



UK Government

Decommissioning of Offshore Oil and Gas Installations and Pipelines (Petroleum Act 1998)

Government response to the consultation on
the derogation methodology under OSPAR
Decision 98/3, and associated policy
changes



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Introduction

On 5 September 2025, the UK government published a consultation on the derogation methodology under OSPAR¹ Decision 98/3, and associated policy changes. Alongside the consultation, an Assessment of Financial Impact and draft supplementary guidance on the methodology for considering derogations under OSPAR Decision 98/3 were published. The latter document provided detail on the proposed UK methodology for considering whether a case for derogation from OSPAR Decision 98/3 could be made. The consultation sought views on this guidance and on our policy proposals. It was open for 10 weeks, closing on 14 November 2025. The consultation documents are accessible at:

<https://www.gov.uk/government/consultations/decommissioning-offshore-installations-guidance-and-associated-policy-proposals>.

Decommissioning of offshore oil and gas installations is regulated by the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED), part of the Department for Energy Security & Net Zero (DESNZ), acting on behalf of the Secretary of State, using powers set out in the Petroleum Act 1998.

The UK is a signatory to several international agreements relating to the protection of the marine environment. The most relevant of these is the Convention for the Protection of the Marine Environment of the North-East Atlantic (the OSPAR Convention), and a decision made under that convention, OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations.

Over the past few years, there has been a hiatus in UK decision making for proposals for derogations from OSPAR Decision 98/3. Advances have been made in developing a methodology for considering derogations, resulting in OSPAR Agreement 2024-04, and, as such, OPRED took the opportunity to update its UK guidance. This Draft Supplementary Guidance provides detail on the proposed UK process for considering whether or not a case for derogation from OSPAR Decision 98/3 could be made.

This document sets out the government response to the consultation and next steps. We are now holding a second consultation on a revised version of this guidance. We are not re-consulting on the policy questions, which are now closed - please see the section on Policy changes for further information.

¹ OSPAR is the mechanism by which 15 Governments and the European Union cooperate to protect the marine environment of the North-East Atlantic. The fifteen are: Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the UK. OSPAR started in 1972 with the Oslo Convention against dumping and was broadened to cover land-based sources of marine pollution and the offshore industry by the Paris Convention of 1974. These two conventions were unified, updated and extended by the 1992 OSPAR Convention. For further information see the OSPAR website at: <https://www.ospar.org/about>.

Who responded to the consultation

We received 35 responses: 33 from organisations and 2 from individuals. One individual response was assessed as vexatious and was not included in the substantive analysis. Most respondents were from the oil and gas industry (21), followed by the public sector (9).

Respondents to the consultation included oil and gas companies, industry trade associations, academia, non-governmental organisations (NGOs), campaign groups and individuals. Respondents addressed some or all the questions set out in the consultation document, offered comments on the proposals, and in some cases provided references to other literature in support of their arguments.

Responses to the consultation

Methodology for considering applications for a derogation from OSPAR Decision 98/3

Question 1(a): Is the guidance comprehensive enough for a case for full removal to be prepared?

Question 1(b): If not, what additional information should be included?

Summary of responses

23 respondents replied to one or both questions. Several acknowledged the guidance's usefulness, noting that it provided a strong foundation and demonstrated commitment to supporting the derogation process. However, many industry respondents recommended that we further clarify some of the terminology used and called for additional detail and context on aspects to make the guidance more comprehensive, such as what to include in the full removal case and how it is assessed using the five criteria.

Government response

OPRED has revised the draft supplementary guidance in response to this feedback and is consulting on the revised version. In particular, we have:

- clarified the scope of the guidance and how it links back to OSPAR Agreement 2024-04 and OSPAR Decision 98/3.
- stressed our baseline expectation that operators' starting point should continue to be to aim to achieve a clear seabed.
- included more detail on what should be contained within the operator's full removal case and removed the requirement for information to be independently verified or for information from the supply chain to be included.

- added a new section in the guidance on OPRED's assessment of the full removal cases. This sets out how OPRED will evaluate the operator's full removal case against each of the five criteria, detail of those criteria, the decision-making framework, and information on what is meant by 'reasonably achievable'.
- kept the existing sequence of steps.

Question 2(a): Do you agree that the UK's implementation of the Agreement as set out in Step 1 of the guidance is sufficiently clear on the actions required to achieve this aim?

Question 2(b): If not, what alternative wording would more clearly set out the steps within the Agreement to achieve this aim?

Summary of responses

22 respondents provided answers to these questions. Most disagreed with the notion that the guidance is sufficiently clear on the actions required to achieve UK implementation of the agreement. Some expressed strong opposition to the new process, with one respondent questioning the necessity for the guidance, stating that it did not require any additional information from operators beyond what is already required in a Comparative Assessment.

