



Department for  
Business, Energy  
& Industrial Strategy

# GUIDANCE NOTES

## Decommissioning of Offshore Oil and Gas Installations and Pipelines

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# GUIDANCE NOTES

## Decommissioning of Offshore Oil and Gas Installations and Pipelines

**Produced by**

Offshore Decommissioning Unit

Offshore Petroleum Regulator for Environment and Decommissioning

Department of Business, Energy and Industrial Strategy

# Executive Summary

These Guidance Notes have been prepared to provide operators, licensees and contractors with guidance on the regulatory requirements for decommissioning offshore oil and gas installations and pipelines in accordance with international obligations and those set out in the Petroleum Act.

They have been updated to reflect the knowledge and learning gained by regulators and industry, in planning, preparing and executing a decommissioning programme.

The Guidance Notes are largely unchanged from the 2009 version with the founding principles enshrined in the UK's commitment to OSPAR Decision 98/3 and its requirement that all installations should be completely removed unless a derogation is granted. However some of the decommissioning processes have been amended to provide greater clarity on requirements and what is expected of operators at the differing stages in decommissioning, alongside a flow diagram showing the different pathways that a project can take (Annex H). Updated guidance on the environmental appraisal requirements for decommissioning is also provided (*to follow*).

The updated guidance notes provide greater clarity around specific requirements and definitions. For example the guidance notes now state that a debris clearance survey for a pipeline should be 100m in total (being 50m either side of the pipeline), and they specify that we have an aim of achieving a burial depth of 0.6m for pipelines, mattresses and related items which may be left in situ. They also outline the information that operators must provide to support decommissioning decisions particularly where a leave in situ option is under consideration for pipelines, mattresses and related stabilisation items.

The guidance notes also reflect clearer policy requirements in relation to post decommissioning activity including a risk based approach to monitoring and explain the need for a long term management plan for any infrastructure that will remain in place after decommissioning.

Lastly the guidance notes have enhanced signposting to related regulators including Scottish Environmental Protection Agency, Environment Agency, and the Oil and Gas Authority (Decommissioning and Supply Chain teams) who have their own legislation, expectations and requirements in relation to decommissioning separate to OPREDs.

The guidance notes will be reviewed regularly to ensure that they provide up-to-date and relevant guidance to industry and we welcome feedback on the content, style and detail.

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# Introduction

The decommissioning of offshore oil and gas installations and pipelines on the United Kingdom Continental Shelf (UKCS) is controlled through the Petroleum Act 1998, as amended by subsequent Energy Bills.

The UK's international obligations on decommissioning are governed principally by the 1992 Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR Convention). Agreement on the regime to be applied to the decommissioning of offshore installations in the Convention area was reached at a meeting of the OSPAR Commission in July 1998.

The responsibility for ensuring that the requirements of the Petroleum Act 1998 and international obligations are complied with rests with the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) which sits within the Department of Business, Energy and Industrial Strategy (the “Department”), formerly the Department for Energy and Climate Change. OPRED is also the competent authority on decommissioning in the UK for OSPAR (international regulations) purposes.

These notes aim to provide guidance to those engaged in preparing programmes for the decommissioning of offshore installations and pipelines. They have been prepared taking into account the views of operating companies, other government departments, regulators and other interested parties.

The guidance notes provide a framework for the planning and compilation of decommissioning programmes, as such they are not intended to be prescriptive but rather outline a process for operators to follow to enable them to deliver their decommissioning obligations. They explain that projects will be considered on a case by case basis with decommissioning decisions reflecting the specific considerations that apply in each case. Our aim is to make the process of submission and approval of a decommissioning programme as flexible as possible within statutory and policy constraints, allowing adequate time for full and considered consultation but without unnecessary delay.

Decommissioning projects vary considerably and regulatory decisions are based on a consideration of the evidence provided against a set of clear and transparent criteria as set out in this guidance.

Whilst these guidance notes are intended to provide detailed guidance to those engaged in preparing decommissioning programmes, they should not be read in isolation from the relevant legislation dealing with the constituent parts of a decommissioning programme.

# 1. Government Policy and the UK's International Obligations

## Policy

- 1.1. Government will seek to achieve effective and balanced decommissioning solutions, which are consistent with international obligations and have a proper regard for safety, the environment, other legitimate users of the sea, economic and social considerations as well as technical feasibility. Our policies and practices on decommissioning are underpinned by two key principles:
  - A precautionary principle, that we translate into a policy that decommissioning should aim to achieve a clear sea bed (acknowledging that this will not always be achievable given the complexities involved).
  - A polluter pays principle that means we expect those who have benefitted from exploitation or production hydrocarbons in the UKCS to bear the responsibility for decommissioning.
- 1.2. In addition our policies recognise the need to:
  - protect the taxpayer from the risk of funding decommissioning liabilities in the event of company default
  - maximise economic recovery as a contribution to UK energy security
- 1.3. OPRD will seek to ensure that:
  - Interested parties have a clear view of the policy and the procedures.
  - Industry understands the principles outlined above.
  - Industry understands that assessments will be considered on a case by case basis, allowing individual circumstances in a field to be considered in any decisions.
  - The differing processes or pathways for installations and pipelines are clear and well understood.
  - Disposal decisions in respect of installations that are candidates for derogation from OSPAR Decision 98/3 are judged against the criteria and approach in comparative assessment set out in Annex A to this guidance.
  - Decisions on decommissioning proposals are based on full information, are taken in an efficient manner and place as little administrative burden as possible on the various parties concerned.

- Decommissioning will be regarded as the last option after re-use of the facilities for energy or other projects has been ruled out (in discussion with the Oil and Gas Authority and OPRED).
- Comparative assessments of decommissioning options take account of impacts on energy usage.
- Decommissioning decisions are consistent with waste hierarchy principles and are taken in the light of full and open consultations.
- Industry is encouraged to share information, experience gained and lessons learned.
- There is a clear understanding of how OPRED consider financial risk and mitigation in assessing liability on a field and portfolio basis.
- Industry understands that OPRED expects the current partners in a field to take responsibility for decommissioning in the first instance, subject to other agreements between the parties which may have been reached in respect of responsibility for decommissioning.

### International Obligations

- 1.4. The UK Government is signatory to a number of international conventions that govern activity in the marine environment and, under these, has obligations which impact on offshore oil and gas. The most significant obligations for decommissioning offshore oil and gas operations are set out in OSPAR decision 98/3 (the "**Decision 98/3**") which specifically prohibits the dumping or leaving in place of installations in the marine environment. However the UK's international obligations on the decommissioning of offshore installations have their origins in the United Nations Convention on the Law of the Sea of 1982 (UNCLOS).
- 1.5. UNCLOS entered into force in 1994 and the UK acceded to it in 1997. Article 60(3) includes the following:

*"Any installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organisation. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed".*
- 1.6. The competent international organisation for this purpose is the International Maritime Organisation (IMO) which in 1989 adopted the IMO Guidelines and Standards setting out the minimum global standards for the removal of offshore installations.
- 1.7. In 1992 a new convention, the Convention on the Protection of the Marine Environment of the North East Atlantic ("the OSPAR Convention"), was agreed. This regional convention, which applies to specific sea areas of the North East Atlantic, including the North Sea and parts of the Arctic Ocean, replaced and updated the 1972 Oslo Convention on the



Protection of the Marine Environment by Dumping from Ships and Aircraft and the 1974 Paris Convention on the Prevention of Marine Pollution from Land-Based Sources. The OSPAR Convention came into force on 25 March 1998. (Further details about OSPAR Decision 98/3 can be found at the OSPAR Commission pages:

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

- 1.8. In July 1998 at the first ministerial meeting of the OSPAR Commission, a new regime for the decommissioning of disused offshore installations was established. Ministers adopted a binding Decision (OSPAR Decision 98/3, see Annex B) to ban the disposal of offshore installations at sea.

### The Main Features of Decision 98/3

- 1.9. Under the terms of Decision 98/3, which entered into force on 9 February 1999, there is a prohibition on the dumping and leaving wholly or partly in place of offshore installations.
- 1.10. Decision 98/3 requires that :
- The topsides of all installations must be returned to shore.
  - All steel installations with a jacket weight less than 10,000 tonnes in air must be completely removed for re-use, recycling or final disposal on land.
- 1.11. The Decision recognises that there may be difficulty in removing the 'footings' of large steel jackets weighing more than 10,000 tonnes in air and in removing concrete installations. As a result there is a facility for derogation from the main prohibition for such installations.(see Annex B)
- 1.12. Potential derogation cases will be considered individually to see whether it may be appropriate to leave the footings of large steel installations or concrete structures in place. Derogations will only be granted if there are significant reasons why an alternative disposal option is preferable to re-use or recycling or final disposal on land, as assessed in accordance with the comparative assessment and consultation procedure, set out in the Decision 98/3.
- 1.13. The derogation provision for the footings of large steel installations applies only to those installed before 9 February 1999. All steel installations placed in the maritime area after that date must be totally removed.
- 1.14. It should also be noted that the Ministerial 'Sintra' statement which accompanied Decision 98/3 made clear that new concrete installations post 9 February 1999 would be used only when it is strictly necessary for safety or technical reasons.
- 1.15. The Decision provides an opportunity for the OSPAR Commission to review the decision at regular intervals in the light of experience and technical developments to consider whether the derogations from the general prohibition on dumping continue to be appropriate. The presumption of any review is that derogation categories may be reduced following technological advancement.
- 1.16. The most recent review, conducted in 2013, concluded that the limited operational experience to date of decommissioning concrete substructures and footings of large steel installations was insufficient to justify changing the derogation criteria. Nevertheless, there is a clear intent within the Decision to reduce the scope of possible derogations and it can

be expected that future derogation cases presented to OSPAR will be judged against the advances in technology or contractor capabilities that may have been achieved at the time.

## 2. Legislation

### The Petroleum Act 1998

- 2.1. Decommissioning is regulated by the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED), part of the Energy Development & Resilience Directorate in BEIS, using powers set out in the Petroleum Act 1998 ("1998 Act").
- 2.2. The powers set out in section 29 of the 1998 Act aim is to ensure that those who have benefitted from the exploitation or production of hydrocarbons bear the responsibility for decommissioning. In this way the taxpayer is protected from having to fund decommissioning.
- 2.3. The 1998 Act is the principal legislation governing decommissioning in the UKCS.
- 2.4. Part IV of the 1998 Act provides a framework for the orderly decommissioning of disused offshore installations and offshore pipelines on the UKCS. It has been amended a number of times since coming into force, most notably by the Energy Act 2008 and the Energy Act 2016.
- 2.5. The Energy Act 2008 ("the 2008 Act") amended Part IV of the Petroleum Act 1998 strengthening the powers of the Secretary of State in relation to financial assurances.
- 2.6. The Energy Act 2016 established the Oil & Gas Authority (OGA) as an independent Government Company and Regulator tasked with maximising economic recovery of offshore UK petroleum. The 2016 Act inserted into the 1998 Act new powers for, and obligations on, the OGA and others in terms of consulting OGA, regarding decommissioning.

### Energy Act 2016, Decommissioning and the Oil and Gas Authority

- 2.7. The 2016 Energy Act led to the establishment of the Oil and Gas Authority (OGA) with a specific decommissioning remit to consider and advise the Secretary of State on:
  - alternatives to abandoning or decommissioning the installation or pipeline, such as re-using or preserving it
  - how to ensure (whether by means of the timing of the measures proposed, the inclusion of provision for collaboration with other persons, or otherwise) that the cost of carrying out the (decommissioning) programme is kept to the minimum that is reasonably practicable in the circumstances

### Principle provisions of Part IV of the 1998 Act

- 2.8. The principal provisions of Part IV of the 1998 Act:
  - enable the Secretary of State, by written notice under section 29, to require the submission of a costed decommissioning programme for each offshore installation and

submarine pipeline from one or more persons. Notices under section 29 may be served in respect of offshore installations and submarine pipelines prior to installation. Those persons given notices are jointly liable to submit a programme

- ensure that decommissioning cannot be undertaken in the UKCS without an approved decommissioning programme (this is a criminal offence under s.28A of the 1998 Act)
- place a duty on the Secretary of State, before deciding whether to approve or reject a decommissioning programme, to consult the Oil & Gas Authority
- enable the Secretary of State to either approve (with or without modifications and either subject to conditions or unconditionally) or reject a programme submitted to him in accordance with a notice under section 29
- where a decommissioning programme is approved by the Secretary of State, make it the (joint and several) duty of the persons who submitted it to secure that it is carried out
- allow the Secretary of State to require a person to provide information and/or financial security or to take such action as he may specify at any time during the life of an oil or gas field if he is not satisfied that a person with a duty to secure that an approved decommissioning programme will be carried out will be capable of discharging that duty
- Protect funds set aside by way of security for decommissioning liabilities, so that in the event of insolvency of the relevant party, the funds remain available to pay for decommissioning and taxpayer exposure is minimised.
- in the event of failure by those given notice to submit a programme or secure that it is carried out, enable the Secretary of State to do the work and recover the cost from those given notice
- provide penalties for failure to comply with notices
- enable the Secretary of State to make regulations relating to decommissioning
- enables OPRED to charge industry a fee for undertaking decommissioning activities

2.9. It should be noted that although the Petroleum Act 1998 refers to an 'abandonment programme' the preferred and generally accepted term is a 'decommissioning programme'.

2.10. Under the 1998 Act a decommissioning programme should, among other things:

- outline the full decommissioning content to be executed
- specify the times at or within which those measures are to be taken or make provision for determining those times
- where an installation or pipeline is to remain in position or be only partly removed, include provision for maintenance where necessary

- contain an estimate of the cost of the measures proposed; this can be submitted separately and will be kept in confidence for use internally in OPRED and with the OGA decommissioning team
- 2.11. It is recognised that where appropriate a decommissioning programme will deal with both removal and disposal of an installation or pipeline. The contents of a decommissioning programme are set out more fully in Section 6 of and Annex C to this guidance.
- 2.12. In addition to approval of a decommissioning programme operators will also need to comply with related regulatory decommissioning requirements including, where appropriate:
- acceptance of a Dismantlement Safety Case under the Offshore Installations (Safety Case) Regulations 2005 (installations only)
  - fulfilment of notification requirements to Health and Safety Executive (HSE) under regulation 22 of the Pipeline Safety Regulations 1996
  - any environmental consents, permits and marine licences required during decommissioning activity
  - approvals for the shipment and disposal of waste
  - approval of a well abandonment programme in accordance with any obligation on the licensee under the relevant petroleum production licence
- 2.13. The 1998 Act was amended by the Energy Act 2008 and the Energy Act 2016 (amendments detailed more specifically below).
- 2.14. Annex D outlines related decommissioning regulatory requirements and the Government body responsible for its administration. This includes a list of the main consents and authorisations that are likely to be required in addition to the approval of a decommissioning programme. (See also Annex E). The environmental regulations that apply to offshore decommissioning activity are set out in Section 12.

### **Charging a fee for approving and revising offshore decommissioning programmes**

- 2.15. The 1998 Act allows OPRED to charge a fee in respect of its expenditure under Part IV of the 1998 Act when a person submits an abandonment programme (section 29) or a proposal to revise an abandonment programme (section 34(4)). These fees are as specified in regulations made under section 39 of the 1998 Act and details are set out in the “Guidance on charging a fee for offshore (oil and gas) installations and pipelines under the Petroleum Act 1998” (<https://www.gov.uk/guidance/oil-and-gas-decommissioning-of-offshore-installations-and-pipelines>).

