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| **6 February 2025** |  |

# **The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020**

## **Post Implementation Review Survey 2025**

Dear stakeholder

As part of its regulatory requirements in respect to the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 (“**the** **Regulations**”), OPRED is required to undertake a periodic post implementation review of the Regulations.

As part of this review, we are seeking information from relevant stakeholders through responses to the attached survey relating to the Regulations.

Please note that this survey is a separate exercise from the Department’s recent consultation relating to the ‘Supplementary EIA guidance on the effect of scope 3 emissions on climate from offshore oil and gas projects’. Consequently, and as further clarified under the ‘Guidance’ heading within the ‘Introduction and Background’ section of the attached survey, we are not seeking any views on the ‘supplementary guidance’ in responses to this survey.

We would appreciate comprehensive responses to better inform the review and request that they be submitted by **4 April 2025** to [opred@energysecurity.gov.uk](mailto:opred@energysecurity.gov.uk).

# **The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020**

## **Post Implementation Review Survey**

## **Introduction and Background**

In accordance with regulation 30(1) - (3) of the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020, the Secretary of State (“**the** **SoS**”) is required to undertake a periodic (not exceeding five-yearly) Post Implementation Review (“**PIR**”) of the Regulations and set out the conclusions of the review in a PIR report which must be published. The first report of the review must be published within five years of the date on which the Regulations entered into force (i.e. 31 December 2020). This, and subsequent, review reports under the Regulations must**:**

**(a)** set out the objectives intended to be achieved by the Regulations;

**(b)** assess the extent to which those objectives have been achieved; and

**(c)** assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a less burdensome way.

The Department for Energy Security & Net Zero’s Offshore Petroleum Regulator for Environment & Decommissioning (“**OPRED**”) [hereinafter all Departmental references will be to OPRED]is responsible for administering and enforcing the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 (“**2020 EIA Regulations**”)[[1]](#footnote-2)**.**

The information below on the Environmental Impact Assessment Directive 2011/92/EU as amended by Directive 2014/52/EU and the transposing 2020 EIA Regulations (including historical information and various amendments) may be beneficial to read prior to responding to the PIR survey (“**the survey**” or “**this survey**”).

## The Environmental Impact Assessment Directive 2011/92/EU as amended by Directive 2014/52/EU

The overall objective of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU - hereinafter collectively referred to as “the EIA Directive” - is to ensure that proposed projects which are likely to have a significant effect on the environment, for instance, by virtue of their nature, size or location, are subject to a requirement for an assessment of those likely effects before the projects are allowed to proceed.

## The 2020 EIA Regulations

The 2020 EIA Regulations transposed the requirements of the EIA Directive in respect to proposed projects relating to offshore oil and gas exploration and production, offshore gas unloading and storage, and offshore carbon dioxide storage activities (hereinafter referred to as “project” or “projects” **unless otherwise stated**). The 2020 EIA Regulations set out the considerations associated with the likely environmental impacts of projects that must be taken into account by the SoS when deciding whether to agree to the grant of consent for such projects.

The EIA Directive was previously transposed through amendments to the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 (“**the 1999 EIA Regulations**”). In late 2019, the Government conducted an evaluation of the 1999 EIA Regulations. The evaluation followed judicial review proceedings, in which the Government accepted that the 1999 EIA Regulations did not fully transpose the EIA Directive - for instance, the 1999 EIA Regulations did not provide a clear way to challenge consent decisions relating to proposed projects which was primarily due to the fact that the pertinent provisions did not take into account changes to legislative processes resulting from the split of Oil and Gas Authority functions from the SoS. After evaluating the 1999 EIA Regulations, the Government formed the view that new Regulations were required (based on the number of amendments made to the 1999 EIA Regulations, it was not considered consistent with better regulation principles and good drafting practice to try to amend those Regulations further for the purposes of achieving full transposition of the EIA Directive). Taking this approach also provided an opportunity to simplify and enhance the offshore EIA legislative processes, while still maintaining the same environmental standards.

Consequently, to ensure the full transposition of the EIA Directive and to address the shortfalls in respect to the 1999 EIA Regulations that were identified by the judicial review proceedings, the 2020 EIA Regulations**:**

**(i)** replaced the provisions of the 1999 EIA Regulations as amended in 2007, 2015, 2016, 2017, 2018[[2]](#footnote-3), 2019 and 2020 - except to the extent provided for by the ‘transitional and savings’ provisions under regulation 29 of the 2020 EIA Regulations which, whilst having limited, and in some cases no practical effect any longer, are still legally extant[[3]](#footnote-4); and

**(ii)** also introduced changes to the previous offshore EIA legislative processes to make it easier and more efficient for**:**

* OPRED to administer and enforce the 2020 EIA Regulations;
* developers of proposed projects to comply with the environmental regulatory requirements (e.g. in respect to applications for consent); and
* the public to understand their rights regarding access to information, participation and appeal.

The fundamental requirements of the 2020 EIA Regulations are**:**

1. Projects cannot commence without the consent of the Oil and Gas Authority (OGA)[[4]](#footnote-5), and the OGA cannot grant that consent without the SoS’s agreement.
2. When deciding whether to agree to the grant of consent for a project, an environmental impact assessment (“**EIA**”) may be required. This depends on whether a project is likely to have a significant effect on the environment - the criteria for which are set out in the Regulations. In this context**:**

* For projects falling under Schedule 1, an EIA is mandatory.
* For projects that fall under Schedule 2, the developer must either apply to the SoS for a screening direction on whether an EIA is required, or the developer can choose to undertake an EIA for their project (regulations 5 and 6). Regardless of whether an EIA is mandatory or voluntary, regulations 8 to 16 specify the processes to be followed. This includes a requirement for relevant projects to undergo public consultation.
* For projects that fall under Schedule 3, an application for a screening direction is not required from the developer and the SoS will decide whether an EIA is required without undertaking a screening direction (regulations 5 and 7).