Some sought clearer alignment of the guidance with OSPAR Agreement 2024-04, to avoid potential conflicts between national policy and international obligations.

Government response

OPRED has clarified in the revised guidance that OSPAR Agreement 2024-04 is being implemented within each member state according to their national regulatory processes. We are satisfied that our draft guidance is fully in line with our national obligation under OSPAR Decision 98/3 of aiming to achieve a clear seabed, the requirements of Part IV Petroleum Act 1998, and that the guidance also aligns with the methodology set out in OSPAR Agreement 2024-04.

Question 3(a): Is there sufficient information to enable the preparation of a derogation proposal?

Question 3(b): If not, what else should be included?

Summary of responses

23 respondents either replied directly to these questions or referred to previous answers they had given. Generally, the consensus was that the information provided for making a case for derogation lacked sufficient detail and the language was ambiguous.

Oil and gas industry respondents called for minimum evidence thresholds, clearer boundaries for requirements, and more realistic expectations for supply chain participation. Some also wanted clearer guidance on the format to use when writing a non-technical narrative, and more explicit criteria for stakeholder engagement and communication by OPRED with OSPAR contracting parties.

Some asked for clearer definitions and more detailed environmental assessment requirements to be added. Early and meaningful engagement with the fishing industry was also requested.

Overall, respondents sought more practical, balanced, and transparent requirements from OPRED to reduce burdens on them and ensure proposals were as robust as possible.

Government response

OPRED has added some more detail to the guidance in this section and clarified language to remove ambiguity. However, on reflection, we have decided against significant additions as derogation proposals should contain the information as described in Annex 2 of OSPAR Decision 98/3.

Question 4: Is it clear what information and why will be shared as part of the OSPAR derogation consultation?

Summary of responses

23 respondents either replied directly to this question or referred us to previous answers they had given. Of these, 12 agreed that the draft guidance is generally clear about what information will be shared during the OSPAR derogation consultation process. However, there were caveats, including concern about commercial data confidentiality and protection, and lack of information on mechanisms for resolving differences with OSPAR Contracting Parties.

Government response

We have in the revised guidance been clear that no commercially sensitive information will be shared. We have not expanded on the OSPAR consultation process, including resolving objections, as that is set out within Annex 3 of OSPAR Decision 98/3.

Question 5(a): Is it clear from the guidance what information and evidence will need to be held and made available?

Question 5(b): Do you have concerns around enabling this information to be held for access by stakeholders?

Summary of responses

24 respondents replied to one or both questions. Many felt it was unclear from the guidance what information and evidence will need to be held and made available. Some sought clearer definitions of what is meant by stakeholder access and stronger commercial protections. Some non-industry respondents supported sharing lessons learned and monitoring of results with industry and statutory bodies to improve future decommissioning practices.

Overall, respondents wanted a balance between transparency and protection of sensitive information.

Government response

We have set out what information will be shared externally during the OSPAR consultation process and post decommissioning. For documents produced by the operator, the onus is on them to ensure they remain accessible to OSPAR Contracting Parties when requested.

Policy changes

Question 6: What are your views on the proposal to change the policy to allow proposals for steel jackets to be cut and removed at the seabed level?

Summary of responses

There was strong interest in this question, with more respondents answering it than any other (30). Broadly, oil and gas industry respondents supported a change to the policy to allow cutting at seabed level. Organisations representing the fishing industry and non-oil and gas industry respondents were more likely to object, with some suggesting the policy proposal went against the idea of a clear seabed, would increase snagging risks for fishing gear, and create long-term hazards. Others recommended a site-specific approach and thorough environmental assessment.

Several public sector respondents expressed concern about the impact the policy change would have on the renewables sector, warning that items remaining in situ may impede future offshore wind development, subsea cable installation, or marine mineral extraction in the area, and 'establish an unhelpful precedent for end-of-life treatment of offshore wind jacket structures'. It could also result in additional burdens on developers, such as a need to carry out further surveys prior to construction to accurately locate any buried infrastructure, to reduce associated safety risks.

One suggestion was for a compromise of allowing severance at 1m below seabed level, with it being stated that there was a strong technical and environmental case for allowing this, in the North and Central North Sea.

Government response

Government will implement this policy change to allow consideration of proposals for steel jackets to be cut at seabed level. This will also be extended to sub-sea installation piles including anchor piles for floating installations. This is to ensure we have the same requirements for both types of installation pile. However, the change will not be extended to wells (the decision regarding their cut depth is for the North Sea Transition Authority (NSTA) to agree as part of their well abandonment and licencing process).

Such proposals will be assessed on a case-by-case basis, taking account of the relevant factors including risks to other users of the sea, environmental impacts, and mitigations. That may result in cuts below the seabed being required, depending on the prevailing conditions. We do not believe that this change to the depth at which installation piles are cut and removed

will negatively impact on our goal of achieving a clear seabed, due to each proposal being considered on a case-by-case basis, considering the possible risks and mitigations.