### **Financial aspects of Oil and Gas Decommissioning: Energy Act 2008**

- 2.16. Chapter 3 of Part 3 of the Energy Act 2008 (“the 2008 Act”) amended Part IV of the Petroleum Act 1998 in order to account for changes in business practices in the oil and gas industry, notably the increased participation of smaller companies with fewer assets, since the establishment of the regime under Petroleum Act 1987, which was replicated in the 1998 Act.

2.17. Key amendments made to the 1998 Act by the 2008 Act are:

- Enabling the Secretary of State to make all the relevant parties liable for the decommissioning of an installation or pipeline and, where a licence covers multiple sub-areas, clarify which licensees will be liable.
- Giving the Secretary of State power to require decommissioning security at any time during the life of an oil or gas field if the risks to the taxpayer are assessed as unacceptable (because the secretary of State is not satisfied that the relevant person will be able to meet their decommissioning liabilities when they fall due).
- Protecting the funds put aside for decommissioning, so that in the event of insolvency of the relevant party, the funds remain available to pay for decommissioning and the taxpayers' exposure is minimised.

### **Gas Storage and Import Infrastructure and Carbon Capture and Storage**

2.18. The 1998 Act governs the decommissioning of offshore gas storage and importation infrastructure. Part IV of the 1998 Act also applies to carbon storage subject to two qualifications (see section 30 of the 2008 Act):

- amendments to Part IV made by Schedule 2 to the 2016 Act do not apply to carbon storage installations. This means that some obligations introduced by the 2016 Act, such as the requirement to consult with the OGA before submitting an abandonment to the Secretary of State, do not apply in relation to carbon storage installations;
- Scottish Ministers are responsible for licencing Carbon Capture and Storage in the territorial sea adjacent to Scotland (i.e. 0 – 12 nautical miles), and for decommissioning decisions in relation to carbon storage installations established or maintained pursuant to such licence under Part IV of the 1998 Act. Correspondence regarding the decommissioning of carbon storage installations in the territorial sea adjacent to Scotland should therefore be addressed to the Scottish Government.

2.19. Subject to the qualifications above, the framework for decommissioning outlined in these guidance notes is relevant to offshore facilities established for the purposes of gas storage, LNG unloading projects, and CCS. These notes will continue to be updated as experience is gained in relation to the decommissioning of these facilities.

## 3. Decommissioning obligations under the Petroleum Act 1998

### Introduction

- 3.1. Section 29 of the 1998 Act enables the Secretary of State to serve notices requiring the recipient to submit a costed decommissioning programme for his approval at such time as he may direct.
- 3.2. The 1998 Act consolidated Parts I and II of the Petroleum Act 1987 with various other petroleum enactments. Notices previously served under section 1 of the 1987 Act continue to be valid.

### Obligations under a section 29 notice

- 3.3. A section 29 notice fixes an obligation on the holder to submit a decommissioning programme on or before such date as the Secretary of State may later specify. The notice also advises of the requirement to carry out consultations with specific parties (see Annex H) when preparing a programme.
- 3.4. The time between serving an initial section 29 notice and the point at which the Secretary of State calls for a decommissioning programme may be considerable. The expectation is that a call for a programme will occur at the end of the economic life of the field and the facilities.
- 3.5. The Energy Act 2016 introduced a duty on section 29 notice holders to consult the Oil and Gas Authority before submitting a decommissioning programme and to frame the programme so as to ensure (whether by timing of the measures proposed, the inclusion of provision for collaboration or otherwise) that the cost of carrying out the programme is kept to the minimum that is reasonably practicable in the circumstances.
- 3.6. All section 29 notice holders, whether or not they have sold their interest in a field, are treated equally in law and will be required to agree the decommissioning programme.
- 3.7. The obligation to carry out the approved decommissioning programme is joint and several. This means that if any one of those with a duty to carry out a programme is unable to do so, the other interested parties will be responsible for the defaulting party's burden. Ultimately, one party could become liable for the full decommissioning costs. In order to manage this obligation the OPRED expect to be notified in the event of a company dissolution.
- 3.8. In practice, the late life/last operator is expected to lead on the preparation and implementation of the decommissioning programme.

### Who can receive a notice under section 29 of the Act 1998

- 3.9. For installations, notices may be served on the following:
  - The operator



- Licensees
  - Owners of the installation, including parties who own any interest in an installation
  - Parties to a Joint Operating Agreement (JOA) or similar agreement
- 3.10. Notices may not be served on persons who fall into the categories above but who are not and never have been entitled to derive a financial or other benefit in relation to the installation.
- 3.11. Current policy is that notices will be served on all the companies in these categories.
- 3.12. For pipelines, notices may be served on the following:
- Owners of the pipeline
  - Parties to a JOA or similar agreement
- 3.13. Current policy is that notices will be served on all the companies in these categories.
- 3.14. Notices under section 29 for both installations and pipelines may also be served on parent companies or other associated bodies corporate. However, under section 31(1), this option can only be pursued in cases where it is judged that satisfactory arrangements, including financial, have not or may not be made to ensure a satisfactory decommissioning programme is carried out
- 3.15. Notices under section 29 may be served even if a decommissioning programme has already been submitted in respect of an installation or pipeline in circumstances where the programme has been rejected under section 32 of the 1998 Act or where the Secretary of State has withdrawn his approval under section 35 of the 1998 Act.
- 3.16. The class of persons who can be given a duty to carry out an approved programme includes licensees who have transferred an interest in the licence to another party without the prior approval of the Secretary of State.

## Process for serving section 29 notices

### New field developments

- 3.17. OPRED will begin the process to serve notices under section 29 following confirmation that construction of the installation has begun. This action will normally follow approval of a Field Development Plan. The steps that are involved in serving a notice are as follows:
1. A Facility Information Request (FIR) is sent to the operator who is asked to confirm information regarding installations, pipelines, companies involved and scheduling details and return the form.
  2. Following confirmation that construction has started the OPRED will prepare a 'warning letter' based on the information in the completed FIR. This will be issued to the operator, owners, JOA parties and the relevant licensees.
  3. The warning letter notifies recipients that the Secretary of State is considering issuing them with a notice under section 29 of the 1998 Act and provides an opportunity to



make written representations if they consider that they should not be given such a notice.

4. Recipients are given up to 30 days in which to make representations, although this period may be shorter for a fast track development.
  5. Following this, subject to consideration of any representations received, a 'section 29 notice' is issued to each of the parties.
- 3.18. The serving of a notice for pipelines follows the same procedure as for installations. In most cases, notices are issued only to the owners of a pipeline. Notice serving procedures are instigated when the Pipeline Works Authorisation is given and construction has begun.

#### **Additional installations and pipelines**

- 3.19. Section 29 notices will be revised to include additional installations and pipelines that are installed in the field, again following approval of the new development plans and confirmation of construction. If the additional infrastructure constitutes a new separate field with a subsea tieback to the original infrastructure then a separate Section 29 notice will be served on that field.
- 3.20. In circumstances where a section 29 notice is not withdrawn from a party that has disposed of its interest (see below) they would not be liable for any new installations or pipelines emplaced in the field. In these cases OPRED will prepare a separate section 29 notice referencing the new installations and the relevant parties. However, the exiting party would be liable for any new equipment added to an installation already covered by their existing notice.

#### **Changes of interest or control**

- 3.21. OPRED will serve section 29 notices on parties that become liable to receive a notice under the criteria set out above at 3.9, 3.10 and 3.11, for example following the acquisition of equity share in a field, including transfers of licence interest. The procedures followed will be as outlined above, with the issue of a "warning letter" providing the opportunity to make representations prior to a final decision being made.

#### **Withdrawal of a section 29 notice**

- 3.22. Following transfers of interest pursuant to any applicable licence conditions or consents, consideration will be given to the potential withdrawal of notices from exiting parties; this would be predicated on the current section 29 holders having substantial financial resources. However, the obligations that have been fixed by a section 29 notice remain in place unless the Secretary of State exercises his discretion to withdraw the notice under section 31(5) of the 1998 Act.
- 3.23. Other circumstances under which a withdrawal of a section 29 notice may be considered include:
- A request from a company for a withdrawal of their notice. Requests can be made at any time and should set out in writing (electronic submission is acceptable) the reasons why the holder of the section 29 notice believes it should be withdrawn.

- Factors affecting the original assessment that may have changed including reviews of financial risk from potential decommissioning costs.
- 3.24. In all cases a financial risk assessment will be undertaken by OPRED to determine whether withdrawal of the section 29 notice may be appropriate. The assessment process is treated as confidential and will only be discussed with the companies concerned. Separate guidance on the financial risk assessment process is under development and will be available in 2018.
- 3.25. If OPRED has determined that withdrawal may be appropriate it will advise the other notice holders of this by letter and give them up to 30 days in which to make written representations.

#### **Potential retention of decommissioning responsibilities**

- 3.26. If a notice is withdrawn this does not necessarily mean that the company will have no decommissioning responsibilities in relation to the equipment:
- Under section 34 of the 1998 Act, a company may, in certain circumstances and following the approval of a programme, be placed under a duty to carry out that programme even though it has previously been released from a notice under section 31(5).
  - Section 34 also enables the Secretary of State to do the same to any person on whom notices could have been served since the serving of the first section 29 notice. This situation has not occurred to date and it is regarded as a measure of last resort.
  - In the first instance, the Secretary of State would expect the current section 29 notice holders to carry out the decommissioning and would only use the powers in section 34 in potential default cases where significant work under the programme is necessary.
  - If such action was necessary in respect of more than one company OPRED would aim to agree a fair and reasonable distribution of the liabilities in discussion with the companies concerned. We expect that this would involve a consideration of the revenues earned by the various companies during their involvement in the field but we would be open to hearing the companies' proposals for dealing with the situation.

*(See section 16 on Residual Liabilities for more information)*

- 3.27. If a company has concerns relating to a specific section 29 case they should contact OPRED for further clarification, [odu@beis.gov.uk](mailto:odu@beis.gov.uk).

#### **Financial resources: Section 38 of the 1998 Act**

- 3.28. Section 38 of the 1998 Act (updated by the Energy Act 2008) gives the Secretary of State powers to satisfy himself of a person's ability to fund their decommissioning obligations, or potential obligations. The relevant powers are summarised below:

- **Information gathering, *prior* to serving notice under 29 or imposing decommissioning obligations:** Section 38(1) enables the Secretary of State to issue a notice, requiring a person:
  - who may be served with a section 29 notice; or
  - whom the Secretary of State may impose a duty to secure that a decommissioning programme is carried out under section 34(1)(b) of the 1998 Act;

to provide specified information and documents about their financial affairs (for example up to date management accounts, forward financial planning, as well as lending and debt capacity) within a specified time-frame. The Secretary of State may give such a notice to determine whether he wishes to impose a decommissioning obligation on a person by serving a section 29 notice on them, or adding a person to an existing approved decommissioning programme (and making them subject to the obligations of that programme).

- **Information gathering *after* serving notice under section 29 or imposing decommissioning Obligations:** Section 38(2) of the 1998 Act allows the Secretary of State to serve a notice on a person:
  - on whom a section 29 notice has been served; or
  - who has a duty to secure a decommissioning programme under section 36 of the 1998 Act

requesting specific information and/or copies of such documents as may be specified in order to satisfy himself that the person will be capable of carrying out any decommissioning programme which has been or may be submitted. Such information could include: a detailed estimate of the costs of decommissioning; predictions of future revenue; the costs and benefits of any plans for further development; or up to date management accounts and must be provided within the timeframe specified. The Secretary of State's powers are wide and not limited to any specific information.

Failure to comply with a notice under section 38(1) or 38(2), or knowingly providing false information pursuant to such a notice is an offence.

- **Require Action, including establishing financial security:** Where the Secretary of State is not satisfied that a person who has been served a section 29 notice or who has a duty to secure a decommissioning programme will be capable of carrying out their decommissioning obligations, he may, under section 38(4) require action (including the provision of financial security, such as a letter of credit) to be taken. Prior to issuing a notice requiring the establishment of security the recipient will be given the opportunity to make representations regarding whether they should be given such a notice. risk assessment will be conducted by OPRED to determine when it will be appropriate for the Secretary of State to exercise his powers to require security or other action and separate guidance will be issued on this.
- **Offence to disclose information:** Section 38(7) of the 1998 Act makes it an offence for anyone to disclose information obtained under sections 38(1) or (2) without the consent of the person who provided it, unless the disclosure is required for the purposes of the exercise of the Secretary of State's functions under the Act or another piece of legislation. Section 40 of the 1998 Act sets out the penalties that apply if an offence is committed

under subsection 38(7). This ensures the ongoing confidentiality of any cost or financial data submitted.

## Protection of decommissioning funds from creditors

3.29. Sections 38A and 38B were added to the 1998 Act by the Energy Act 2008 and serve to insert two new sections into the 1998 Act after section 38, to protect funds set aside for the purposes of decommissioning in the event of insolvency.

- **Section 38A: Protection of funds set aside for the purposes of a decommissioning programme.** This section is designed to ensure that, in the event of the insolvency of a person responsible for a decommissioning programme or a person with obligations under that programme, the funds set aside for meeting those liabilities remain available for decommissioning and are not available to the general body of creditors. This protection applies in respect of any funds which have been set aside by way of security (such as a trust or other arrangement which was established on or after 1 December 2007) for the purpose of meeting obligations under a decommissioning programme. This provision applies whether the security is established before or after the programme's approval, as long as it is clear in the arrangement that it has been established to secure the obligations under the programme. Subsection 38A(4) gives the following examples of types of security that will be protected from creditors : a charge over a bank account, a deposit of money, a performance bond or guarantee, an insurance policy, and a letter of credit. However, this list is non-exhaustive.

To enable protection of the funds, subsection 38A(6) specifically disapplies any provision of the Insolvency Act 1986, the Insolvency (Northern Ireland) Order 1989 or any other enactment or rule of law the operation of which would prevent or restrict the security being used for the purpose for which it was set up (i.e. meeting decommissioning liabilities). Subsection 7 extends the meaning of "enactment" to include Acts of the Scottish Parliament.

- **Section 38B: Directions to provide information about protected assets.** This section is intended to ensure that creditors and potential future creditors of a person who has set aside security for a decommissioning programme are aware of any decommissioning funds affected by the powers to disapply insolvency legislation. Subsections (1) and (2) enable the Secretary of State to give a direction to a person who has provided security to publish details of the fund or other arrangements at the time and in the manner specified by the Secretary of State (for example on the financial pages of that person's website). Subsection (3) enables the Secretary of State or a creditor of the person who has provided security to apply for a court order to ensure compliance with a direction.

## 4. Changes of ownership and financial planning for decommissioning

- 4.1. In recent years there has been a significant and increasing number of UKCS licence assignments and change of controls from large companies to smaller ones and there are increasing levels of asset transfers with more complex agreements around commercial responsibility for decommissioning.
- 4.2. Ministers have agreed that investment activity in the UKCS should be encouraged and that there should be a free trade in mature offshore oil and gas assets so as to extend field life and maximise economic recovery. At the same time the Government has a duty to ensure that the taxpayer is not exposed to an unacceptable risk of default in meeting the costs associated with decommissioning and that the principle of the legislation as well as the letter are adhered to. To enable these goals to be achieved, the OPRED has developed an enhanced decommissioning financial policy to ensure that adequate funding and security for decommissioning costs is maintained on a field by field basis.
- 4.3. The details of this policy, including the circumstances in which decommissioning security may be appropriate, will be covered in separate Financial Guidance due to be published in 2018.