Other legislative changes established by the 2020 EIA Regulations include**:**

**(i)** the introduction of provisions concerning the publication of EIA-related documentation in newspapers and on public websites so as to enhance**: (a)** access to environmental information, **(b)** public participation in the decision-making process (e.g. through the submission of representations in connection with proposed projects), and **(c)** the right of persons aggrieved by the grant of consent for a project to apply for a judicial review (regulations 11, 12, 13, 16 and 18);

**(ii)** the introduction of provisions clarifying the SoS and OGA consent decision-making processes (regulations 14 and 15);

**(iii)** the incorporation of changes to the fee provisions for the administrative and technical services provided by OPRED to developers of projects, so that the provisions reflect the new structure of the 2020 EIA Regulations and can ensure full cost recovery (regulation 22);

**(iv)** the introduction of inspection and investigation provisions to monitor compliance by developers with the Regulations and the conditions attached to the SoS’s agreement to the grant of consent for a project plus the introduction of new offences related to those provisions (regulations 23 and 25);

**(v)** the introduction of provisions enabling the SoS to revoke an agreement to the grant of consent for a project (regulation 26); and

**(vi)** amendments to the Offshore Environmental Civil Sanctions Regulations 2018 so that civil sanctions (i.e. monetary penalties) can be applied as an alternative to prosecution (via the retention of provisions on criminal sanctions) for regulatory breaches by developers of projects (regulation 27).

## Amendments made to the 2020 EIA Regulations

The 2020 EIA Regulations were amended by**:**

The Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations 2021 and the Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations 2022 which respectively amended the ‘hourly fee charging rates’ in regulation 22(2) of the 2020 EIA Regulations.

**Note:** The Petroleum Act 1998 (Specified Pipelines) (Amendment) and Importation and Storage of Combustible Gas (Designation of Substance etc.) Order 2023 designated hydrogen as a gas substance for the purpose of section 2(4)(e) of the Energy Act 2008. In effect, the Order applied the requirements of the 2020 EIA Regulations to offshore hydrogen transport, unloading and storage activities. This is because certain pipelines for transport of combustible gas are covered in Schedule 1 to the 2020 EIA Regulations, and certain projects involving the activities captured by section 2(3)(a) to (d) of the Energy Act 2008 (activities related to the unloading or storage of combustible gas) are covered in Schedule 2 to the 2020 EIA Regulations.

## Amendments made by the 2020 EIA Regulations to other Regulations

Schedule 7 of the 2020 EIA Regulations made Consequential Amendments to**:**

* **The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (“the 2001 Habitats Regulations”):** regulation 4(3)(b) of the 2001 Habitats Regulations was amended so that it also applies to any consent granted in accordance with the 2020 EIA Regulations.
* **The Offshore Chemicals Regulations 2002 (“the OCR 2002”):** the definition of “relevant project” was omitted from regulation 2 of the OCR 2002 and regulation 7(2) of the OCR 2002 was amended so that it also applies to the 2020 EIA Regulations.
* **The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (“the OPPC Regulations 2005”):** regulation 5A (5) of the OPPC Regulations 2005 was amended so that it also applies to the 2020 EIA Regulations.
* **The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (“the 2010 Order”):** article 3(5) of the 2010 Order was amended so that it also applies to the 2020 EIA Regulations.
* **The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 (“the 2013 PPC Regulations”):** regulation 4(5) of the 2013 PPC Regulations was amended so that it applies to the 2020 EIA Regulations.
* **The Conservation of Offshore Marine Habitats and Species Regulations 2017 (“the 2017 Habitats Regulations”):** regulation 2 of the 2017 Habitats Regulations was amended so that the definition of “Petroleum or Energy Act consent” also applies to the 2020 EIA Regulations and regulation 28(7) of the 2017 Habitats Regulations was amended to include the words “or the agreement to the grant”.

## Guidance

Guidance to assist with interpretation of the 2020 EIA Regulations was first published in 2020 - [guidance on the 2020 EIA Regulations](https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation#offshore-oil-and-gas-exploration-production-unloading-and-storage-environmental-impact-assessment-regulations-2020).

In August 2024, the Government announced it would be providing supplementary EIA guidance for offshore oil and gas projects given the Finch Supreme Court judgement. That draft supplementary guidance has undergone a consultation process which closed on 8 January 2025 - [consultation on the supplementary guidance](https://assets.publishing.service.gov.uk/media/672249313aa14203d06ef569/Consultation_on_draft_supplementary_guidance_for_assessing_the_effects_of_scope_3_emissions_on_climate_from_offshore_oil_and_gas_projects.pdf). A Government response with finalised guidance will be prepared and published in due course. The consultation on the supplementary guidance is a separate exercise to the PIR of the 2020 EIA Regulations and as such, we are not seeking any views on the supplementary guidance in this survey.

## Environmental Outcomes Report

The Ministry of Housing, Communities and Local Government secured powers under the Levelling Up and Regeneration Act 2023 to reform all UK EIA legislation to promote a move from current EIA processes to a new system of outcomes based environmental assessment known as ‘Environmental Outcomes Reports (EOR)’. A consultation on EOR was undertaken in March 2023 and feedback is still being analysed. Furthermore, in December 2024, the ‘Planning Reform Working Paper**:** Development and Nature Recovery’ was published. The Government invited views on proposals to accelerate development whilst maintaining environmental standards, using EOR to replace the current systems of environmental assessment with an outcome-focused approach.

Specific points to note in respect to this survey**:**

**(i) PART F of this survey contains two questions which ask:**

* **if there are any other observations that respondents would like to offer in relation to the 2020 EIA Regulations; and**
* **whether there is anything else that respondents would like to raise in respect to the 2020 EIA Regulations that has not been covered within the survey’s questions / statements.**

**(ii) Question 1 under PART A** **of this survey** contains links to the regulatory provisions on definitions within the 2020 EIA Regulations and consequential amendments. Respondents may therefore wish to keep the respective links open - as necessary - to navigate through the other regulatory provisions when addressing the proceeding questions / statements within the survey.