We have also liaised closely with representative organisations from the UK renewables sector as well as DESNZ's own offshore decommissioning renewables team to understand potential implications such as an overcrowded seabed which may constrain the potential for future development of marine infrastructure including subsea cables and pipelines.

Question 7: What are your views on the risks associated with structures in the SNS being cut and removed at seabed level? We would welcome views on how to address the risk, including the option of retaining the requirement for structures in the SNS to be cut and removed to -3m below the seabed.

Summary of responses

22 respondents answered this question, with mixed views expressed on risks with regards to structures in the Southern North Sea (SNS) being cut and removed at seabed level. Most agreed that taking a case-by-case approach was the correct approach for the SNS, given its dynamic seabed conditions and because the bathymetry (underwater topography) differs greatly across the SNS. That said, several industry respondents argued against our suggestion, stating that the risks in the SNS are not fundamentally different from other regions and that deeper cuts often offer limited benefits versus higher costs and risks. Instead, they recommended taking different risk mitigation measures, such as ongoing monitoring and notifications on Admiralty Maps, rather than a blanket requirement for -3m cuts.

Respondents representing the fishing industry were more in favour of retaining the requirement, stating that the mobile sediments in the SNS amplify safety and access risks, making seabed-level cuts unacceptable.

Overall, there was a consensus that decisions should be site-specific, with strong safeguards put in place for safety and environmental protection.

Government response

As a result of the feedback we received, and as outlined above, proposals for cutting and removing installation piles in the SNS will be taken on a case-by-case basis. That means that there will be instances where cut and removal below the seabed will be required to ensure risks to other users of the sea are appropriately mitigated.

Question 8: What are your views on the consideration of the cuttings piles and the depth at which they could be cut to, when considering the cut and removal depth for the associated steel jacket?

Summary of responses

23 respondents answered this question, the wording of which was revised after the consultation opened to make it clearer that the question was in relation to drill cuttings piles. Generally, most respondents supported evidence-led, site-specific decisions on cuttings piles,

rather than prescriptive decision-making, using detailed assessment of the cuttings piles characteristics and environmental risks.

Some particularly questioned the practicality of removing large cuttings piles and highlighted OSPAR Recommendation 2006/5, which allows for leaving piles in situ if they are below contamination thresholds. Fishing industry responses highlighted concerns about the impact of disturbing drill cuttings piles.

Overall, respondents supported a balanced, case-by-case approach, with a strong emphasis on environmental protection and stakeholder engagement.

Government response

In response to this feedback, consideration of drill cuttings piles will be on a case-by-case basis, and in line with the OSPAR Recommendation 2006/5². The Decommissioning Guidance Notes have been updated to reflect this. We have retained in the derogation guidance the requirement for a full removal case to detail any drill cuttings at the site (location, depth, survey information on previous levels and dispersion rates) and consideration of how they would be impacted.

Question 9: What are your views on the applicability of the methodology for considering applications for a derogation from OSPAR Decision 98/3 to infrastructure where consideration of emerging technologies is required as part of their decommissioning assessment and decision, such as pipeline bundles?

Summary of responses

There was strong interest in this question from respondents, with 28 answering it.

Most oil and gas industry respondents opposed extending the derogation methodology to pipeline bundles and other infrastructure not already covered by OSPAR Decision 98/3. They argued that bundles should be treated as pipelines under existing guidance, and that applying the methodology to them would introduce unnecessary complexity and delay approvals.

Positive feedback on this proposal was limited, with a fishing industry respondent supporting it, whilst noting the lack of progress in developing the necessary decommissioning technologies referred to. Some non-industry respondents recommended OPRED take a flexible approach, regularly updating guidance, and recognising the strategic value of legacy infrastructure for carbon capture, utilisation and storage (CCUS) initiatives. Overall, the consensus was to keep the methodology focused on those installations that may be subject to a derogation under OSPAR Decision 98/3.

² OSPAR Recommendation 2006/5 on a Management Regime for Offshore Cuttings Piles aims at reducing to a level that is not significant, the impacts of pollution by oil and/or other substances from cuttings piles. Where thresholds set out in this Recommendation are exceeded, operators will be required to undertake a study, including a comparative assessment, to determine the best option for handling the cuttings pile.

Government response

We have taken on board the feedback and we will not apply the derogation methodology to infrastructure that does not fall within the OSPAR Decision 98/3 categories; pipelines and pipelines bundles remain outside of this and so are outside the remit of the derogation methodology guidance.