## 5. Planning for Decommissioning

### The Decommissioning Programme Process

- 5.1. This section outlines the key stages of the decommissioning process and the process for dealing with cross-medium projects. It also outlines the current policy in relation to deferral or phasing of a decommissioning programme.
- 5.2. Operators should begin planning for decommissioning during the late life stage of operations, and should initiate decommissioning engagement with OPRED in advance of cessation of production. Most operators will start dialogue with the regulator two to five years in advance of cessation of production, depending on the complexity of the project.

### Decommissioning Programme Process

- 5.3. There are five key stages in the decommissioning process starting before cessation of production and continuing through the early identification of options, to detailed assessment and drafting of a decommissioning programme (DP), followed by execution and then post completion activity. OPRED will provide support and guidance throughout the process explaining the different data requirements and assessments required at each stage. The different stages are described in detail below.

Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Early discussions	Planning & producing the Decommissioning programme	Submit the programme	Execution of the programme	Close out
Preliminary discussions with OPRED	Detailed discussions with OPRED	Draft DP following comment resolution with OPRED	Commence main works	Close Out report & detail of all post DP surveys, within one year of full completion.
Possible option screening for pipelines	Assessment of options - Comparative Assessment or similar including assessment of risk	Formal submission of the DP and approval under the 1998 Act	Regular DP progress reports to OPRED	Update OPRED with amendments to post DP monitoring plan
Data & evidence collection & surveys	Development & submission of consultation DP and Environmental Appraisal to OPRED and through consultation to other interested parties /public for consideration		Identify and discuss potential DP revisions	Monitoring of site & site remediation as required
	Derogation case - OSPAR consultation prior to final submission			Management plan for any infrastructure remaining in situ



### Stage 1: Early Discussion

- 5.4. Early discussions between the operator and OPRED will ensure that the decommissioning process is well understood allowing the operator to develop a realistic project plan and delivery timescale for the development and delivery of a decommissioning programme. It should be noted that an approved decommissioning programme is required before decommissioning activity takes place.
- 5.5. Discussions should commence well ahead of forecast cessation of operations (guidance on cessation of production should be sought from the Oil and Gas Authority). In the case of a large field with multiple facilities this may be 2-3 years or more in advance. In the case of a potential OSPAR derogation case it may be up to 5 years in advance. OPRED will endeavour to establish and maintain a general dialogue with operators on their future UKCS plans in order to understand the likely timing of cessation of production from their fields and the implications for decommissioning of the infrastructure. However the onus of responsibility rests with the operator to initiate these discussions.
- 5.6. During this stage in the process operators should focus on gathering data and preliminary identification of the different options for decommissioning.
- 5.7. The operator will be asked to outline the likely timetable/schedule of future events to form a basis for agreement on when more detailed discussions should commence and what documentation should be prepared in advance.

### Stage 2: Planning and Producing the Decommissioning Programme

- 5.8. This stage involves more detailed discussion of an operator's decommissioning proposals and the consideration by Government and other interested parties of a draft decommissioning programme for consultation.
- 5.9. The focus of this stage is on the detailed assessment of options leading to the identification of the operators' preferred decommissioning solution that will be described in detail in the Decommissioning Programme. The level of assessment and data requirements will vary in accordance with the specific details of each project.
- 5.10. The process is illustrated in more detail in the decommissioning pathways (see Annex H) which shows the different requirements for different projects. Two pathways are available for installations, one leading to a potential OSPAR derogation and the other leading to full removal of the installation. The third pathway is in respect of pipelines. While pipeline considerations follow a similar pathway to that of installations they are subject to a slightly different set of requirements. This is set out in more detail in Annex H.
- 5.11. Decommissioning decisions must be transparent and the decommissioning process requires the operator to consult on their proposals with other interested parties. The extent of these consultations will be determined by the particular circumstances of the case, but as a minimum the operator will be asked to undertake consultations as provided for under section 29(3) of the 1998 Act (and advised pursuant to the section 29 notice). The consultation process is described more fully in Section 6 of this guidance.
- 5.12. Most decommissioning programmes will be subject to one consultation process, however when an operator is proposing a derogation in accordance with Decision 98/3 a consultation with OSPAR contracting parties will be required. This is led by OPRED and will follow the procedures set out in Annex 3 to Decision 98/3.

### Stage 3: Submit a Decommissioning Programme

- 5.13. Once the consultation exercise has been completed and the responses considered by the operator it should be possible for the operator and OPRED to agree a final version of the programme. When this has been achieved the Secretary of State will call formally for submission of the programme under the 1998 Act and issue a letter confirming approval of the Decommissioning Programme.

### Stage 4: Execution of a Decommissioning Programme

- 5.14. Once a Decommissioning Programme has been approved the operator can commence execution of the programme. Activities in stage 4 cover the implementation of the approved decommissioning programme up to the completion of post-decommissioning site surveys.
- 5.15. The approved Decommissioning Programme will specify the arrangements by which OPRED will be kept informed of progress. This may be in a report form or update at meetings and, where appropriate will indicate the 'milestones' at which progress will be reviewed. Any revisions to the programme will be subject to the Secretary of State's approval in accordance with the provisions of section 34 of the 1998 Act.
- 5.16. At the conclusion of Stage 4 the operator will be required to satisfy OPRED that the approved programme has been implemented in the manner described in the Decommissioning Programme. This will normally involve the submission of a Close-out Report within one year of the completion of offshore work, including debris clearance and post-decommissioning surveys. (See Section 14 for further details).

### Stage 5: Post Completion Activities

- 5.17. Having executed a decommissioning programme, and reported completion of the work, the final stage will require the operator to implement arrangements for monitoring, maintenance and management of the decommissioned site and any remains of installations or pipelines that may exist. The scope and duration of the monitoring requirements will be agreed between the operator and OPRED in consultation with other Government departments and details will be included in the decommissioning programme. (See also Sections 14 to 16 of this guidance). operators will be asked to outline their plans for managing remaining liability in perpetuity for anything left in situ at this stage. OPRED may attach conditions to any decommissioning programme in respect of any continued maintenance in accordance with section 32(2) of the 1998 Act.

## Deferral and Phased Decommissioning

- 5.18. The Government aims to ensure the orderly decommissioning of offshore infrastructure takes place in a timely and efficient manner, in line with the UK's international obligations and domestic legislation. OPREDs expectation is that the removal of redundant installations, including subsea equipment, will be carried out as soon as reasonably practicable following cessation of production. However we recognise that disused facilities including pipelines may represent important UKCS infrastructure and provide the means for the further development of hydrocarbon reserves, or the storage of carbon dioxide or hydrocarbon gas. Where a specific opportunity has been identified deferral of decommissioning can be considered. . Consideration of the potential reuse of infrastructure must be done in consultation with the Oil and Gas Authority.



- 5.19. Additionally the timing of decommissioning may be influenced by market factors and vessel availability and there may be benefits from coordinating offshore work with other projects being undertaken in a similar timescale. Where an acceptable case is made OPRED may agree that decommissioning work can be deferred or conducted over an extended duration or on a phased basis (thus allowing operators to access market opportunities, possibly spreading work across two or three seasons, or in the case of larger structures over an even longer period of time.)
- 5.20. If an operator proposes to defer or phase final decommissioning of an installation they must advise OPRED of their proposal immediately outlining the rationale. If OPRED is prepared to consider a case the operator will be asked to:
- Provide details on the extent of any prior operational or decommissioning activity.
  - Satisfy OPRED and HSE that the integrity of the installation will be maintained or that any deterioration will not be such as to present unacceptable risks before, or compromise the execution of, decommissioning operations.
  - Assess the impact upon other users of the sea.
  - Identify the presence of any hazards including potentially polluting substances and provide accurate information about the nature and location of any such substances.
  - Satisfy OPRED that there will be sufficient funds available at the proposed time of decommissioning.
- [This list of requirements is not exhaustive]
- 5.21. If OPRED agrees to a deferral this will be confirmed in writing by an exchange of correspondence, setting out the conditions upon which it is prepared to defer. This is likely to include details of the financial comfort that the operator has demonstrated to OPRED and a specified date when the operator will be issued with a direction to submit a decommissioning programme.
- 5.22. In most cases a decommissioning programme will be required at the outset even if it is agreed that execution of the programme can be deferred, particularly if the proposal relates to the phased decommissioning of an installation or of a number of installations in a field which may involve the removal of topsides and other equipment in advance of the jacket. Such phasing may be appropriate in order to take advantage of possible savings through synergy and advances in new technology (see Section 17). In these circumstances a programme would need to address the overall strategy for decommissioning the installation or installations, although it may be accepted that an operator should seek agreement initially for the first activity only, e.g. removal of topsides, it will need to demonstrate that the removal does not prejudice the decommissioning options for the remaining structure. A separate decommissioning programme would need to specify in detail the extend of the infrastructure that it covers.
- 5.23. If it is agreed that decommissioning can be deferred (or executed over an extended timeframe) the operator will need to make arrangements to ensure installations which are to be left in place are suitably maintained and are marked and lit for navigation purposes (see Section 15).

- 5.24. In the case of pipelines, OPRED should be consulted in the same way as for installations (see Section 10).

### Approval of a Partial Decommissioning Programme

- 5.25. There may be occasions where an operator wishes to undertake early decommissioning activities in advance of a producing a comprehensive decommissioning programme. For example, during the late life stage of operations some operators may wish to reactivate a rig to support the early the plug and abandonment of wells, remove some modules in advance of full decommissioning, or remove a Well-Head Protection Structure whilst undertaking late life sub-sea activities. Operators must obtain approval to undertake decommissioning activity before commencing with any work and as such operators should discuss the potential for approval of a partial decommissioning programme with OPRED. Where approval is requested information as outlined in section 5.20 above is likely to be required. Note that well plug and abandonment approval is regulated through the OGA licensing model clauses and administered through the OGA Wons system and however any permanent removal/decommissioning of infrastructure which is subject to a section 29 requires decommissioning programme approval.

### Median Line Facilities

- 5.26. Special arrangements have been established to deal with decommissioning programmes that cross the median line. The UK is a party to International Treaties relating to median line fields contain provisions requiring consultation between the relevant governments on decommissioning proposals. OPRED will take the lead in these discussions and will consult the operator. If facilities are located on both sides of the median line it is likely that decommissioning proposals will be developed through joint discussions with the relevant governments, leading to the submission of a single programme for approval by both governments under their respective legislative regimes, which complies with both sets of regulatory requirements.

### Role of Other Government Departments

- 5.27. Consultation with government departments and the devolved administrations at an early stage in the decommissioning process will be essential. OPRED will act as the focal point for discussions with operators but other government departments, devolved administrations and agencies will be fully involved in the process and will represent their own particular interests as appropriate at these discussions. As part of this process it may be necessary in some cases for operators to enter into a separate dialogue with other government departments if specific matters relating to their areas of responsibility arise. The outcome of any separate discussions will be fed back into the overall assessment of the decommissioning proposals. More detail on these areas can be found at annex D.
- 5.28. It will also be the operator's responsibility to obtain as appropriate, or ensure the existence of, any and all necessary consents or authorisations arising from legislation administered by other parts of OPRED, other government departments, devolved administrations or agencies. Further details of the role and responsibilities of other departments are set out in Annex D; see also Section 6 of this guidance.

# 6. Decommissioning Programmes

## Introduction

- 6.1. This section provides an overview of the contents of a decommissioning programme, explaining why the information is needed and the policy expectations that operators should take into consideration as they prepare a Decommissioning Programme.

## General principles

- 6.2. A decommissioning programme should:
- Identify and describe all items of equipment, infrastructure and materials that have been installed or drilled. Installations, subsea equipment, wells, pipelines and accumulated drill cuttings at the site.
  - Describe the decommissioning solution for each item explaining why the solution has been selected, providing appropriate supporting evidence. In doing this the programme must consider how the principles of the waste hierarchy will be met and show the extent to which the installation, including the topsides and the materials contained within the installation, will be re-used, recycled or disposed of on land.
  - Clearly specify any equipment or remains which are to be considered for decommissioning in place/situ (with the exception of items left downhole).
  - Be supported by an environmental appraisal.
- 6.3. A decommissioning programme can comprise:
- all of the facilities located on a field or
  - part of the facilities, including a single installation or pipeline as agreed with the OPRED decommissioning team
- 6.4. The precise content of a programme will vary according to the individual circumstances and the proposed decommissioning solution, however most decommissioning programmes contain the following sections:
- (a) Executive Summary
  - (b) Description of Items to be decommissioned
  - (c) Removal and disposal methods
  - (d) Environmental Appraisal

- (e) Pipeline comparative assessments
- (f) List of wells related to the field and some brief details of their plug and abandonment
- (g) Interested Party Consultations
- (h) Programme Management
- (i) Supporting Documents
- (j) Partner Letter(s) of Support
- (k) Detailed cost breakdown

6.5. In the more complex cases relating to potential derogations (concrete installations and steel installations which OPRED adjudges to have a jacket weight greater than 10,000 tonnes) a full assessment of the options in accordance with Annex 2 to Decision 98/3 must be undertaken by the operator so that OPRED may judge whether there is a case for seeking a derogation from the general rule of the Decision. The assessment will include the practical availability and potential impacts of alternative options in order to allow an authoritative comparative evaluation to be carried out. This is explained in more detail in Annex A.

### Waste Hierarchy

- 6.6. The waste hierarchy is a conceptual framework which ranks the options for dealing with waste in terms of their sustainability, beginning with reducing the generation of waste. Failing that, re-use either for the same or a different purpose should be considered ahead of recovering value from the waste through recycling.
- 6.7. Only if none of these offers an acceptable solution should disposal be considered.
- 6.8. Details of what will be required by waste authorities in regard to an inventory of waste being decommissioned is at Annex D
- 6.9. Decision 98/3 recognises that, in line with the waste hierarchy, the re-use of an installation is first in the order of preferred decommissioning options. OPRED is keen to encourage the re-use of facilities wherever this is practical and cost effective, and the decommissioning programme must demonstrate that the potential for re-use has been examined and discussed with the OGA, who would give OPRED a view on the reuse option.

### Environmental Appraisal

- 6.10. The chosen decommissioning option must be supported with an Environmental Appraisal that must be submitted alongside the decommissioning programme. The environmental appraisal should assess the impact of the project on the environment and include information on the energy balance and emissions of the options considered as well as the

impacts of any explosives likely to be deployed subsea during decommissioning activity. (See section 12).

### Statement of Decommissioning Costs

- 6.11. Decommissioning programmes must include a statement about costs, preferably in the form of the Oil and Gas UK Work breakdown structure. We realise that accurate cost data and confirmation of the final decommissioning option may be dependent on the outcome of a commercial tendering process however operators are expected to provide a reasonable cost estimate in the decommissioning programme. Operators should discuss any sensitivity with OPRED. This information can be provided separately and will be shared with the Oil and Gas Authority decommissioning team in support of their cost assessment process, unless operators request otherwise.