## **The survey**

## **Demographic questions**

**[The responses to the ‘Demographic questions (DQs)’ will be used by OPRED for its own internal purposes only. Consequently, unlike responses received to the ‘questions / statements’ etc. in the other PARTS of this survey document, the responses to the specific DQs will not be utilised to inform the preparation of - and thus will not be reflected within - the subsequent official PIR report on the 2020 EIA Regulations.]**

1. Organisation name

2. Organisation size

a. less than 50 employees

b. 50-99 employees

c. 100-249 employees

d. 250 + employees

3. Organisation type

a. Oil and gas industry**:**

Production installation operator & well operator

Well operator only

Non-production installation owner

Offshore survey contractor

b. NGO

c. Government advisor (e.g. statutory nature conservation

body)

d. Other

If Other, please describe the type of organisation you belong to.

4.If responding as an oil and gas industry organisation, how many of the following does your organisation own or operate?

Production installations Non-production installations Other

a. 1

b. 2-4

c. 5-9

d. 10-15

e. 16-20

f. 21-30

g. 30+

h. Not Applicable

5. Would you be willing to be contacted by OPRED to discuss any of your responses for purposes of clarification?

Yes

No

If ‘yes’, please provide contact details (name, e-mail, phone number).

## **PART A - Policy objective questions**

The 2020 EIA Regulations implemented the EIA Directive in respect to projects (i.e. offshore oil and gas exploration and production, offshore gas unloading and storage, and offshore carbon dioxide storage activities). The Regulations allow for environmental considerations of proposals for a project to be understood before a decision is taken on whether to agree to the grant of consent for the project.

The following questions / statements concern the policy objectives of the 2020 EIA Regulations.

**Question 1**

**Statement:** The definitions in the following provisions of the 2020 EIA Regulations are clearly understood and remain appropriate**:**

* [regulation 2(1) [meaning of “the 1999 Regulations”]](https://www.legislation.gov.uk/uksi/2020/1497/regulation/2/made);
* [regulation 3(1) [various definitions]](https://www.legislation.gov.uk/uksi/2020/1497/regulation/3/made)[[5]](#footnote-6);
* [regulation 5(2)(a) [meaning of “screening direction”]](https://www.legislation.gov.uk/uksi/2020/1497/regulation/5/made);
* [regulation 9(1) [meaning of “scoping opinion”]](https://www.legislation.gov.uk/uksi/2020/1497/regulation/9/made); and
* [regulation 19(5)(a) & (b) [meanings of “relevant UK area” and “overseas project”]](https://www.legislation.gov.uk/uksi/2020/1497/regulation/19/made).

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 2**

**Statement:** The 2020 EIA Regulations have achieved, and continue to achieve, their core objective of ensuring adequate protection of the environment from any likely significant effects that may arise from projects which may be granted consent (with conditions attached as appropriate) in accordance with the Regulations.

Please state the extent to which you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 3**

**Statement:** There are no unintended consequences or unexpected outcomes to the way in which the 2020 EIA Regulations have been introduced and are being applied.

Please state the extent to which you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 4**

Do you believe there’s a way to impose less regulation and still meet the objectives of the 2020 EIA Regulations for protecting the environment in respect to proposed projects?

Yes

No

Please provide supporting comments in the ‘free text box’ below.

## **PART B - EIA processes for determining whether consents should be granted for proposed projects**

The following question / statement relates to the EIA processes introduced by the 2020 EIA Regulations for determining whether agreement to the grant of consent should be given for proposed projects.

**Question 5**

**Statement:** The current EIA processes represent the most appropriate and effective route for decision-making.

These processes were established under the 2020 EIA Regulations for the Secretary of State to determine (e.g. in accordance with regulations 4(1) and 4(2) etc.) whether to agree to the granting of consents (with conditions attached as appropriate) for proposed projects and the subsequent granting by the OGA of consents.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

## **PART C - Inspection and investigation powers**

The 2020 EIA Regulations contain powers for OPRED’s Inspectors to monitor, investigate and enforce compliance by developers of projects with the requirements of the Regulations.

**Question 6**

Regulation 23 details the powers of Inspectors appointed by the Secretary of State to**:**

* monitor;
* investigate; and
* enforce

the legislative requirements of the 2020 EIA Regulations.

**Statement:** The powers in this regulation are clear and remain appropriate for the purpose of enforcing the 2020 EIA Regulations.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

## **PART D - Impact assessment questions - Costs**

No impact assessment was required for the 2020 EIA Regulations for the reasons explained in the explanatory memorandum to the Regulations.

The following questions ask about the typical costs to your organisation for a project under the 2020 EIA Regulations of**:**

1. preparing and submitting an environmental impact assessment (i.e. an environmental statement (ES));
2. applications for scoping opinions on the scope and level of detail to be included in an environmental impact assessment (i.e. an ES);
3. applications for information to assist with the preparation of an environmental impact assessment (i.e. an ES);
4. the provision of extra information in relation to an environmental impact assessment (i.e. an ES);
5. undertaking the public consultation requirements relating to an environmental impact assessment (i.e. an ES);
6. undertaking the supplemental public consultation requirements relating to the provision of extra information on an environmental impact assessment (i.e. an ES);
7. applications made for a screening direction (as to whether an environmental impact assessment (i.e. an ES) is required or not);
8. providing information in relation to a project that falls under Schedule 3;
9. conducting an assessment for a project which was wholly or partly exempt from the requirements of the 2020 EIA Regulations;
10. undertaking public consultation requirements relating to the assessment for a project which was wholly or partly exempt from the requirements of the 2020 EIA Regulations;
11. complying with any conditions attached by the Secretary of State to the grant of consent; and
12. complying with the requirements to provide assistance to OPRED Inspectors for inspection and investigation purposes.

**Please do not include in your responses any fees** **charged by OPRED for the provision of regulatory services in relation to the 2020 EIA Regulations.**

**Question 7**

Since the 2020 EIA Regulations entered into force, have you submitted any environmental impact assessments (i.e. environmental statements) [EIAs / ESs] (whether mandatory or voluntarily) for projects subject to regulation 5(1) (Schedule 1 projects) or regulation 5(2)(b) (Schedule 2 projects) of the Regulations?

Yes

No

If ‘yes’, how many EIAs / ESs did you submit?

