the public. Where relevant, <<Developer>> must also provide this information within this Public Consultation Notice.]

### **Judicial Review**

A person aggrieved by the grant of consent for a project may apply to the Court for leave / permission to apply for judicial review of the relevant decision or decisions. The United Kingdom has three separate legal systems; one each for England and Wales, Scotland and Northern Ireland. The rules for any application for leave / permission to apply for judicial review may vary depending on where that application is made, but it is important to note that there are time limits for making any application and judicial review may only be available if the applicant has standing / a sufficient interest in the subject matter of the application. Further information about the process for seeking judicial review can be obtained from the Administrative Court (for England and Wales), the Court of Session (for Scotland) or the Judicial Review Office (Northern Ireland).