### Stakeholder Engagement

- 6.12. Operators will need to develop and manage a wide-ranging public consultation process proportionate to the level of interest from stakeholders. The form and timing of this process should be discussed with OPRED. As a guide, such a process may take up to 12 months and should commence at an early stage. Oil & Gas UK has developed Guidelines on Stakeholder Engagement for Decommissioning Activities. These can be viewed at <http://www.oilandgasuk.co.uk/>.

### The Decommissioning Programme Template

- 6.13. Decommissioning Programme Templates are available to help operators set out required content of a decommissioning programme. If this format is not appropriate in any particular case a modified version may be agreed in discussion with OPRED.

### Presenting Template multiple decommissioning programmes in the same document

- 6.14. The 1998 Act requires there to be a decommissioning programme in respect of each set of equipment which is the subject of a section 29 notice or series of related section 29 notices. This means that, although it may be possible to present different programmes within a single document, it must be done in such a way as to allow the different programmes to be identified in order to isolate the liabilities of the different groups of notice holders. Therefore where particular items of equipment or facilities on a field are to be decommissioned together but are the subject of different sets of section 29 notices (i.e. the groups of notice holders for the facilities are not all composed of the same companies), it is important that it is possible to distinguish clearly from the decommissioning programme with whom the decommissioning obligations rest and what those obligations are.
- 6.15. Decommissioning proposals for pipelines should be prepared in a separate programme but may be presented within the overall decommissioning document. Section 10 outlines the general approach to pipeline decommissioning and Annex C explains how to structure

combined decommissioning documents. A comparative assessment of decommissioning options will be required for all pipeline decommissioning.

### Consulting on a draft Decommissioning Programme

- 6.16. The decommissioning approval process provides the opportunity for stakeholders and the public to comment on an operator's decommissioning proposals and at an appropriate time, as agreed with OPRED, the operator should submit a consultation draft of the decommissioning programme. Once OPRED is satisfied with the draft programme detailed consultation arrangements will be agreed with the operator, including agreeing the start date, duration and the Public Notice content.
- 6.17. There are three aspects to the consultation exercise that run in parallel:
1. **OPRED publish the draft consultation programme** on its website (<https://www.gov.uk/guidance/oil-and-gas-decommissioning-of-offshore-installations-and-pipelines>), and consult with government departments, agencies and non-government agencies; this may include, but is not restricted to:
    - OPRED environmental colleagues and senior managers
    - The Health and Safety Executive
    - The Oil and Gas Authority
    - The Ministry of Defence including the UK Hydrographic Office
    - The Department of Environment, Food and Rural
    - HM Revenue & Customs
    - The Crown Estate
    - The Crown Estate Scotland
    - The Joint Nature Conservation Committee
    - Seafish

And for projects in waters adjacent to Scotland, additional parties may include:

- Marine Scotland
- The Scottish Radioactive Waste and Nuclear Decommissioning Policy Team
- The Scottish environment protection agency

- The Environment agency if in waters adjacent to England or Wales and the Department of the Environment for Northern Ireland if in waters adjacent to Northern Ireland.
- Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) - Section 19 explains the role of these bodies.

The roles of these other Government Departments and Agencies are set out in Annex D.

2. **Public Consultation** – The operator will also be asked to announce its proposals by placing a public notice in appropriate national and local newspapers and journals and to place details on the Internet. This notice should indicate where copies of the draft decommissioning programme can be viewed and to whom representations should be submitted. A standard form of notice including appropriate publications can be provided by OPRED. Hard copies of the draft programme should be made available for inspection at the operator's offices and a copy can be placed on the Internet. At the same time OPRED will indicate on its website that the programme has been issued for consultation alongside a link to the consultation programme.
  3. The operator should commence **statutory consultations** as required under section 29(3) of the Petroleum Act 1998. This comprises of the representatives of those parties who may be affected by the decommissioning proposals, such as the fishing industry. Details of the statutory consultees will be specified in a letter to all companies in receipt of a notice under section 29 of the Act, further to that notice. The Statutory Consultees should normally be given 30 days in which to comment. A list of the parties normally included is at Annex G.
- 6.18. OPRED will collate comments from their consultees on the draft programme and submit a written response to the operator.
  - 6.19. When the consultation exercise has concluded the operator must consider the responses and report on them in the decommissioning programme when it is submitted for approval. This can be best achieved by appending to the programme the correspondence with interested parties and by indicating the extent to which their views have been taken into account. Further meetings may be necessary at this stage to discuss whether additional information and amendments to the draft programme may be necessary. For most projects, once the responses have been addressed satisfactorily OPRED will request a final version of the Decommissioning Programme. However where an operator is seeking a derogation from Decision 98/3 a further consultation exercise undertaken by OPRED is required before a final decommissioning programme is requested. This is explained in more detail below.
  - 6.20. OPRED will respond to consultees with the outcome of their comments.
  - 6.21. Where appropriate, consideration of the draft decommissioning programme will run in parallel with:
    - Consideration by the HSE of the Dismantlement Safety Case.



- Consideration of any environmental permits or consents.
- OGA Decommissioning Team consideration in regard to cost.
- OGA Licensing and Consent Unit Field Teams of any Cessation of Production (COP). Approval of the decommissioning programme is contingent on the prior or agreed approval of COP for the field, and should be referenced in the final version of the decommissioning programme.
- OGA Supply chain directorate in regard to 'Supply chain action plans' (see - <https://www.ogauthority.co.uk/news-publications/publications/2017/supply-chain-action-plans-guidance/>)
- Any onshore disposal consents or licences which may be necessary, including any trans-frontier shipment of waste issues.

6.22. It is important that operators allow sufficient time for the proper consideration of the proposals in a decommissioning programme. In the majority of cases only one draft of the decommissioning programme will be necessary. However, in complex cases or those involving installations that are candidates for derogation under OSPAR Decision 98/3 it is likely that more than one draft will be required.

### Derogation cases – Consultation with OSPAR Contracting Parties

- 6.23. Where a decommissioning programme requires a permit allowing derogation from the terms of Decision 98/3 OPRED will consult with other OSPAR contracting parties following completion of the domestic consultation.
- 6.24. Annex 3 to the Decision sets out the required consultation process. While OPRED is responsible for submitting the case for derogation to the OSPAR Secretariat, the operator will be asked to prepare a document that supports this case. The derogation document should contain the particular aspects of the installation seeking derogation, OPRED will discuss the detailed contents of this derogation document with operators. Most operators start preparing the derogation document following submission of the post statutory consultation draft of the decommissioning programme.
- 6.25. When submitting the decommissioning programme for approval by the Secretary of State, the outcome of the OSPAR process should be reflected in the document.

### Approval of a Decommissioning Programme

- 6.26. At the appropriate time, normally when the draft decommissioning programme has been finalised, the OPRED will formally direct, in writing, the holders of section 29 notices, in respect of the installations and/or pipelines, to submit a decommissioning programme for their approval. In response to the direction, the operator, on behalf of the notice holders, should submit a copy of the decommissioning programme based on the agreed draft. The decommissioning programme should include a letter from each current equity holder with a section 29 notice signifying that it is being submitted by the operator on their behalf. A letter of support will not be required from a non-equity holder who has sold their interest



but retains a section 29 notice, however it is good practice to keep them informed of the process. Each of the notice holders will be informed by written notice when the Secretary of State has approved the programme. If the approval is to be subject to specific conditions or is modified by the Secretary of State before approval, the notice holders will be given the opportunity to make representations. A link to the approved programme will be included on OPRED's website.

### Reporting Progress and completion of activities / Close out Report

- 6.27. The operator must keep OPRED informed of progress as the programme is being executed. A progress report template is under development and further details will be provided in due course. In the meantime operators should discuss reporting arrangements with OPRED. When decommissioning activities have completed, operators must submit a close-out report. This must be submitted within one year of the completion of offshore work, including debris clearance and post-decommissioning surveys. The close out report should outline how the decommissioning programme was carried out. Details of the information to be provided in the report are set out in Section 13.

### Changes to Approved Programmes

- 6.28. When a decommissioning programme has been approved by OPRED it is the duty of each of the persons/parties who submitted it to ensure that it is carried out as described in the decommissioning programme and that any conditions to which the approval is subject are complied with. Those who submitted the programme may, if they wish, propose alterations to it. If changes are contemplated, the operator, on behalf of the persons/parties who submitted the programme, should discuss them with OPRED, and a revision to the approved programme may be undertaken. Section 34 of the 1998 Act sets out the provisions that apply to the revision of an approved decommissioning programme. OPRED may also propose alterations to any programme or condition which is attached to it.

## 7. The impact of OSPAR Decision 98/3

### General

- 7.1. The purpose of this chapter is to provide guidance on the decommissioning requirements which apply, in accordance with the requirements of the Decision 98/3, to the various types of installation located on the UKCS.
- 7.2. Under Decision 98/3, which has been accepted by the UK Government, the disposal at sea and the leaving wholly or partly in place of disused offshore installations is prohibited. There is a presumption in favour of re-use, recycling or final disposal on land.
- 7.3. Decision 98/3 recognises that there may be difficulty in removing the 'footings' of large steel jackets weighing more than 10,000 tonnes in air and in removing concrete installations. As a result there are exceptions from the general rule for these categories of installation. However, it should be noted that any steel installation emplaced after 9 February 1999, the date on which the Decision entered into force, must be completely removed for re-use or recycling or final disposal on land.
- 7.4. The following table indicates the options which may be considered for various categories of offshore installations located on the UKCS:

Installation (excluding topsides)	Weight (tonnes)	Complete removal to land	Partial removal to land	Leave wholly in place	Re- use	Disposal at Sea
<b>Fixed Steel</b>	<10,000	Yes	No	No	Yes	No
	>10,000	Yes	Yes	No	Yes	No
<b>Concrete - gravity</b>	Any	Yes	Yes	Yes	Yes	Yes
<b>Floating</b>	Any	Yes	No	No	Yes	No
<b>Subsea</b>	Any	Yes	No	No	Yes	No

In all cases:

- Only the 'footings' or part of the 'footings' may be left in place.
- Minimum water clearance of 55 metres required above any partially removed installation which does not project above the surface of the sea.
- The placement of materials on the seabed for a purpose other than that for which it was originally intended is covered by the OSPAR Guidelines on Artificial Reefs in relation to

Living Marine Resources of June 1999 (OSPAR Reference: Agreement 1999-13. Available from the OSPAR website at [www.ospar.org](http://www.ospar.org))

- Although the disposal of the substructure of a concrete installation at a deep-water site is an option this must be considered against the UK Government announcements at the time of the Decision when Ministers stated that there would be no toppling and no local or remote dumping of offshore installations.
- 7.5. In addition, Decision 98/3 recognises that in very exceptional and unforeseen circumstances resulting from structural damage or deterioration or circumstances resulting in equivalent difficulties in removal there may be a case for any offshore installation to be dumped or left wholly or partly in place.
- 7.6. Further guidance is provided below.

### Topsides

- 7.7. The topsides of all installations must be returned to shore for re-use or recycling or final disposal on land. Under Decision 98/3 topsides are defined as those parts of an entire offshore installation which are not part of the substructure and includes modular support frames and decks where their removal would not endanger the structural stability of the substructure.

### Steel Installations weighing less than 10,000 tonnes in air (excluding topsides)

- 7.8. All steel installations weighing less than 10,000 tonnes in air must be completely removed for re-use or recycling or final disposal on land. The Decision defines a steel installation as being a disused offshore installation which is constructed wholly or mainly of steel.
- 7.9. In this instance any piles should be severed below the natural seabed level at such a depth to ensure that any remains are unlikely to become uncovered. operators should aim to achieve a cut depth of 3m below the natural seabed level, however consideration will be given to the prevailing seabed conditions and currents and this should be detailed in the decommissioning programme and discussed with the relevant decommissioning team.

### Steel Installations weighing more than 10,000 tonnes (excluding topsides)

- 7.10. There is a presumption that steel installations weighing more than 10,000 tonnes in air should be totally removed and this is the starting point for the consideration of any decommissioning proposals. However, it is possible to consider whether it is appropriate for the 'footings' or part of the 'footings' of the installation to be left in place.
- The upper section of the jacket above the 'footings' or any removed part of the 'footings' must either be re-used, recycled or disposed of on land.
  - Removed parts may not be disposed of at sea.

- 7.11. Decision 98/3 defines the 'footings' as those parts of a steel installation which are below the highest point of the piles which connect the installation to the sea bed or, in the case of an installation constructed without piling, form the foundation of the installation and contain amounts of cement grouting similar to those found in piled installations. The definition also includes those parts of a steel installation which are so closely connected to the 'footings' as to present major engineering problems in severing them. In some situations this will allow subsea templates which are located within the area of the 'footings' and made inaccessible by the 'footings' to be included in this definition.
- 7.12. If the owners of the installation wish the Government to approve a permit for a derogation from the general rule of total removal, it will be necessary for the operator of the installation to demonstrate that there are significant reasons why leaving the 'footings' or part of the 'footings' in place is preferable to returning them to shore for re-use or recycling or final disposal on land. To achieve this, a comparative assessment must be carried out by the operator in accordance with Annex 2 to Decision 98/3, this assessment should include full removal. Such an assessment should focus on realistic options that are aligned with government policy and thus have the potential to be approved rather than covering options which would not be available under UK policy (i.e. deep-sea disposal or toppling). This assessment will be judged against the criteria and approach set out in Annex A to this guidance. If the Government is satisfied that a case has been made it will undertake consultations with the other OSPAR Contracting Parties through the OSPAR Secretariat in accordance with Annex 3 to Decision 98/3.

### Gravity Based Concrete Installations

- 7.13. Decision 98/3 recognises that the decommissioning of concrete installations is likely to present particular problems. For the purposes of the Decision a concrete installation is defined as being a disused offshore installation constructed wholly or mainly of concrete.
- 7.14. As with all other installations the topsides of concrete installations must be returned to shore for re-use, recycling or disposal. However, it is possible to consider whether the remainder of the installation, or part of it, should remain in place or be disposed of at a deep-water licensed site. If the owners of a concrete installation wish the Government to consider a derogation from the general rule of total removal to land, the operator must undertake an assessment in accordance with Annex 2 to Decision 98/3. The assessment must show that there are significant reasons why sea disposal or leaving the installation in place is preferable to re-use or recycling or final disposal on land. This assessment will be judged against the criteria and approach set out in Annex A to this guidance. If the Government is satisfied that a case has been made it will carry out consultation with the other OSPAR Contracting Parties in accordance with Annex 3 to the Decision.

### Hybrid Installations

- 7.15. Since the adoption of Decision 98/3 a number of new development proposals have considered the use of hybrid installations, combining both concrete and steel in their construction. A typical hybrid installation may have a concrete gravity base storage tank with a fixed steel structure located above.
- 7.16. For the purposes of the OSPAR Decision and the requirements of the 1998 Act such installations will be classified as being either steel or concrete on the basis of the

definitions set out in the Decision, i.e. that it is either, constructed wholly or mainly of steel or it is constructed wholly or mainly of concrete. This is not simply a matter of weight, and account will be taken of the purposes for which the different parts of the structure have been used.