1 EIA / ES

2 EIAs / ESs

3 EIAs / ESs

4 EIAs / Ess

Greater than 4 EIAs / ESs

Any further details - including an estimated figure if greater than 4? Please provide in the ‘free text box’ below.

**Question 7A**

If you did submit EIAs / ESs following the 2020 EIA Regulations’ entry into force, did you also apply for any scoping opinions - in accordance with regulations 9(1) & 9(2) of the 2020 EIA Regulations - on the scope and level of detail to be included in the EIAs / ESs?

Yes

No

If ‘yes’, how many scoping opinions did you apply for?

1 scoping opinion

2 scoping opinions

3 scoping opinions

4 scoping opinions

Greater than 4 scoping opinions

Any further details - including an estimated figure if greater than 4? Please provide in the ‘free text box’ below.

**Question 7B**

If you did submit EIAs / ESs following the 2020 EIA Regulations’ entry into force, did you also apply for information - in accordance with regulations 10(1) & 10(2) of the 2020 EIA Regulations - to assist with the preparation of the EIAs / ESs?

Yes

No

If ‘yes’, on how many occasions did you apply for such information?

1 occasion

2 occasions

3 occasions

4 occasions

Greater than 4 occasions

Any further details - including an estimated figure if greater than 4? Please provide in the ‘free text box’ below.

**Question 7C**

If you did submit EIAs / ESs following the 2020 EIA Regulations’ entry into force, did you also receive any requests - in accordance with regulations 12(1) & 12(2) of the 2020 EIA Regulations - for the provision of extra information in relation to the EIAs / ESs?

Yes

No

If ‘yes’, on how many occasions did you receive a request for extra information?

1 occasion

2 occasions

3 occasions

4 occasions

Greater than 4 occasions

Any further details - including an estimated figure if greater than 4? Please provide in the ‘free text box’ below.

**Question 7D**

If you did submit EIAs / ESs following the 2020 EIA Regulations’ entry into force, what were the typical costs **- per EIA / ES -** to your organisation of**:**

**(i)** Applying for a scoping opinion to assist with the preparation of the EIA / ES?

Less than £5,000 per scoping opinion request

£5,000 - £7,000 per scoping opinion request

£7,001 - £10,000 per scoping opinion request

Greater than £10,000 per scoping opinion request

Any further details - including an estimated figure if less than £5,000 or greater than £10,000? Please provide in the ‘free text box’ below.

**(ii)** Applying for information to assist with the preparation of the EIA / ES?

Less than £1,500 per information request

£1,500 - £4,000 per information request

£4,001 - £8,000 per information request

£8,001 - £12,000 per information request

Greater than £12,000 per information request

Any further details - including an estimated figure if less than £1,500 or greater than £12,000? Please provide in the ‘free text box’ below.

**(iii)** Preparing and submitting the EIA / ES?

Less than £45,000 per EIA / ES

£45,000 - £65,000 per EIA / ES

£65,001 - £85,000 per EIA / ES

£85,001 - £105,000 per EIA / ES

£105,001 - £125,000 per EIA / ES

£125,001 - £145,000 per EIA / ES

£145,001 - £165,000 per EIA / ES

£165,001 - £185,000 per EIA / ES

£185,001 - £205,000 per EIA / ES

Greater than £205,000 per EIA / ES

Any further details - including an estimated figure if less than £45,000 or greater than £205,000? Please provide in the ‘free text box’ below.

**(iv)** Cost savings resulting from obtaining a scoping opinion and / or information to assist with the preparation of EIAs / ESs

If you applied for, and obtain, a scoping opinion and / or information to assist with the preparation of EIAs / ES, did this result in any cost savings and, if so, what were the typical cost savings **- per EIA / ES -** to your organisation?

Less than £1,500 per EIA / ES

£1,500 - £4,000 per EIA / ES

£4,001 - £8,000 per EIA / ES

£8,001 - £12,000 per EIA / ES

Greater than £12,000 per EIA / ES

Any further details - including an estimated figure if less than £1,500 or greater than £12,000? Please provide in the ‘free text box’ below.

**(v)** Undertaking the public consultation requirements relating to the EIA / ES?

Less than £1,500

£1,500 - £4,000

£4,001 - £8,000

£8,001 - £12,000

Greater than £12,000

Any further details - including an estimated figure if less than £1,500 or greater than £12,000? Please provide in the ‘free text box’ below.

**(vi)** Providing extra information relating to the EIA / ES?

Less than £1,500 per provision of extra information

£1,500 - £4,000 per provision of extra information

£4,001 - £8,000 per provision of extra information

£8,001 - £12,000 per provision of extra information

Greater than £12,000 per provision of extra information

Any further details - including an estimated figure if less than £1,500 or greater than £12,000? Please provide in the ‘free text box’ below.

**(vii)** Undertaking the supplemental public consultation requirements relating to the provision of extra information on the EIA / ES?

Less than £1,500

£1,500 - £4,000

£4,001 - £8,000

£8,001 - £12,000

Greater than £12,000

Any further details - including an estimated figure if less than £1,500 or greater than £12,000? Please provide in the ‘free text box’ below.

**Question 8**

Since the 2020 EIA Regulations entered into force, have you submitted any applications for, or applications to change, a screening direction as to whether EIAs / ESs were required for projects subject to regulation 5(2)(a) (Schedule 2 projects) of the Regulations?

Yes

No

If ‘yes’, how many screening direction applications did you submit?

1 screening direction application

2 - 5 screening direction applications

6 - 9 screening direction applications

10 - 13 screening direction applications

14 - 17 screening direction applications

18 - 21 screening direction applications

22 - 25 screening direction applications

Greater than 25 screening direction applications

Any further details - including an estimated figure if greater than 25? Please provide in the ‘free text box’ below.

**Question 8A**

If you did submit applications for screening directions following the 2020 EIA Regulations’ entry into force, what was the typical cost **- per screening direction application -** to your organisation of preparing and submitting them?