We will be lifting the pause on pipeline bundles being included in Decommissioning Programmes. A requirement of the Comparative Assessment (CA) for bundles remains that the full removal option must be taken through to the full CA and not scoped out. The CA should include assessment of current and emerging technologies for all decommissioning options. The Decommissioning Guidance Notes have been updated to reflect this.

Other feedback

Whilst out of scope of the consultation, several respondents expressed support for the concept of rigs-to-reefs (where offshore decommissioned infrastructure is left in situ as artificial reefs), arguing that doing so can promote biodiversity, provide habitat for marine life, and contribute to ecosystem connectivity. However, others opposed rigs-to-reefs, citing risks to fishing operations and long-term contamination. Some also argued that it went against the principle of aiming to achieve a clear seabed, that the ecological effects of artificial reefs are highly site-specific, and that there is limited evidence on long-term outcomes, especially in the North Sea context.

Whilst we acknowledge the responses, our policy continues to be one of aiming to achieve a clear seabed and we do not have a rigs-to-reef policy. Under our commitment to OSPAR, artificial reefs cannot be constructed using materials from former oil and gas installations.

Assessment of financial impact

An assessment of the financial impact of the proposals consulted on was undertaken using analysis provided by the NSTA and published as part of the consultation, focussing on the additional costs of fully removing all heavy steel jacket footings (derogation candidates), and the savings from cutting and removing steel jackets at sea bed level rather than to -3m below. This analysis was calculated based on figures submitted by operators via the annual UK Stewardship Survey. The costs submitted to the UK Stewardship Survey are in accordance with the operators' plans (accurate at time of survey submission) for future decommissioning on an asset-by-asset basis. These operator plans are based on an assumed decommissioning end state for the infrastructure which should align with current UK and international regulatory obligations and UK decommissioning policy. However, data for derogations candidates assumes permits will be granted, which means robust data for the full removal of those installations is not available.

Some respondents welcomed the transparency and the effort to quantify impacts, which they saw as a useful starting point for discussion. However, many industry and public sector respondents felt the proposed assessment process underestimated costs and failed to capture the full financial burden on operators and taxpayers. Concerns were raised about a lack of detail, especially around cost breakdowns and the impact on UK businesses, particularly in the supply chain. The fishing sector and NGOs argue that the assessment did not adequately consider long-term environmental and societal costs. Respondents asked for further analysis of the cost implications to be undertaken.

Government response

HM Treasury and DESNZ have a shared interest in ensuring decommissioning costs are properly managed. Work was undertaken using third party and internal credibility checking of the decommissioning cost estimates within the financial impact assessment relating to the changes proposed in the consultation, in particular on the decommissioning of the footings of heavy steel jackets (derogation candidates), and the proposals to allow consideration of cutting steel jackets at sea bed level rather than to -3m below. This additional analysis aligns with the indicative decommissioning estimates from the original analysis undertaken by NSTA.

DESNZ, with HM Treasury and the NSTA, will monitor the ongoing cost implications of the proposed derogation methodology and policy changes, through a combination of operator cost estimates, actual project outturn costs, and ongoing tracking of key cost drivers, and if necessary, work to revise cost estimates of the impact on total decommissioning costs in the basin. Established mechanisms such as the inter-departmental Cost Overview Board provide a focus for our monitoring work.

Conclusion and next steps

Following evaluation of the responses, OPRED has not made any changes to our step methodology for assessing derogation candidates, with an upfront full removal case being required. However, we have made a number of changes to the draft supplementary guidance. We have:

- clarified the scope of the guidance (i.e. the derogation categories);
- separated out what the operator is responsible for (preparing the full removal case) versus OPRED (assessing the full removal case);
- added more detail on what should be included in an operator's full removal case; and
- added a new annex containing the assessment criteria OPRED will use when reviewing the full removal case; our decision-making framework for assessing whether full removal is reasonably achievable; and information on what we mean by 'reasonably achievable'.

Given the new information added, in particular on the assessment framework, we are now re-consulting on the updated supplementary guidance. We are not re-consulting on the policy questions (e.g. questions 6 to 9 which did not specifically concern proposals for the derogation methodology), as these are now closed. This government response confirms what our policy

changes will be, and they are reflected in the updated Offshore Oil and Gas Decommissioning Guidance Notes.

We are grateful to those organisations and individuals who gave their time to respond to our consultation. This document does not contain a list of respondents or provide any personal or organisational details. Respondents' views are summarised in this report but are not attributed to any individual respondent or specific organisation. The Department does not plan to publish any individual consultation responses it received; however, organisations may wish to publish their own responses independently.

Once our second consultation has taken place on the derogation methodology guidance, we will publish the final guidance. It will not be applied retrospectively to derogation proposals that have already been permitted, or decommissioning programmes that have been approved. Where derogation proposals are part way through the OSPAR process, we will discuss these on an individual basis with the operator in question.

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