- 7.17. If such an installation is classified as concrete then account will have to be taken of the Ministerial 'Sintra' statement which accompanied the Decision and made clear that new concrete installations would be used only when it is strictly necessary for safety or technical reasons. In such circumstances a case justifying the use of concrete would have to be made as part of the Field Development Plan (FDP) approval process and would need to demonstrate that the installation can be removed for re-use, recycling or final disposal on land at the time of decommissioning. This is in accordance with the IMO requirement that any installation emplaced on or after 1 January 1998 must be designed and constructed so that entire removal would be feasible (see Section 8).

### Floating Installations

- 7.18. Floating installations will include Floating Production Facilities (FPFs) or Floating Production Systems (FPSs), Floating Production, Storage and Off-take vessels (FPSOs), Floating Storage Units (FSUs), and Single Buoy Mooring facilities (SBMs). At the end of field life such installations will be floated off location and re-use elsewhere as a production or storage facility is likely to be a high priority. In those cases where re-use does not prove possible it will be necessary to return the facility to shore for storage or dismantling in line with the hierarchy of waste disposal options.
- 7.19. It is recognised that there may be a requirement to remove floating production facilities from a field in advance of the approval of a decommissioning programme. In these circumstances removal of the facility can be agreed through an exchange of correspondence between the operator and OPRED. This is treated as a partial decommissioning approval.
- 7.20. The documentation will detail all decommissioning activity to be undertaken in order to release the facility from its offshore operating location and move to the next location.
- 7.21. If dismantlement is the most likely end point for the facility then the documentation should also include details of the dismantlement activity and should align with IMO and UK (EU) ship dismantlement/ disposal obligations.
- 7.22. The content of an agreed Exchange of correspondence documentation (used to agree FPSO float-away) is considered to be a partial Decommissioning Programme, hence will be included retrospectively within the approved version of the Decommissioning Programme and the exchange of correspondence should be considered a partial approval and the conditions within it treated as conditions in an approval. Further guidance can be provided by OPRED.
- 7.23. Most floating installations will have associated sub-sea equipment. The approach to decommissioning sub-sea installations is dealt with in the following paragraphs.

### Sub-sea Installations

- 7.24. Sub-sea installations were not separately identified in the Decision as they were not common at that time but it is agreed that they fall within the definition of a steel installation.

Sub-sea installations include drilling templates, production manifolds, well heads, protective structures, anchor blocks and anchor points, anchor chains, risers and riser bases, as well as structures related to pipelines which are of a size and weight to be considered an installation. Subject to paragraph 7.22 below, such installations must be completely removed for re-use or recycling or final disposal on land. operators should aim to achieve a cut depth for subsea installation footings of 3m below the natural seabed level, however consideration will be given to the prevailing seabed conditions and currents and this should be detailed in the decommissioning programme and discussed with the relevant decommissioning team. However, any application to leave in place a sub-sea installation because of the difficulty of removing it would need to be made in terms of satisfying the requirements of paragraph 3(c) (exceptional and unforeseen circumstances) of Decision 98/3.

- 7.25. The exception to the general rule above relates to any part of an offshore installation which is located below the surface of the sea-bed or any concrete anchor-base associated with a floating installation which does not, and is not likely to, result in interference with other legitimate uses of the sea. These are not included in the definition of a disused steel or concrete installation in Decision 98/3 and as such may be left in place. However, any concrete anchor-base which results, or is likely to result, in interference with other legitimate uses of the sea can remain in place as a derogation from the main rule only if an assessment under Annex 2 to Decision 98/3, and consultation in accordance with Annex 3, show that to be preferable to re-use or recycling or final disposal on land.

### Exceptional Circumstances

- 7.26. In exceptional and unforeseen circumstances any disused offshore installation may be disposed of at sea or left wholly or partly in place as a derogation from the main rule if it can be demonstrated that, due to structural damage or deterioration, or some other cause presenting equivalent difficulties, there are significant reasons why such disposal is preferable to re-use or recycling or final disposal on land. An assessment in accordance with Annex 2 to Decision 98/3 would have to be carried out along with consultation under Annex 3. This derogation is likely to apply only in very exceptional cases where for significant environmental, technical or safety reasons an installation, or part of it, cannot be removed. Again, the assessment would be judged against the criteria and approach set out in Annex A to this guidance.

## 8. IMO guidelines and standards for the removal of offshore installations and structures

### General

- 8.1. The International Maritime Organisation Guidelines and Standards for the Removal of Offshore Installations and Structures on the Continental Shelf and in the Exclusive Economic Zone, adopted by IMO Assembly on 19 October 1989, (Resolution A.672 (16)), set out the minimum global standards to be applied to the removal of offshore installations and structures.
- 8.2. The Guidelines and Standards, which were designed essentially to ensure the safety of navigation, make clear that they are not intended to preclude a coastal state from imposing more stringent removal requirements for existing or future installations or structures on its continental shelf or in its exclusive economic zone.

### The Inter-relationship with Decision 98/3

- 8.3. The UK Government's acceptance of Decision 98/3 means that the UK will apply the provisions of that instrument when considering the decommissioning of offshore installations rather than the standards and guidelines laid down by the IMO. However, certain aspects of the IMO Guidelines and Standards will still be relevant:
  - Any disused installation or structure, or part thereof, which projects above the surface of the sea should be adequately maintained.
  - An unobstructed water column of at least 55 metres must be provided above the remains of any partially removed installation to ensure safety of navigation.
  - The position, surveyed depth and dimensions of any installation not entirely removed should be indicated on nautical charts and any remains, where necessary, properly marked with aids to navigation.
  - The person responsible for maintaining any aids to navigation and for monitoring the condition of any remaining material should be identified.
  - The liability for meeting any claims for damages which may arise in the future should be clear.
  - On or after 1 January 1998, no installation or structure should be placed on any continental shelf or in any exclusive economic zone unless the design and construction of the installation or structure is such that entire removal upon abandonment or permanent disuse would be feasible.



- 8.4. Most of these requirements are reflected in Annex 4 to Decision 98/3 which sets out the terms and conditions which must be specified in any permit issued by a Contracting Party for disposal at sea.
- 8.5. The UK requirements on the marking of any remains of an installation are set out in Section 15 of this guidance.



## 9. Treating, keeping and disposing of waste

- 9.1. The Environment Agency (in England and Wales) and the Scottish Environment Protection Agency (in Scotland) are responsible for administering and enforcing the waste management controls. Details of their requirements in regards to inventory of waste are at Annex D.
- 9.2. The decommissioning process produces waste that requires effective management by those responsible for decommissioning activity to ensure all waste produced offshore is legally transported, recycled, reused or disposed of safely by competent, authorised organisations and personnel.
- 9.3. Operators should engage directly with the relevant waste authority to ensure that they comply with the requirements, confirming that they have done so in the decommissioning programme. As a consultee to the draft decommissioning programme waste authorities will advise if requirements have been met.
- 9.4. Operators are strongly advised to ensure that sufficient time is allocated to waste requirements as part of the project planning noting that where offshore waste is likely to be transported outside of the UK, documentation requirements and approval of trans-frontier shipment permits and licences can take time to complete.
- 9.5. Waste authorities highlight five principles that they expect companies to adhere to:
  - Early Engagement
  - Active Waste Management Plans
  - Waste Framework Directive
  - Duty of Care
  - Inventory of Offshore Waste
- 9.6. Further details are available at:
  - Environment Agency - <https://www.gov.uk/government/organisations/environment-agency>
  - Scottish Environmental Protection Agency - <https://www.sepa.org.uk/>

# 10. Pipeline Decommissioning

## Introduction

- 10.1. The 1998 Act provides a framework for the orderly decommissioning of both offshore installations and offshore pipelines. This chapter provides guidance on the approach to the decommissioning of pipelines on the UKCS.
- 10.2. There are currently no international guidelines on the decommissioning of disused pipelines and they are not currently part of Decision 98/3, however we believe it is appropriate to have a robust process for considering pipeline decommissioning. The UK has therefore adopted the principles and processes associated the comparative assessment process in OSPAR Decision 98/3 in its consideration of pipeline decommissioning. This means that as a starting principle operators must aim to achieve a clear sea bed and robustly assess decommissioning options based on evidence and data.
- 10.3. The Pipeline Safety Regulations 1996, administered by the HSE, provide requirements for the safe decommissioning of pipelines.
- 10.4. Decommissioning proposals for pipelines should be contained within a separate programme from that for installations, alongside the comparative assessment. However, programmes for both pipelines and installations in the same field may be submitted in one document.

## General Approach

- 10.5. The following approach will be taken in considering the decommissioning of pipelines on the UKCS:
  - decisions will be taken on a case by case basis, in the light of individual circumstances
  - the potential for reuse of the pipeline in connection with further hydrocarbon developments should be considered before decommissioning (together with other existing projects such as hydrocarbon storage and carbon capture and storage. If in conjunction with the OGA reuse is considered viable, suitable and sufficient maintenance of the pipeline must be detailed
  - A comparative assessment will be required in all pipeline decommissioning programmes and all feasible decommissioning options should be considered (the factors to be taken into account are included in Annex C)
  - any removal or partial removal of a pipeline should be performed in such a way as to cause no significant adverse effects upon the marine environment
  - any decision that a pipeline may be left in place should have regard to the likely deterioration of the material involved and its present and possible future effect on the marine environment

- account should also be taken of other users of the sea, and the future use fishing activities in the area
- if pipelines are considered complex or are located in sensitive areas a more detailed assessment of the risks involved and the proposed mitigations may be required as part of the decommissioning programme. This will be indicated in discussion with OPRED

### Determining the environmental impact

- 10.6. Determination of any potential effect on the marine environment at the time of decommissioning should be based upon scientific evidence. The factors to be taken into account should include:
- the effect on water quality and geological and hydrographic characteristics
  - the presence of endangered, threatened or protected species
  - existing habitat types
  - local fishery resources
  - the potential for pollution or contamination of the site by residual products from, or deterioration of, the pipeline
- 10.7. In order to consider the potential environmental impact it is necessary to evidence the contents of the line and outline the cleaning operations that will be undertaken. In addition to cleaning pipelines to remove hydrocarbons, reasonable endeavours to remove wax and other contaminants, particularly where a line is to be decommissioned in place, will be expected.
- 10.8. Experience to date highlights the advantage of commencing cleaning operations early in the decommissioning process. Guidance on cleaning topsides and pipelines prior to decommissioning has been developed through the OGUK. This is available from the Oil & Gas UK website.
- 10.9. As there are widely different circumstances in each case, it is not possible to predict with any certainty what may be approved in respect of any class of pipeline. Each will be considered on its merits and in the light of a comparative assessment of the alternative options. This policy also applies to pipeline bundles which are already in place on the seabed. Operators are reminded that any new pipeline bundles which are currently under construction should be designed for future removal.
- 10.10. See chapter 12 for further details on the environmental considerations in decommissioning.

### Leaving pipelines in place

- 10.11. Where it is proposed that a pipeline should be decommissioned in place, either wholly or in part, then the decommissioning programme should be supported by a suitable study which addresses the degree of past and likely future burial/exposure of the pipeline and any

potential effect on the marine environment and other uses of the sea. The study should include the survey history of the line with appropriate data to confirm the current status of the line including the extent and depth of burial, trenching, spanning and exposure. It should also detail levels of fishing activity in the area.

10.12. As a general guide the following pipelines (inclusive of any "piggyback" lines and umbilicals that cannot easily be separated) may be candidates for in-situ decommissioning:

- those which are adequately buried and trenched and which are not subject to development of spans and are expected to remain so. It is expected that burial or to a minimum depth of 0.6 metres above the top of the pipeline will be necessary in most cases, trenching without burial will require more detailed information on backfill, and fishing activity. Note: Those which are trenched but not adequately buried will require more information on possible backfill and snagging risks
- those which were not buried or trenched at installation but which are expected to self-bury over a sufficient length within a reasonable time and remain so buried
- those where burial or trenching of the exposed sections is undertaken to a sufficient depth and it is expected to be permanent
- those which are not trenched or buried but which nevertheless are candidates for leaving in place if the comparative assessment shows that to be the preferred option in particular trunk lines
- those where exceptional and unforeseen circumstances due to structural damage or deterioration or other cause means they cannot be recovered safely and efficiently

Note: Trenching and burying at the time of decommissioning can be considered as an acceptable solution

### Decommissioning complex pipelines or pipelines in an environmentally sensitive area

10.13. Where the pipeline being decommissioned is in a sensitive area or is complex in nature, operators may be asked to provide more detailed information on how the risks of the decommissioning options are assessed. Some of the information required may cover areas such as:

- How the option aligns with the pipeline owners overall approach to risk, outlining a consideration of any longer term legacy or liability post decommissioning
- Business or operational activities
- Financial impact of option
- Reputational risks associated with the option

### Pipeline bundles

- 10.14. Pipeline bundles must be assessed using the same principles and approach as pipelines, with the policy objective of aiming to achieve a clear sea bed and any decision underpinned by the evidenced and transparent consideration of options.
- 10.15. OPRED has promoted technology development for pipeline bundle decommissioning with operators as part of recent decommissioning approvals and operators are therefore advised to consider emerging technologies as part of their assessment process.

### Decommissioning Pipelines that cross

- 10.16. Operators of pipelines that cross or are crossed by other operational pipelines are responsible for reaching mutual agreement on the appropriate phasing requirements of decommissioning activity. This must be detailed in the pipeline Decommissioning Programme.
- 10.17. Operators may wish to defer full execution of their decommissioning programme leaving a section of pipeline in situ at the crossing and fully decommissioning when the pipeline crossing is also decommissioned and these can be part of the subsequent decommissioning programme.

### Removal of small diameter pipelines (flexible flowlines, cables and umbilicals)

- 10.18. Small diameter pipelines, including flexible flowlines and umbilicals are expected to be entirely removed.

### Pipelines, umbilicals, and cables protected by rock-dump

- 10.19. Where rock-dump has previously been used to protect a pipeline it is recognised that removal of the pipeline is unlikely to be practicable and it is generally assumed that the rock-dump and the pipeline will remain in place. Where this occurs it is expected that the rock-dump will remain undisturbed. If there are special circumstances that would warrant consideration of removal of the pipeline despite the presence of rock-dump then operators must ensure that there is minimum disturbance of the rock-dump to allow safe removal of the pipeline and the elimination of any seabed obstruction that may result from the presence of the rock, would be expected.

### Monitoring Requirements

- 10.20. Where pipelines are to be decommissioned in place operators will be required to agree a suitable risk based monitoring programme with OPRED in consultation with other government departments with the details specified in the decommissioning programme.
- 10.21. The form and duration of the monitoring programme will depend upon the prevailing circumstances and, if necessary, be adapted with time. The starting point for any monitoring programme is a suitable baseline and unless there is sufficient information on

the condition of the pipeline from previous surveys, a post-decommissioning survey at the completion of decommissioning work will be required. Subsequent surveys will be required depending upon the risk associated with each of the pipelines or sections of the pipelines, and remedial activity (including removal of the pipeline) may be required if issues arise. Surveys and inspection reports must be submitted to OPRED at agreed timescales

- 10.22. OPRED will review the findings of reports in consultation with other government departments and fishermen/other users of the sea representatives.