Less than £1,500 per screening direction application

£1,500 - £4,000 per screening direction application

£4,001 - £8,000 per screening direction application

£8,001 - £12,000 per screening direction application

Greater than £12,000 per screening direction application

Any further details - including an estimated figure if less than £1,500 or greater than £12,000? Please provide in the ‘free text box’ below.

**Question 9**

Since the 2020 EIA Regulations entered into force, have you submitted any information in relation to projects subject to regulation 7(1) (Schedule 3 projects) of the Regulations?

Yes

No

If ‘yes’, on how many occasions did you provide such information?

1 occasion

2 occasions

3 occasions

4 occasions

Greater than 4 occasions

Any further details - including an estimated figure if greater than 4? Please provide in the ‘free text box’ below.

**Question 9A**

Following the 2020 EIA Regulations’ entry into force, if you did submit information in relation to projects that fall under Schedule 3 of the Regulations, what was the typical cost to your organisation **- per submission of information -** of preparing and submitting it?

Less than £1,500 per submission of information

£1,500 - £4,000 per submission of information

£4,001 - £8,000 per submission of information

£8,001 - £12,000 per submission of information

Greater than £12,000 per submission of information

Any further details - including an estimated figure if less than £1,500 or greater than £12,000? Please provide in the ‘free text box’ below.

**Question 10**

Since the 2020 EIA Regulations entered into force, have you had any projects which were wholly or partly exempt - in accordance with regulation 18(1) - from the requirements of the Regulations?

Yes

No

If ‘yes’, how many projects were exempt from the requirements of the 2020 EIA Regulations?

1 project

2 projects

3 projects

4 projects

Greater than 4 projects

Any further details - including an estimated figure if greater than 4? Please provide in the ‘free text box’ below.

**Question 10A**

Following the 2020 EIA Regulations’ entry into force, if you did have projects which were exempt from the requirements of the Regulations by virtue of regulation 18(1), were any of them subsequently subject to the assessment and public consultation requirements relating to exempt projects in accordance with regulation 18(3)(b), (c) & (d) of the Regulations?

Yes

No

If ‘yes’, how many of those exempt projects were subject to the assessment and public consultation requirements of the 2020 EIA Regulations?

1 project

2 projects

3 projects

4 projects

Greater than 4 projects

Any further details - including an estimated figure if greater than 4? Please provide in the ‘free text box’ below.

**Question 10B**

Following the 2020 EIA Regulations’ entry into force, if you did have projects that**:**

* were wholly or partly exempt from the requirements of the Regulations by virtue of regulation 18(1), but

* which were subsequently subject to the assessment and public consultation requirements relating to exempt projects by virtue of regulation 18(3)(b), (c) & (d) of the Regulations

what were the typical costs to your organisation **- per exempt project -** of complying with the assessment / public consultation requirements?

**(i)** Conducting the assessment

Less than £15,000 per assessment

£15,000 - £20,000 per assessment

£20,001 - £25,000 per assessment

£25,001 - £30,000 per assessment

£30,001 - £35,000 per assessment

£35,001 - £40,000 per assessment

£40,001 - £45,000 per assessment

£45,001 - £50,000 per assessment

£50,001 - £55,000 per assessment

Greater than £55,000 per assessment

Any further details - including an estimated figure if less than £15,000 or greater than £55,000? Please provide in the ‘free text box’ below.

**(ii)** Undertaking the public consultation requirements relating to the assessment

Less than £1,500

£1,500 - £4,000

£4,001 - £8,000

£8,001 - £12,000

Greater than £12,000

Any further details - including an estimated figure if less than £1,500 or greater than £12,000? Please provide in the ‘free text box’ below.

**Question 11**

Since the 2020 EIA Regulations entered into force, what is the typical annual cost to your organisation of complying with any conditions attached - in accordance with regulation 4(4) of the Regulations - to the agreement to the grant of consent associated with a project? The costs associated with undertaking and reporting any specific requirements set out in the conditions of the agreement (for example, conditions may include marine surveys or analyses to be done) should be included.

Less than £25,000 per annum

£25,000 - £40,000 per annum

£40,001 - £55,000 per annum

£55,001 - £70,000 per annum

£70,001 - £85,000 per annum

£85,001 - £100,000 per annum

Greater than £100,000 per annum

Any further details - including an estimated figure if less than £25,000 or greater than £100,000? Please provide in the ‘free text box’ below.

**Question 12**

Since the 2020 EIA Regulations entered into force, what is the typical annual cost to your organisation of complying with the requirements in regulation 23(2)(a), (b) & (c) [Inspection and investigation] of the Regulations which relate to the provision of assistance to OPRED Inspectors?

Less than £1,500 per annum

£1,500 - £4,000 per annum

£4,001 - £8,000 per annum

£8,001 - £12,000 per annum

Greater than £12,000 per annum

Any further details - including an estimated figure if less than £1,500 or greater than £12,000? Please provide in the ‘free text box’ below.

## **PART E - Specific questions relating to regulations 4 to 19, 24 and 26 of the 2020 EIA Regulations**

The following questions / statements relate to specific provisions within the 2020 EIA Regulations.

**Question 13**

**Regulation 4 [Requirement for Consent]** of the 2020 EIA Regulations stipulates the requirements for consent from the OGA and the agreement of the Secretary of State (SoS) to the grant of consent for a project. Regulation 4 also provides for conditions (including, where appropriate, monitoring conditions) that may be attached to the SoS’s agreement to the grant of consent for a project and details the factors that the SoS must consider before attaching such conditions.

**Statement:** The provisions of this regulation are clear and remain appropriate - particularly in regard to the requirements of reg 4(1) and reg 4(2) - with respect to consent and the SoS’s agreement to the grant of consent for a project (including, where deemed necessary, the attachment of conditions to an agreement from the SoS).

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 14**

**Regulation 5 [Requirement for an Environmental Impact Assessment]** of the 2020 EIA Regulations specifies that Schedule 1 projects require an environmental impact assessment (EIA). For Schedule 2 projects, regulation 5 stipulates that a developer must apply to the Secretary of State (SoS) for a screening direction as to whether or not an EIA is required or the developer may choose that a project undergoes an EIA. Regulation 5 also**:**

1. provides for certain projects to be exempt (when directed under reg 17 & reg 18) from the EIA requirements; and
2. obligates the SoS - where appropriate - to coordinate an EIA with the preparation of certain assessments under either the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (as amended) or the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).