### Pipelines no longer in use, but not yet decommissioned

- 10.23. Where a pipeline reaches the end of its operational life substantially in advance of the other facilities in the field the operator must notify OPRED that the pipeline is no longer in use. OPRED will send the operator a Disused Pipeline Notification form requesting details on the status of the pipeline that has been taken out of use. Upon receipt of this information OPRED in consultation with other relevant government departments, will consider whether a decommissioning programme for the pipeline is appropriate immediately or whether its final decommissioning can be dealt with at end of field life along with the other facilities in the field.
- 10.24. Amongst the factors to be taken into account in deciding the approach to a redundant pipeline in these circumstances will be:
- the length, diameter and construction of the pipeline
  - its location and the extent to which the pipeline is trenched or buried
  - the stability and integrity of the pipeline including the presence of any spans in excess of 0.8 metres in height from the top of the pipeline and 10 metres in length and/or which are likely to present a hazard to fishing activity
- 10.25. If it is agreed that final decommissioning may be delayed until a more appropriate time, OPRED will issue a letter setting out the conditions upon which it is prepared to defer formal decommissioning. This may include the requirement to carry out remedial work on the pipeline. OPRED will wish to be satisfied that leaving the pipeline in place until end of field life will not prejudice any final decommissioning solution, including complete removal, and that the pipeline will be subject to an appropriate surveying and maintenance regime. Following future surveys OPRED will write to the operator to confirm the status of the pipeline.
- 10.26. In cases where decommissioning is deferred as detailed above, the pipelines concerned are considered to form part of the Interim Pipeline Regime.
- 10.27. Further details on the Interim Pipeline Regime are available on OPRED's Oil & Gas Website <https://www.gov.uk/guidance/oil-and-gas-decommissioning-of-offshore-installations-and-pipelines>

### Consultation

- 10.28. The consultation arrangements set out in Section 6 apply equally to pipeline decommissioning programmes.

### Territorial Sea

- 10.29. Pipelines that cross the UK seabed within the territorial sea (12 nautical miles from the UK coastline) are likely to be subject to a lease granted by the Crown Estate or Crown Estate Scotland. Operators should contact the Crown Estate or Crown Estate Scotland to discuss their requirements in relation to pipeline decommissioning or disused pipelines as noted above.



# 11. Decommissioning protective deposits including mattresses, grout bags and rock gabion baskets or nets

## Principles

- 11.1. It is expected that as with pipelines, all related stabilisation features such as mattresses, grout bags, or contained rock deposits which have been installed to protect pipelines or other infrastructure during their operational life should be considered for removal with the aim to achieve a clear seabed and for disposal onshore.
- 11.2. If it is considered by an operator that this is not the optimal decommissioning solution, they must provide evidence in support of the alternative proposals through a comparative assessment of the impacts on safety, the environment, other users of the sea, technical feasibility and cost.
- 11.3. The fundamental principle underpinning a proposal to leave in situ is that evidence must be provided to demonstrate that the deposits would not interfere with other users of the sea, e.g. they would not present a snagging hazard that could interfere with fishing operations.

## Criteria

- 11.4. Operators should conduct baseline surveys as an initial step towards the development of the decommissioning programme, unless sufficient baseline information can be ascertained from recent surveys, during the live phase of the pipeline. OPRED expect these to address the following key criteria for mattresses and other related protective deposits : location, burial status (including depth from the top of the debris), integrity and verification.

### **Location, depth, burial status:**

- Techniques to determine the location and burial depth and extent are established and should be used to inform the selection of the optimal best practicable decommissioning solution.
- It is anticipated that the majority of protective deposits will be associated with pipelines and will be located within the 500 metre safety zones around installations. However, some deposits may be located outside safety zones, for example to protect pipeline junctions or crossings.
- The point of departure for consideration of any deposits that are on, or protruding above the surface of the seabed, is that they should be removed, but there may be

## 11. Decommissioning protective deposits including mattresses, grout bags and rock gabion baskets or nets

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circumstances where this is not considered feasible and it is proposed that the deposits should be relocated or buried.

- Deposits that are under a pipeline that is being left in situ would normally be left in place, providing it can be demonstrated that they would not cause a snagging hazard.
- Deposits that help stabilise a pipeline which is being left in situ can be considered for leaving in situ if they do not pose a risk to other users of the sea.
- There is no fixed standard in terms of acceptable burial depth. However, operators will be expected to demonstrate why it is considered safe to leave deposits in place if the burial depth is less than 0.6 metres below the surface of the seabed.

### **Integrity:**

- A relationship between deposit age and integrity can reasonably be assumed.
- Recently installed deposits (e.g. < 5 years) would be expected to be in good condition and they should therefore be recoverable.
- If lifting attachments, such as mattress loops, have been removed, operators should consider alternative lifting, removal or disposal options.
- If the integrity is a cause for concern, pull tests (potentially using ROVs, or other relevant methods) may be appropriate to assess the potential for recovery.
- If it can be demonstrated that recovery presents serious safety risks to offshore personnel due to poor integrity, consideration of leave in situ may be appropriate.

### **Verification:**

- For deposits that are buried to shallow depths (see above) an overtrawl trial (or a similar survey which provides the same level of information) will be required to demonstrate that the deposits do not present a snagging hazard and a report should be included as part of the supporting evidence for a proposal.
- If the deposits do represent a potential snagging hazard, mitigation measures must be presented to support the proposals (see below).

## **Decommissioning Solutions**

- 11.5. Where possible OPRED aims to prevent unnecessary administrative burdens and costs arising from avoidable revisions of the decommissioning programme. Therefore, while the default position is that all deposits should be recovered, it is possible to present a case for an alternative solution in a decommissioning programme, and to include contingency options in the event of operational problems during the execution of the decommissioning programme. OPRED will expect the alternatives and contingencies to be supported by a simplified comparative assessment examining a range of potential solutions against the established criteria of cost, technical feasibility, environment, safety and societal impact

## 11. Decommissioning protective deposits including mattresses, grout bags and rock gabion baskets or nets

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and the impact on other users of the sea and the preferred solution must be supported by evidence that demonstrates that it is the optimal option:

1. Options for mitigating safety risks and interference for other users of the sea must be included in the proposals.
2. Operators should consult key stakeholders, including fishermen's organisations, on the proposed mitigation measures.
3. Operators should discuss their proposals with OPRED prior to the submission of the decommissioning programme.
4. Data supporting the proposals should include reports on deposit locations, burial depths and integrity.
5. The evidence for a leave in situ solution should include information about the extent and nature of fishing operations, and any aggregate extraction or renewable energy activities, in the area.
6. Operators proposing to mitigate potential hazards using dumped rock should recognise that this may be opposed by some stakeholders.
7. Operators may wish to consider mitigating potential hazards using burial, including retrospective trenching.

Annex A – provides more detail on option screening.

### Post Decommissioning – Risk based monitoring

- 11.6. Areas where deposits have not been removed will be subject to monitoring requirements post decommissioning. This should be based on an assessment of risk, however it is likely to include:
  1. Visual and/or side-scan sonar surveys over the identified deposit locations with results to be submitted to OPRED for consideration of any ongoing monitoring requirements. It is anticipated that these may be conducted as part of the surveying regime for any remaining pipelines in the field, and any post-decommissioning environmental survey requirements.
  2. Standard overtrawling surveys to confirm the area is clear of debris and snagging hazards.
  3. The decommissioning solution for deposits should be covered in the close out report, including results from the initial post decommissioning surveys.
  4. Further location and burial depth surveys, and overtrawling trials, may be a condition of the Decommissioning Programme approval and will have to be undertaken at intervals to be discussed and agreed with OPRED to confirm that hazards have not developed.

5. Residual liability relating to any deposits that remain on, or beneath, the surface of the seabed will reside with the operator. Should future mitigation measures be required to maintain the safety of other users of the sea, or to prevent significant interference that was not considered in the decommissioning programme, the operator will be required to present proposals to OPRED.

## 12. Environmental Considerations

### Introduction

- 12.1 Decommissioning options must have proper regard for the marine environment, and the Decommissioning Programme (DP) must include supporting information detailing the potential environmental impacts of the proposed decommissioning activities, based upon:
- the presumption that, wherever possible, all offshore infrastructure will be reused, recycled or disposed of on land;
  - the use of a Comparative Assessment (CA) process, and in more complex cases the operator's risk and consequence evaluation, to identify the most appropriate decommissioning option for any infrastructure that cannot be reused, recycled or disposed of on land;
  - assessment of the selected decommissioning option in accordance with current domestic and international requirements; and
  - assessment in accordance with the provisions of OSPAR Decision 98/3 for any offshore installation that cannot be totally reused, recycled or disposed of on land.
- 12.2 The environmental impact assessment must be documented in an Environmental Appraisal (EA) report providing an assessment of the potential environmental impacts of the selected decommissioning option and identifying any significant environmental impacts and any mitigation or remedial works which may be required.
- 12.3 The EA must be submitted to OPRED's Offshore Decommissioning Unit (OPRED-ODU) to support the DP:
- in draft form for consideration at the Public Consultation stage; and
  - in final form, when the DP is submitted for approval

### EA versus the EIA Directive

- 12.4 In order to demonstrate the potential environmental impacts of proposed decommissioning activity on the marine environment, an environmental impact assessment process must be executed. Most operators seemed to assume that the assessment should be aligned with the requirements of the Environmental Impact Assessment (EIA) Directive (Directive 2011/92/EU as amended by Directive 2014/52/EU). However, there is no statutory requirement to undertake an environmental impact assessment that satisfies the EIA Directive requirements for proposed decommissioning activities (for example, there is no expectation to assess all the options considered in the CA, or to assess the impact of accidental events e.g. spills from vessels). Under the Petroleum Act 1998 there is a more straightforward

requirement to undertake an assessment of the potential environmental impacts of the proposed decommissioning proposals, and the EA described here fulfils that requirement.

- 12.5 The EA should be proportional with respect to the proposed decommissioning activities, the potential environmental impacts and the sensitivities of the marine environment in the vicinity of the activities. It should provide a satisfactory level of information in order to describe the potential environmental impacts of the selected decommissioning option and should provide a more detailed assessment of any potentially significant environmental impacts.
- 12.6 The following sections include guidance on the type and level of information expected within an EA.

### Undertaking an EA

#### Information expected within an EA

- 12.7 The EA should be a single standalone document that assesses the potential environmental impacts of the selected decommissioning option described in the DP and discussed in the CA. It should provide an environmental evidence base and justification with respect to the selected option. Where a number of decommissioning methodologies for the selected option remain under consideration, the worse-case scenario in terms of potential environmental impact should be assessed. Table 1 summarises the information expected within an EA.
- 12.8 The level of information in the EA should be proportionate to the scale of the activities described in the DP. Where the proposed activities could impact a sensitive area (e.g. a Marine Protected Area or coastal resources), this will also usually merit more detailed information and a more robust assessment of the potential impacts.

Table 1: Type and level of information expected in an EA

Section	Type of information	Level of information
Non-technical summary	This should include a summary description of the selected decommissioning option (and any decommissioning methods which may be employed), the baseline environment and environmental sensitivities, the aspects of the environment likely to be affected by the activities, any identified likely significant impacts and any mitigation measures to be implemented.	Provision of sufficient, but concise information to allow a non-specialist reader to understand the proposals, the potential impacts and the proposed mitigation, without recourse to consideration of the rest of the submission.
Introduction	Details the rationale of the assessment, including a summary of why it has been undertaken. This may include a summary of the policy and regulatory context, if not presented in a separate section.	Clear and concise.
Policy and regulatory context	If not included in the introduction, a summary of the relevant policy and legislation and how the EA and the proposed activities comply with the requirements.	Clear and concise.
Stakeholder consultation	Where stakeholder consultation has been undertaken, the relevant stakeholders should be identified and their comments should be summarised, stating where in the EA any comments have been addressed.	This should be clear and concise (either text or a tabular format would be acceptable).
Decommissioning activities	This should include a detailed, but not overly technical description of the proposed decommissioning activities and methodologies that have been selected and are described in the DP. The description should include information relating to the	Each element of the project should be described in sufficient detail to enable adequate identification and assessment of the potential



## 12. Environmental Considerations

	<p>design and proposed execution of the activities, including methodologies, the location, spatial extent, timing and duration of the activities, and the nature and quantities of any proposed deposits, discharges, emissions or other aspects relevant to the impact assessment, including reference to any debris clearance surveys and proposals. The description does not need to provide a full inventory of the infrastructure, as that should already be included in the DP, but it should set the parameters of the proposed activities relevant to the EA, such as worse-case scenarios with respect to, for example, deposits, discharges, emissions (including noise), deposits, area of impact, etc. The description should always be supported by maps and/or diagrams where applicable.</p>	<p>environmental impacts and to enable the reader to understand the proposals.</p>
Environmental Baseline	<p>It is important that the area covered by the environmental description should be consistent with the area that could potentially be impacted by the proposed activities.</p> <p>The environmental description should describe the existing environment at the project location. The description should draw on available data such as the information included in Strategic Environmental Assessment (SEA) and related studies undertaken by the Department, available operational data, previous survey reports (e.g. environmental, pipeline inspection and ROV survey reports) and information obtained from published literature. Where appropriate it should also incorporate site-specific survey data directly relevant to aspects that are likely to be affected by the proposed activities and relevant to any existing activities.</p>	<p>It is important that all the relevant environmental considerations are included and sufficiently described to adequately identify and assess environmental impacts. Each element of the description should be proportional and achieve the right emphasis in terms of its importance and its relevance to the potential environmental impact and the conclusions of the EA.</p>

## 12. Environmental Considerations

	<p>The description should include information relating to the environment and the proposed activities, including for example, sediment characterisation, chemical contamination, benthic organisms, fish spawning/nursery areas, seabird sensitivities, marine mammal sensitivities, protected habitats and species, marine plan policies and other users of the sea (including aspects such as amenity use, fishing, shipping, offshore renewables and aggregate extraction), and should identify any potential conflict of interests or where there may be in-combination or cumulative impacts.</p> <p>Maps and/or diagrams are very useful for putting proposals into context in relation to important features, such as fish spawning/nursery areas; seabird sensitivities; marine mammal sensitivities; sites protected under international or domestic legislation (e.g. Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Marine Conservation Zones (MCZs) and Marine Protected Areas (MPAs)); marine plan areas; fishing and shipping intensity; and windfarms or aggregate extraction areas.</p> <p>Any gaps or limitations in the environmental information provided should be acknowledged and, where appropriate, strategies proposed to address critical deficiencies.</p>	
Environmental Issues Identification	<p>As part of the EA, project data should be subjected to a preliminary scoping exercise to identify relevant potential environmental issues and impacts. This could involve using a standard industry or company Environmental Issues Identification (ENVID) system.</p>	<p>There are several methods for presenting the results of a scoping exercise, the most commonly used being matrices or tables. However, there is no preference, as long as the</p>

	<p>The key objective of the scoping process is to identify all relevant issues resulting from the selected decommissioning option, and to agree practicable measures to ensure that throughout the duration of the operations there is minimal harm to the environment. The process should consider all relevant factors, based on expert judgement using multidisciplinary team strengths, particularly with regard to understanding both demonstrated and perceived potential environmental impacts, sensitivities and mitigation. This process should also determine the issues that need to be further assessed as they have been identified as having the potential to result in a significant impact.</p> <p>There are several methodologies used to identify impacts, but the most commonly used in the UK is the qualitative risk-based interaction matrices. Whatever methodology is used, it should be clearly identified a formal summary of the process should be included either as standalone section in the EA report or as an appendix to the report.</p>	<p>outcome is presented in a logical and clear manner.</p>
Environmental Assessment	<p>The assessment should identify all potential environmental impacts, placing them in a spatial and quantitative context e.g. area of impact, and should focus on those impacts that been identified in the scoping process as potentially significant and therefore requiring detailed assessment.</p> <p>The assessment of the impacts and their significance should demonstrate an understanding of the environment in the area of the proposed activity, including its spatial and temporal variation, using the baseline information to inform the assessment. For some impacts, modelling can be used to gain a better understanding of the extent and magnitude of potentially</p>	<p>The environmental assessment should be clear and logical in its layout and presentation. It should clearly detail the potential direct and indirect impacts of the proposed activities.</p> <p>It is important that all the relevant environmental impacts are included, and the assessment is sufficient so that the reader can draw the same conclusions as the report with regard</p>