**Statement:** The provisions of this regulation are clear and remain appropriate in respect to the circumstances in which a project will require an EIA or where a project developer must seek from the SoS a decision on whether or not an EIA is required - taking into account the criteria set out in the relevant Schedules to the 2020 EIA Regulations.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 15**

**Regulation 6 [Requirement for a screening direction]** of the 2020 EIA Regulations sets out**:**

1. the requirements for a screening direction in relation to a project;
2. the information (specified in Schedule 4) that should be included by a project developer in an application for a screening direction; and
3. certain matters (for instance, those outlined in Schedule 5) that should be taken into account by the Secretary of State (SoS) when deciding whether or not a project is likely to have a significant effect on the environment.

Regulation 6 also stipulates the content that the SoS must include in a screening direction plus the timeframe and notification requirements on the SoS when deciding to serve a screening direction.

**Statement:** The provisions of this regulation are clear and remain appropriate in respect to applications for screening directions and the serving by the SoS of a screening direction.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 16**

**Regulation 7 [Decision that no environmental impact assessment is required, without a screening direction]** of the 2020 EIA Regulationsstipulates that where a project falls under Schedule 3, an application for a screening direction is not required - but the developer must provide any information that the Secretary of State (SoS) requires in relation to the project. Regulation 7 also specifies the factors (including the matters outlined in Schedule 5) that the SoS must consider when deciding that an environmental impact assessment (EIA) is not required for the project (i.e. on the basis that it is not likely to have a significant effect on the environment). Regulation 7 additionally provides that the SoS’s decision must be served promptly on the developer and state (where an EIA is not required)**:**

1. that the SoS agrees to the grant of consent for the project; and
2. any conditions that the SoS attaches to that agreement.

**Statement:** The provisions of this regulation are clear and remain appropriate in terms of the requirements and considerations for determining and notifying a Schedule 3 project (such that a developer can easily understand the actions required of them) and the deliberations and actions required by the SoS.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 17**

**Regulation 8 [Environmental Statement Requirements]** of the 2020 EIA Regulations provides that where a project is subject to an environmental impact assessment (EIA), the developer must submit an environmental statement (ES) containing - as appropriate - the information set out in Schedule 6. Regulation 8 also requires the project developer to ensure the competence of persons preparing an ES and to include a statement in the ES declaring the expertise and qualifications of such persons.

**Statement:** The provisions of this regulation are clear and remain appropriate for the purpose of ensuring that an ES contains comprehensive and reliable information - thereby enabling the Secretary of State to determine effectively whether a project is likely to have any significant environmental effects.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 18**

**Regulation 9 [Scoping opinion for an environmental statement]** of the 2020 EIA Regulations sets out provisions for when a project developer may apply for a scoping opinion from the Secretary of State (SoS) on the scope and level of detail to be included in an environmental statement (ES). Regulation 9 also stipulates**:**

1. the information that the project developer must include in an application for a scoping opinion; and
2. the obligations on the SoS in consideration of, and when responding to, an application for a scoping opinion.

**Statement:** The provisions of this regulation are clear and remain appropriate in respect to an application to the SoS for a scoping opinion to assist a project developer with the preparation of an ES.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 19**

**Regulation 10 [Obtaining information for preparing the environmental statement]** of the 2020 EIA Regulationsstipulates that a developer of a project that is subject to an environmental impact assessment may apply to the Secretary of State (SoS) for information that would assist the developer with the preparation of an environmental statement (ES). Regulation 10 also specifies**:**

1. the details that the project developer must include in an application for information; and
2. the actions required by the SoS in respect to supplying the requested information or, where the SoS does not hold the information, the provision to the project developer of the details of any authority that may have the relevant information.

Furthermore, regulation 10 sets out**:**

**(a)** the requirements on the SoS in relation to the provision of a notice to the pertinent authority; and

**(b)** the authority’s duty to promptly supply to the project developer any relevant information that is held by that authority.

**Statement:** The provisions of this regulation are clear and remain appropriate for the purpose of ensuring, where requested, that relevant information is promptly made available to a project developer to assist with the preparation of an ES.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 20**

**Regulation 11 [Public Consultation Requirements - United Kingdom]** of the 2020 EIA Regulations details the obligations on the Secretary of State (SoS) to serve a notice on a project developer specifying the relevant authorities which would likely be interested in the project. Regulation 11 also stipulates that the project developer must**:**

1. serve on each relevant authority copies of the SoS’s notice, the environmental statement (ES) and the project summary plus a notice stating a date by when representations about the project may be submitted to the SoS;
2. provide a notice to the SoS with the details of every authority that was served with the relevant documentation and accompanying notice;
3. publish a notice with specific information relating to the project - including a date by when representations about the project may be submitted to the SoS;
4. provide, upon request, copies of the ES and project summary; and
5. provide to the SoS the notice together with the names of any newspapers in which the notice was published.

Regulation 11 additionally requires the SoS to publish the project developer’s notice, the ES and project summary.

**Statement:** The provisions of this regulation are clear and remain appropriate for the purpose of ensuring proper consultation on an ES for a project thereby enabling scrutiny of the ES by pertinent authorities and public participation in the decision-making process relating to the project.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 21**

**Regulation 12 [Provision of further information and related public consultation requirements]** of the 2020 EIA Regulations stipulates that**:**

1. upon receipt of an environmental statement (ES) from a project developer, the Secretary of State (SoS) may request (via a notice) from the developer furtherinformation - including in instances where a developer proposes changes to a project before the OGA notifies the developer of the decision on consent; and
2. where the provision of extra information applies and the SoS has agreed to the grant of consent but the OGA has not notified the developer of the decision on consent, then the SoS must notify the developer that the agreement to the grant of consent for the project has been revoked.