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	<p>significant impacts, such as discharge modelling, noise modelling, etc.</p> <p>The assessment should include third party impacts, such as navigational safety, the disturbance of cuttings pile by fishing gear and the snagging of fishing gear on infrastructure left in place and should also include in-combination and cumulative impact assessment where applicable. The assessment should also consider whether the proposed activities are in accordance with relevant marine plan policies, and it may be necessary to make a more detailed assessment if the proposed activities are within a Special Area of Conservation (SAC), Special Protection Area (SPA) and/or other Marine Protected Areas (MPA's).</p> <p>The assessment should also describe the measures proposed to eliminate, reduce or otherwise mitigate potential adverse impacts. It should provide an indication of the predicted effectiveness of the stated measures, and demonstrate a firm commitment to implementing the proposed measures.</p> <p>Finally, it should be noted there is no expectation for the EA to include an assessment of wastes or waste management returned to shore for treatment or disposal. as this is considered an onshore issue and not relevant to impacts in the marine environment. Section 9 of this guidance discusses further the DP requirements for waste disposal.</p>	<p>to significance. Each element of the assessment should be proportional and achieve the right emphasis in terms of its importance and relevance to the receiving environment and the significance of the impact.</p>
EA Conclusions	<p>The conclusion should not be a summary of everything within the report, but it should provide the reader with a clear and concise understanding of the overall message of the EA.</p>	<p>The conclusion should provide a brief explanation of the main findings. Conclude - do not just summarise.</p>

## 12. Environmental Considerations

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References	Correct and complete references should be included. Regardless of whether the information is directly quoted, paraphrased or summarised, and taken from a journal article, a report (including survey reports), a textbook or a website, the original author and title must be cited.	There are number of different types/methods of referencing. There is no preferred method, as long as it is consistently applied.
Appendix	Supplementary information that provides context or value to the body of the report should be provided in the appendix e.g. a scoping or ENVID summary, modelling scenarios and statistical information.	Appendices should be relevant to the body of the report and referenced where applicable.

### Marine Protection

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

- 12.9 As stated in Table 1 any relevant Special Areas of Conservation (SAC's) or Special Protection Areas (SPA's) which could be impacted by the proposed activities must be identified in the environmental baseline description, and any beneficial or adverse impacts must be detailed in the assessment.
- 12.10 Where OPRED's Environmental Management Team (OPRED-EMT) or the relevant Statutory Nature Conservation Body (SNCB) considers that the decommissioning proposals may have a significant effect on the integrity of a SAC or SPA, it is likely that OPRED-EMT, as the competent authority, will undertake a Habitats Regulations Assessment (HRA) at the DP stage. The HRA can be a screening assessment (often called a Likely Significant Effects assessment, or LSE assessment), and/or a full Appropriate Assessment (AA) if the activities are considered likely to have a significant effect on the integrity of the relevant site.
- 12.11 Although the requirement to undertake the HRA rests with OPRED, it is essential that EA submissions address the potential impacts on SACs or SPAs as part of the overall assessment of the proposed activities, and the information must be sufficient to inform OPRED's HRA. Wherever possible, the information provided should be both qualitative and quantitative, for example to confirm the proportion of the protected site or species likely to be affected by the project. If uncertain about the requirements, the operator should seek advice from OPRED-EMT.

#### Other protected habitats and species

- 12.12 Details of any other protected sites or species or proposed protected sites or species that are the subject of consultation, should also be included in the baseline environmental description, including details of any protected mobile species (e.g. European Protected Species) that are not associated with a specific protected site but are found in the vicinity of the project. The sites considered should include any MCZs, international and domestic MPAs, Marine Nature Reserves (MNRs), Ramsar Sites, and Sites of Special Scientific Interest (SSSIs).
- 12.13 Although there is no requirement for OPRED to undertake a separate assessment (HRA) for sites other than SACs and SPAs, it is still essential that the EA submission addresses potential impacts on all protected sites and species.

#### Marine Plans

- 12.14 Where activities are within an area that is covered by an adopted marine plan, or one that is subject of consultation, or located in an adjacent area and potential impacts are likely within the marine plan area, the EA must include consideration of whether the proposed activities are in accordance with relevant marine plan policies. There may be a number of plan policies that are relevant to the activities, including both general and sector specific policies. Impacts on the policies should be addressed in a proportionate manner depending on the size and complexity of the project and the nature of any

interaction with the plan policies. It is expected that in most cases, the consideration will normally be at a fairly high level and in many it may be possible to conclude that there will be no impact on a marine plan policy.

### Environmental surveys to support the EA

- 12.15 The requirements and scope of environmental baseline surveys and sampling may differ according to individual decommissioning activities and the local environmental sensitivities.
- 12.16 It is recommended that a gap analysis of existing environmental data is undertaken to determine if additional baseline information and/or surveys will be required. For some decommissioning proposals it may be possible to use existing regional and local area survey data to determine an acceptable baseline. This may encompass data from multiple surveys covering the area under evaluation to establish a baseline of the environmental characteristics. If no new survey work is undertaken because the information and data available is deemed to be satisfactory, the EA should justify that the baseline is sufficient to inform the EA.
- 12.17 Where a gap analysis determines that additional survey data is required, it is recommended that baseline environmental surveys should be completed before cessation of production to avoid potential delays in the DP preparation and approval process. Bearing this in mind, environmental survey reviews should be undertaken at the earliest opportunity in order that any new surveys can be executed and interpreted in a timely manner.
- 12.18 It is the responsibility of the operator to satisfy themselves that the environmental baseline data is adequate to inform the EA, also bearing in mind the age of the survey data, its spatial coverage and its relevance to the proposed decommissioning operations. Where an operator is uncertain about the adequacy, they should engage with OPRED-EMT (and where appropriate the relevant SNCB) at an early stage to discuss the existing baseline data and the specification and scheduling of any necessary additional surveys, to ensure that there is sufficient information to inform the impact assessment.
- 12.19 Drill cuttings pile characterisation may also be required as part of the baseline data and will generally be essential for large cuttings piles. Section 9 provides further information in relation to the management regime for cuttings piles.

### Other environmental approvals

- 12.20 During the development and implementation of the DP, operators should discuss the proposals with OPRED-EMT to confirm the environmental regulatory requirements relevant to the proposed decommissioning activities, and to discuss the procedures for obtaining or surrendering any relevant consents, permits, etc. Table 2 summarises the



principal regulatory requirements, most of which can be generated and submitted through the UK Energy Portal Environmental Tracking System (PETS) or the ETSWAP (Emission Trading Scheme Workflow Automation Project) Portal.

**Table 2: Other regulatory requirements**

<b>Regulatory Requirement</b>	<b>Description</b>
Marine Licence	Application for, or amendment of, a Marine Licence under the Marine and Coastal Access Act 2009 (MCAA), or the Food and Environment Protection Act 1985 Part II Deposits in the Sea (FEPA) for territorial waters adjacent to Scotland
Consent to Locate	Application for, or amendment of, a Consent to Locate under Part 4A of The Energy Act 2008 (as amended).
Chemical Permit	Application for, or amendment of, a Chemical Permit for the use and/or discharge of offshore chemicals under The Offshore Chemicals Regulations 2002 (as amended).
Oil Discharge Permit	Application for, or amendment of, an Oil Discharge Permit under The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended).
Marine Surveys	Notification of proposed marine survey and/or application for, or amendment of, a Marine Geological Survey Consent under The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001 (as amended).
European Protected Species Licence	Application for, or amendment of, a European Protect Species Injury or Disturbance Licence under The Conservation of Offshore Marine Habitats and Species Regulations 2017.
Atmospheric Emissions Permit	Application for, or amendment of, an Atmospheric Emissions Permit under The Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 (as amended)
Greenhouse Gas Emissions Permit	Application for, or amendment of, a Greenhouse Gas Emissions Permit under The Greenhouse Gases Emissions Trading Scheme Regulations 2012
Oil Pollution Emergency Plan	Requirement for Oil Pollution Energy Plan (OPEP) under The Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (as amended)

### Late-life activities pre-DP approval

- 12.21 Operators may undertake limited, discrete, decommissioning related activities in advance of the main decommissioning activities, such as well abandonment, pipeline flushing and topside cleaning. These activities can be undertaken in advance of full DP approval. However, OPRED-ODU must be advised of the proposed activities and may require a separate DP submission. Advice should also be sought from OPRED-EMT, as in many cases the proposals will also require environmental approval prior to execution of the activities.
- 12.22 The use and discharge of chemicals in preparation for decommissioning of production / host installations can be covered by submitting a variation of the relevant production operations application (PRA). The flushing and cleaning of pipelines where the discharge point is at an installation (or within 500m of the installation) can, in most cases, also be covered by the relevant PRA. However, where the discharge point is remote from an installation it will probably be necessary to submit a pipeline operations application (PLA).
- 12.23 Well plugging and abandonment operations should be covered by submitting a new Well Intervention application (WIA).

### Activities post-DP approval

- 12.24 Most of the activities that are detailed in the approved DP will also require approval from OPRED-EMT prior to execution, through the marine licensing process. For decommissioning activities associated with the removal of an installation or associated infrastructure, this will require a decommissioning operations application (DCA). For the decommissioning of pipeline systems, this will usually require a new PLA.
- 12.25 For a number of decommissioning activities, there will be operational uncertainties when the DP is drafted and there is therefore an expectation that further technical and methodology details will be provided to support the Marine Licence application. Where there are changes from the proposals detailed in the approved DP, they should be clearly identified, and relevant changes and additions to the original EA should be summarised in the impact assessment submitted in support of the PETS application(s).
- 12.26 If the DP was the subject of a HRA and any changes or additional information notified at the marine licensing stage could have a material impact on the conclusions of the HRA, or if any changes or additional information notified at the marine licensing stage would necessitate a new HRA, OPRED-EMT will have to update or complete the HRA process prior to determining the marine licence application.
- 12.27 Further advice on the Marine Licensing process can be obtained from OPRED-EMT, and this is particularly recommended if the proposed decommissioning activities are complex and/or where operations will extend over a prolonged period of time.

- 12.28 Where it has been concluded that the preferred option cannot be executed and the revised proposals were not assessed in the EA, there may be a requirement to resubmit the DP supported by a new EA. Advice should therefore be sought from OPRED-ODU and OPRED-EMT.
- 12.29 Decommissioning operations may also represent a navigational hazard to other users of the sea, and it may therefore be necessary to amend or obtain a Consent to Locate to cover the proposed operations. Where considered necessary by OPRED-EMT or the selected consultees, the application may need to be supported by a Vessel Traffic Survey (VTS) and/or a Collision Risk assessment (CRA).
- 12.30 Where decommissioning activity extends over several months or years (e.g. in a phased approach where topsides are removed followed by jacket removal at a later date), the operator may be required to provide additional information on the provision of interim navigational aids, covering the key parameters for Aids to Navigation (accuracy, integrity, availability, continuity and coverage).
- 12.31 If an installation has ceased production and the topsides remain, but it is not possible to maintain the requirements detailed in the Standard Marking Schedule (SMS), for example because of decreased power supply, the operator should seek dispensation through the consent variation process and provide details the proposals to mitigate the navigational risk.
- 12.32 If there is a period after topside removal when the jacket or suspended subsea infrastructure will be left in place for future removal, the operator must confirm how they will address navigational safety requirements.
- 12.33 In all cases, the scope and scheduling of any necessary additional navigational requirements should be discussed and agreed with OPRED-EMT early in the DP schedule. Consultation with the relevant General Lighthouse Authority may also be appropriate to confirm that the proposed provisions are adequate to ensure navigational safety.

### Surrender of environmental approvals

- 12.34 Operators are required to surrender any permits, consents, licences, etc. that are no longer required. Before surrender, the approval holder must ensure that all relevant obligations associated with the approval or any of its terms or conditions, for example monitoring and reporting requirements, have been met.
- 12.35 To surrender an approval issued via PETS, the approval holder should notify OPRED-EMT in writing detailing the date on which the approval is to be surrendered. OPRED-EMT will confirm in writing that the approval has been surrendered on the due date.
- 12.36 Following the removal of any installation or infrastructure, it will be necessary to apply to surrender any relevant Consent to Locate as indicated above, but if any facilities are

abandoned *in situ* it may be necessary to amend an existing consent or create a new consent. Operators should therefore seek advice from OPRED-EMT.

- 12.37 To surrender an EU ETS permit, the approval holder should contact OPRED-EMT within one month of cessation of relevant combustion operations to advise that they wish to surrender the permit. The surrender should then be made via ETSWAP. The permit holder will be required to provide evidence of the cessation of operations, and to submit a verified Annual Emissions Report for the period from the 1<sup>st</sup> January up to the date at which the surrender took place.

## Monitoring

### Debris surveys and clearance

- 12.38 As set out in Sections 10 and 15 of this guidance, upon completion of the decommissioning activities, appropriate surveys should be undertaken to identify and recover any debris or other obstructions on the seabed. Operators should note that the activities may require a Geological Survey consent or notification to cover the proposed identification surveys and a Marine Licence to cover the debris and obstruction removal. However, the debris removal proposals can be included in the Marine Licence covering other elements of the decommissioning activity.
- 12.39 The area to be covered will depend on the specifics of each decommissioning project. However, the minimum requirement is to undertake a survey within 500 metres (m) radius of any installation that attracted a safety zone. In exceptional circumstances, surveys may also be required to cover an area up to 50 m either side of a decommissioned pipeline, over part(s) or all of the pipeline, but operators will usually hold existing operational survey data to establish whether there is a requirement for pipeline debris clearance.
- 12.40 Following the removal of any debris, verification of completion of the seabed clearance operations is required. This requirement may be provided in the form of survey reports or a seabed clearance certificate issued by the body that undertook the survey and removal operations.
- 12.41 Verification that an area is clear of debris or obstructions that could interfere with future fishing operations may also be required, and this is normally provided by the relevant fishermen's representative body following a survey undertaken using trawl gear that is appropriate for the area under consideration. However, environmental considerations (e.g. cuttings piles, environmental sensitivities) may preclude the use of trawl gear and alternative methods to determine seabed clearance will be considered on a case-by-case basis.

12.42 If an operator proposes to use an alternative organisation to provide verification that an area is clear of debris or obstructions that could interfere with future fishing operations, this should be discussed in advance with OPRED-ODU and OPRED-EMT and should cover:

- the means of verification and form of the clearance certificate; and
- the capability/expertise (with evidence) of the organisation proposed to carry out the work.

12.43 In all cases, the proposed scope and scheduling of any survey and clearance activity or over-trawl operations should always be discussed and agreed with the OPRED-ODU and OPRED-EMT before work commences.