Regulation 12 also requires a project developer to**:**

**(a)** supply to the relevant authorities (who originally received the ES and accompanying documentation) the extra information requested by the SoS plus a notice referring to the material previously served on those authorities and stating a date by when further representations about the project may be submitted to the SoS;

**(b)** notify the SoS of the details of the relevant authorities served with the extra information and notice;

**(c)** publish a notice containing specific details relating to the project - including, amongst other issues, the fact that extra information on the project is available and stating a date by when further representations about the project may be submitted to the SoS;

**(d)** provide, upon request, copies of the ES, extra information and project summary; and

**(e)** supply to the SoS the notice plus the names of any newspapers in which the notice was published.

Regulation 12 additionally requires the SoS to publish the project developer’s notice and the extra information relating to the ES.

**Statement:** The provisions of this regulation are clear and remain appropriate in terms of the supply by a project developer of additional information in respect to an ES - including where there is a proposed change to a project - thus ensuring that all material information is considered as well as being subject to proper consultation with relevant authorities and the public as part of the decision-making process relating to a project.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 22**

**Regulation 13 [Consultation Requirements - other countries]** of the 2020 EIA Regulations stipulates that where a project in the relevant UK area is subject to an environmental impact assessment and the Secretary of State (SoS) considers that the project could have a significant effect on the environment of another country or another country notifies the SoS (prior to the SoS reaching a decision on whether to agree to the grant of consent for the project) that the environment of that country is likely to be significantly affected by the project, then the SoS must provide to that country a notice whichsets out, amongst other issues, a description of the project together with any available information regarding the possible transboundary impact of the project and an indication of the timelines during which the country may request to participate in the decision-making process relating to the project.

Where a country requests to participate in the decision-making process relating to the project then, in accordance with regulation 13, the SoS must provide that country with**:**

1. information associated with the project - including the project summary and environmental statement; and
2. a reasonable timeframe to consult with the SoS on the project - also taking account of any internal consultation on the project that may be conducted within that country.

Regulation 13 additionally requires the SoS to notify the country of the proposed decision on whether to agree to the grant of consent and, following the OGA’s decision on whether to grant consent for the project, to provide to that country a notice on the consent decision.

**Statement:** The provisions of this regulation are clear and remain appropriate for the purpose of enabling the effective and meaningful participation by another country in the decision-making process where a project - which is in the relevant UK area and subject to an EIA - might have a significant effect on another country’s environment.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 23**

**Regulation 14 [Secretary of State decision on whether to agree to the grant of consent]** of the 2020 EIA Regulations specifies the various factors that the Secretary of State (SoS) must consider when making a decision on whether to agree to the grant of consent for a project that is subject to an environmental impact assessment. Regulation 14 also stipulates that**:**

1. where the SoS refuses to agree to the grant of consent for a project, then the decision must set out the main reasons for that decision;
2. the SoS must notify the developer of the decision to agree to or refuse to agree to the grant of consent for a project; and
3. the SoS’s decision on whether or not to agree to the grant of consent for a project must be made within a reasonable timeframe - considering all the information and stakeholder representations received and the nature and complexity of theproject.

**Statement:** The provisions of this regulation are clear and remain appropriate in respect to the SoS effectively making timeous decisions on whether or not to agree to the grant of consent for a project.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 24**

**Regulation 15 [OGA decision on whether to grant consent]** of the 2020 EIA Regulations provides that where projects are subject to an environmental impact assessment, the OGA must**:**

1. decide - within a reasonable timeframe - whether or not to grant consent to projects following the Secretary of State’s (SoS’s) decision on whether or not to agree to the grant of consent; and
2. notify the project developer of the OGA’s decision.

In accordance with regulation 15**:**

**(a)** Where the OGA grants consent for a project, the OGA must attach the SoS’s decision to agree to the grant of consent to the OGA’s notification to the project developer.

**(b)** Where the SoS has refused to agree to the grant of consent for a project, the OGA must attach the SoS’s decision to the OGA’s notification to the project developer that consent has not been granted.

**(c)** Where the SoS has agreed to the grant of consent for a project, but the OGA has not granted consent, the OGA must give reasons for its decision in its notification to the project developer.

**Statement:** The provisions of this regulation are clear and remain appropriate in respect to the OGA’s decision-making process relating to the granting, or not, of consents for projects.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 25**

**Regulation 16 [Publication of Secretary of State and OGA decisions]** of the 2020 EIA Regulations stipulates that following the OGA’s notification to a project developer, the Secretary of State (SoS) must publish a notice stating whether**:**

1. the SoS has agreed to the OGA’s grant of consent and that the OGA’s consent has been granted so that the project can proceed;
2. the SoS has refused to agree to the OGA’s grant of consent so the project may not proceed; or
3. the SoS has agreed to the grant of consent, but the OGA has not granted consent so the project may not proceed.

Regulation 16 also requires the notice to indicate where information can be obtained on**:**

**(a)** the SoS’s decision to agree or to refuse to agree to the grant of consent (by the OGA) for a project;

**(b)** the consultation process - including, where relevant, a summary of any representations submitted to the SoS in respect to a project;

**(c)** how such representations were considered in the decision-making process relating to a project; and

**(d)** where details about the decision on a project can be obtained, upon request, from the SoS.

In addition, regulation 16 requires the SoS to promptly provide a copy of the notice on the decision appertaining to a project to those authorities who were specified as relevant authorities likely to be interested in the project.

**Statement:** The provisions of this regulation are clear and remain appropriate for the purpose of full and prompt notification of the OGA and SoS decisions.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 26**

**Regulation 17 [Exempt projects - defence and civil emergencies]** of the 2020 EIA Regulations specifies that the Secretary of State (SoS) may direct a developer that the Regulations do not apply to a project if**:**

1. the project has defence or the response to a civil emergency (CE) as its sole purpose; and
2. the SoS considers that compliance with the Regulations would have an adverse effect on the project’s defence or CE response purpose.

**Statement:** The provisions of this regulation are clear and remain appropriate for the purpose of exempting a project from the requirements of the 2020 EIA Regulations.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 27**

**Regulation 18 [Exempt projects - adverse effect on the project purpose]** of the 2020 EIA Regulations provides that**:**

1. in exceptional cases, the Secretary of State (SoS) may direct that a project is exempt (in whole or in part) from the requirements of the Regulations; and
2. where the SoS considers that the project is likely to have significant effects on the environment in another country, the SoS must not serve a direction (wholly or partly exempting the project) unless the SoS considers that appropriate consultation with that country will be conducted before the SoS decides whether to agree to the grant of consent for the project.

Regulation 18 also stipulates that a direction served by the SoS on a project developer must**:**

**(a)** disapply such provisions of the Regulations as the SoS considers necessary;

**(b)** require the project developer to carry out an assessment in a form that the SoS considers appropriate to ensure a high level of protection of the environment and human health;

**(c)** require the project developer to make all information arising from the assessment publicly available (as instructed by the SoS);

**(d)** indicate any steps for public consultation; and

**(e)** state the SoS’s reasons for serving the direction and the information on which the direction was based.

In addition, regulation 18 requires the SoS to publish the direction and, following any requisite consultations and after the developer has complied with all specified requirements, to notify the developer as to whether the SoS agrees to the grant of consent for the project.

**Statement:** The provisions of this regulation are clear and remain appropriate in terms of the criteria and actions for disapplying the 2020 EIA Regulations (in whole or in part) in respect to a project whilst enabling proper consideration of, and public consultation on, the project - thereby ensuring that suitable measures are in place to protect the environment and human health.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 28**

**Regulation 19 [UK participation in overseas projects]** of the 2020 EIA Regulations stipulates that where the Secretary of State (SoS) considers that an overseas project (OP) is likely to have significant effects on the environment of the relevant UK area and the SoS wishes to participate in the decision-making process for the OP, then the SoS must liaise with the relevant country to**:**

1. obtain information from, and consult with, the country in respect to the OP - including on the potential significant effects of the OP on the environment of the relevant UK area and the measures envisaged to reduce or eliminate such effects;
2. agree with the country a timeframe during which UK persons may submit representations about the OP to the SoS; and
3. agree with the country that it will consider as part of its decision-making process for the OP any UK representations that the SoS submits to the country.

Regulation 19 also requires the SoS to**:**

**(a)** arrange for any information that is received on the OP to be made available to the public and to those authorities which would likely be interested in the OP; and

**(b)** notify the authorities of the decision made by the country on the OP and make publicly available specific information on the decision including - in so far as this information is provided to the SoS - the content of the decision, a description of any features of the OP or measures envisaged to mitigate any significant adverse effects on the environment (including monitoring measures), any conditions attached to the decision, and the main reasons underpinning the decision.

**Statement:** The provisions of this regulation are clear and remain appropriate for assessing environmental effects on the UK from any OP.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 29**

**Regulation 24 [Application to court by Secretary of State]** of the 2020 EIA Regulations provides that the Secretary of State (SoS) may apply to the court where a developer is carrying out, or has carried out, a project without the SoS’s agreement to the grant of consent for the project or in breach of a condition attached to the SoS’s agreement to the grant of consent. In accordance with regulation 24, where the SoS has applied to the court then the court may make an order which**:**

1. either restrains, or compels actions by the developer in relation to, a project - including the removal of an installation; and
2. requires, where an installation has been removed, the reinstatement of a site.

Regulation 24 also specifies the situations where a court may not grant an order and the circumstances under which costs can be recovered by the SoS from a project developer (i.e. if the developer fails to comply with a court order and the SoS subsequently undertakes the required actions). In addition, regulation 24 defines the meaning of “the court” and related jurisdictional matters.

**Statement:** The provisions of this regulation are clear and remain appropriate in relation to the circumstances under which the SoS may apply to the court and the court may subsequently make an order to restrain, or compel actions by a developer in respect to, a project - thus ensuring proper enforcement of environmental protection measures pursuant to the 2020 EIA Regulations.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

**Question 30**

**Regulation 26 [Revocation]** of the 2020 EIA Regulations stipulates that the Secretary of State (SoS) may revoke the agreement to the grant of consent for a project where the SoS considers that**:**

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

Regulation 26 also specifies that the SoS must notify the developer of the decision to revoke the agreement to the grant of consent for a project and that the developer must not continue with the project.

**Statement:** The provisions of this regulation are clear and remain appropriate in respect to the revocation powers available to the SoS - thereby ensuring protection of the environment.

Please state to what extent you agree or disagree with the above statement.

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree 

Please provide supporting comments in the ‘free text box’ below.

## **PART F - Additional questions**

**Question 31**

Are there any other observations / issues that you would like to offer / raise in relation to the 2020 EIA Regulations (e.g. in respect to anything that has not been covered within the survey’s questions / statements)?

Yes

No

If ‘yes’, then please raise them in the ‘free text box’ below.

1. In line with the European Union (Withdrawal) Act 2018 and Retained EU Law (Revocation and Reform) Act 2023, the 2020 EIA Regulations continue to apply in the UK as ‘Assimilated’ law following the UK’s exit from the EU. [↑](#footnote-ref-2)
2. The 2018 amendments made to the 1999 EIA Regulations by the Pipelines, Petroleum, Electricity Works and Oil Stocking (Miscellaneous Amendments) (EU Exit) Regulations 2018 (which came into effect at the end of the transition period to correct deficiencies within specific sets of UK legislation arising from the withdrawal of the UK from the EU) will continue to apply - to the extent necessary - for transitional purposes only. [↑](#footnote-ref-3)
3. In line with the European Union (Withdrawal) Act 2018 and Retained EU Law (Revocation and Reform) Act 2023, the 1999 EIA Regulations plus associated amendments will continue to apply - to the extent necessary for transitional purposes only - in the UK as ‘Assimilated’ law following the UK’s exit from the EU. [↑](#footnote-ref-4)
4. The North Sea Transition Authority is the business name of the OGA. [↑](#footnote-ref-5)
5. In particular, where “project” means - except in the term ”overseas project” - the execution of construction works or other installations or schemes, and other interventions in the natural surroundings and landscape, where those activities fall under, or relate to the implementation of, a matter set out in Schedules 1, 2 or 3. [↑](#footnote-ref-6)