12.44 Copies of any seabed clearance certificate must be submitted to OPRED-ODU and should also be submitted to the Seabed Data Centre (Offshore Installations) at the United Kingdom Hydrographic Office (Section 14).

### Post-decommissioning environmental monitoring

12.45 In addition to debris identification and clearance surveys and over-trawl surveys, there may be instances where a post-decommissioning environmental survey is required. This is most likely where there is significant contamination in the vicinity of an installation that necessitates monitoring of the levels of hydrocarbons, heavy metals or other contaminants in sediment and biota, or where infrastructure decommissioned *in situ* needs to be monitored to assess its condition, its colonisation by marine organisms or the potential risk to fishing operations.

12.46 Where, based on the information provided in the DP, OPRED-ODU and OPRED-EMT determine that post-decommissioning monitoring is necessary, operators will be required to develop a robust survey strategy in consultation with OPRED-EMT.

12.47 The agreed strategy may entail multiple surveys, with the first being part of the decommissioning close-out process and further surveys scheduled for some time after the initial survey.

12.48 The results of post-decommissioning monitoring surveys should be submitted to OPRED-ODU, and they will take a risk-based approach when determining whether there is a requirement for further surveys based on the information included in the submitted report. Every project and survey report will be considered on a case-by-case basis.

# 13. Drill Cuttings

- 13.1. Many offshore installations located on the UKCS, particularly in the northern sector of the North Sea, have significant volumes of drill cuttings deposited on the seabed beneath them. In some cases the 'footings' of the jacket are embedded within a cuttings pile and any attempt to entirely remove the installation is likely to be impossible without disturbance or removal of the drill cuttings piles.
- 13.2. OSPAR Recommendation 2006/5 governs the Management Regime for Offshore Cuttings Piles (See Annex I).
- 13.3. This established a two stage management regime. Stage 1 provided for initial screening of all cuttings piles, to be completed by 30 June 2008 to identify any piles that require further investigation based on the thresholds set out in the Recommendation. Industry's subsequent report assessing UK cuttings piles in line with the Recommendation concluded that they were all below the specified thresholds. These results were submitted as part of OPRED's implementation report to Offshore Industries Committee 2009 and have informed the UK strategy. There is no need for immediate remediation of UK drill cuttings. However, at the time of decommissioning the associated installations the characteristics of the relevant cuttings piles should be assessed in detail and the need for further action (in line with Stage 2 of the Recommendation) should be reviewed.
- 13.4. A draft decommissioning programme should record the outcome of Stage 1 screening for any cutting piles present under the installation(s). If the Stage 1 assessment was based on extrapolation of data for the piles, the results should be verified with survey data for the piles in question. Where either threshold in Recommendation 2006/5 is exceeded, Stage 2 will apply and will require a study, including a comparative assessment, to determine the best option for handling the cuttings pile. OPRED will agree the time at which Stage 2 should be initiated, taking account of the rate of oil loss, the persistence and the timing of decommissioning of the associated installations (See Annex C for further details).

## 14. Close out reports

### General

- 14.1. At the conclusion of decommissioning operations the operator will be required to satisfy OPRED that the approved programme has been fully implemented. This will involve the submission of a close out report within one year of the completion of offshore work, including debris clearance and post-decommissioning surveys.

### Content

- 14.2. The report should provide:
- Information on the outcome of the decommissioning programme as a whole. This should outline how the major milestones were achieved and provide confirmation that work has been carried out in accordance with the terms of the programme.
  - An explanation why any major variances from the programme occurred and an indication of any permits required as a result. Where appropriate this should include exact quantities of recovered hydrocarbons, sludges, heavy metals, sacrificial anodes and radioactive material including LSA (Low Specific Activity) scale.
  - The results of debris clearance and any monitoring undertaken. A copy of a seabed clearance certificate (usually provided by a fishermen's organisation, but a survey at the same level of assurance may be accepted where overtrawl surveys are inappropriate) may be required. Any other independent verification should also be attached.
  - The results of the post-decommissioning environmental sampling survey including any immediate consequences of the decommissioning activity which have been observed. The survey should also help inform any update to the schedule for future environmental monitoring or monitoring of items left in place with reasons for the changes.
  - Measures taken to manage the potential risks arising from any legacies, including participation in the Fisheries Legacy Trust Company (see Section 16.4), confirmation of marking any remains on mariners charts, inclusion in the 'Fishsafe' system and installation of navigational aids.
  - A detailed summary of actual costs and an explanation of any difference against forecast costs, as well as any observations on how costs were minimised in the decommissioning programme. This information can be provided separately and will be held in confidence and shared only with decommissioning colleagues in the Oil and Gas Authority.



### Processes

- 14.3. On receipt of the Close-out Report OPRED will review the document and will circulate it to the stakeholders that were consulted about the decommissioning programme. Points for further clarification may be put to operators and further monitoring requirements may be stipulated
- 14.4. When OPRED has concluded that it is satisfied with the Close-Out report it will write to the operator to confirm acceptance of it and will ask them to place a copy on their website. A copy will also be published on the OPRED website.

### Retention of data

- 14.5. Geotechnical data collected under the petroleum licence should either be placed in the National Hydrocarbons Data Archive (NHDA, <http://www.bgs.ac.uk/nhda/>) or kept in accordance with the licence model clauses. The NHDA option should normally be considered at Cessation of Production. Further information regarding data storage requirements can be found at section 6.6 of the 'Guidance Notes of Procedures for Regulation of Offshore Oil and Gas Developments' which can be viewed on the OGA's Oil & Gas Website at: <https://www.gov.uk/guidance/oil-and-gas-fields-and-field-development#process-for-oil-and-gas-field-development-plans>

## 15. Post-decommissioning monitoring of remains

### OSPAR Derogations

- 15.1. Where an approved decommissioning programme permits a derogation in accordance with the requirements of Decision 98/3 the condition of the remains will have to be monitored at appropriate intervals by the owners.
- 15.2. Annex 4 of Decision 98/3 sets out the conditions to be attached to any permits granted in accordance with the Decision requiring the independent verification that the condition of the installation before the disposal operation commences is consistent with both the terms of the Secretary of State's approval and the information upon which the assessment of the proposed disposal is based. This must include details of the fate of any hazardous substances. Annex 4 does not prescribe who should undertake the independent verification therefore the operator should propose a suitable organisation to carry out this work.
- 15.3. When decommissioning is complete OPRED must submit to OSPAR a post-disposal report indicating how the disposal operation was carried out, any immediate consequences of the disposal which have been observed and confirmation that the disposal has been implemented in accordance with the terms of the decommissioning programme. This report must be submitted within a year of the completion of the disposal. It will be drafted by OPRED based on the operator's Close-out report (see Section 13 of this guidance). OPRED will provide the operator with the opportunity to review the report before it is submitted to OSPAR.

### Pipelines

- 15.4. Any pipelines and stabilisation features left in place will also be subject to a risk based monitoring regime agreed with OPRED as part of the decommissioning programme (see Section 10 of this guidance).

## 16. Marking of remains and safety zones

- 16.1. Operators must ensure that at least 6 weeks advance notification of the change in status of decommissioned installations and pipelines is given to:

[SDR@ukho.gov.uk](mailto:SDR@ukho.gov.uk)

Offshore [.energy@ukho.gov.uk](mailto:.energy@ukho.gov.uk)

The United Kingdom Hydrographic Office, Admiralty Way, Taunton  
Somerset, TA1 2DN

- 16.2. In those cases where it is agreed that a concrete installation, the 'footings' of a steel installation or a pipeline should remain in place, the operator must ensure that the position (horizontal datum to be stated), surveyed depth (vertical datum to be stated) and dimensions of the remains are forwarded immediately to the Hydrographic Office, ([SDR@ukho.gov.uk](mailto:SDR@ukho.gov.uk) and [Offshore.energy@ukho.gov.uk](mailto:Offshore.energy@ukho.gov.uk)) for inclusion on Admiralty charts. In addition, the Hydrographic Office Radio Navigation Warnings (RNW) section should be contacted 24 hours in advance of offshore activity concerning the removal and tow of platforms, FPSOs and other surface structures. The RNW duty officer can advise on details required and can be contacted on Tel: 01823 353448 (email: [navwarnings@btconnect.com](mailto:navwarnings@btconnect.com))
- 16.3. Drill cuttings accumulations will only be marked on Admiralty charts if it is considered that they present a danger to surface navigation, alter the charted seabed depth significantly or present a hazard to vessels anchoring or trawling. In such cases, they would be recorded as a 'foul' or 'shoal depth'. Details of any cuttings piles that may fall into this category should be reported to the Hydrographic Office, as in 16.2.
- 16.4. It is the operator's responsibility to install and maintain aids to navigation for any remains of concrete installations that project above the surface of the sea. The nature of the aids to navigation to be employed should be discussed with OPRED, the relevant lighthouse authorities and with interested parties such as fishermen and other mariners. It is the operator's responsibility to ensure the maintenance of any such aids to navigation. Details of the action to be taken to advise mariners and mark any remains should be included in the decommissioning programme; the Hydrographic Office ([SDR@ukho.gov.uk](mailto:SDR@ukho.gov.uk); [Offshore.energy@ukho.gov.uk](mailto:Offshore.energy@ukho.gov.uk) and [navwarnings@btconnect.com](mailto:navwarnings@btconnect.com)) should be kept informed upon the change, removal or addition of any aids to navigation on any offshore installations, for inclusion on Admiralty charts and list of lights and fog signals.

### Safety Zones

- 16.5. All offshore oil and gas installations that project above the sea at any state of the tide will be subject to a safety zone extending to an area of 500m radius around the installation. The zone remains in place during the execution of decommissioning and only ceases to exist when the structure no longer projects above the surface.
- 16.6. Safety zones around a sub-sea installation also remain in place until decommissioning is complete, as reported in a close-out report.

## 16. Marking of remains and safety zones

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- 16.7. Work is ongoing to assess the administration and requirement for post decommissioning safety zones.

# 17. Residual liability and decommissioning legacies

## Principles

- 17.1. The persons/parties who own an installation or pipeline, or are a section 29 holder, at the time of its decommissioning will remain the owners of any residues and remains after decommissioning. In addition, those with a duty to ensure the decommissioning programme is carried out will remain responsible for complying with any conditions attached to the Secretary of State's approval of the decommissioning programme.
- 17.2. Residual liability remains with the owners in perpetuity, and continued contact will therefore be required as part of the close out report and OPRED must be notified of any changes to the company structure and domicile.
- 17.3. OPRED encourages industry to work collaboratively to develop a mutual management plan or instrument to manage the ongoing monitoring and legacy of the infrastructure remaining in situ. In cases of potential default where OPRED is concerned that the current parties may no longer be able to carry out the approved programme they will consider whether to utilise section 34 of the 1998 Act to impose an obligation on additional companies to carry out the work.

## Technological advancements

- 17.4. Should remedial action be considered as a result of significant advances in technology and scientific knowledge a comparative assessment would be required to determine the benefits of such action in relation to safety, technical, environmental, social and cost aspects and the impact of other users of the sea.

## Compensation claims

- 17.5. Any claims for compensation by third parties arising from damage caused by any remains will be a matter for the owners and the affected parties and will be governed by the applicable law.

## Management of legacies

- 17.6. Measures to manage the potential risks arising from any legacies should be addressed in the decommissioning programme.

### Fisheries Legacy Trust Company

- 17.7. Legacies arising from offshore oil and gas activity have particular implications for fishermen. As a result, the oil and gas industry, through Oil & Gas UK, and fisherman's representatives have established a Fisheries Legacy Trust Company (FLTC). OPRED fully supports the scheme, and encourages operators and relevant contractors to support it.
- 17.8. Where the Trust Company is used to manage activities associated with a decommissioning project this should be reflected in the programme. See the following links for more information

<http://www.oilandgasuk.co.uk/knowledgecentre/Fisheries.cfm>

<http://www.ukfltc.com/home.aspx>

### Licence relinquishment

- 17.9. The relinquishment of the field licence is not related to completion of a decommissioning programme or any ongoing liabilities under it. The timing of relinquishment is a separate matter which should be discussed with the OGA's Licensing Unit as well as HMRC.

## 18. The UK Energy portal

- 18.1. The UK Energy Portal provides a secure electronic environment which allows industry to apply for and receive consent or direction on a wide range of activities relating to decommissioning and the protection of the environment, it also links to the Oil and Gas Authority consents and direction on exploration, production, and development.
- 18.2. The serving of notices under section 29 of the 1998 Act (see Section 3) is administered in the Portal, as well as other key decommissioning procedures, including financial governance and field installation details and history.
- 18.3. The benefits of using the Portal for section 29 processes are:
- It makes the process more efficient by making electronic notifications immediately and concurrently available to all relevant parties, irrespective of their geographical location.
  - Contacts have 24 hour worldwide access to details of all section 29 notices issued to their company.
  - It takes advantage of a paperless transaction.
  - It provides a reliable audit of the notification process with accountability.
  - It provides the OPRED Offshore Decommissioning Unit with a direct and simple mechanism to disseminate relevant information to section 29 Portal Contacts.
  - It provides easy access to support for both the business process and the information technology side.
- 18.4. For further details regarding Portal accounts for section 29 processes contact: [odu@beis.gov.uk](mailto:odu@beis.gov.uk)
- 18.5. Account holders will only be given access to information relevant to their company.

## 19. Provision for historically important records

### Background

- 19.1. A UK project to establish an archive of the UK offshore oil and gas industry called 'Capturing the Energy' has been in place since March 2006. It aims to ensure that important records relating to the UK offshore oil and gas industry are preserved for future generations.

### Aims

- 19.2. The project collections are housed in the Oil and Gas Archive at the University of Aberdeen. Capturing the Energy aims to:
- Encourage wider recognition of the importance of the sector to the UK and create an on-going record of key achievements, past, present and future.
  - Select the most historically significant records to enhance research opportunities for all.
- 19.3. The intention is that companies will make provision for keeping the most important records as their operations evolve, ensuring that they can be safely stored in the archive.
- 19.4. The information archived should enable other operators, contractors, academics and the wider community to conduct research, and utilise learnings from decommissioned projects as well as the structural and cultural aspects of platforms during their development and production periods. It falls into 3 broad categories:
- high-level records about the decision making in developing, and operating a field
  - the technical construction of installations
  - the experience of working on these installations, and any PR material

### Supporting organisations

- 19.5. These include the following:
- OPRED
  - Oil & Gas UK
  - University of Aberdeen
  - Historic Environment Scotland
  - Business Archives Council of Scotland (BACS)
  - Robert Gordon University
  - Aberdeen Maritime Museum



## 19. Provision for historically important records

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- Aberdeen City and Aberdeenshire Archives
- Major oil companies

- 19.6. OPRED encourages operators and relevant contractors to support the scheme and recognises that decommissioning represents a key milestone which provides the opportunity to ensure that important data relating to the life of a field development and operations is preserved for the future but also to secure information that could be of use to other companies in the process of decommissioning.
- 19.7. Further details can be obtained from: Capturing the Energy, Sir Duncan Rice Library, University of Aberdeen, Bedford Road, Aberdeen, AB24 3AA. Phone: +44 (0)1224 272972, <http://www.capturing-the-energy.org.uk>. Email: [info@capturing-the-energy.org.uk](mailto:info@capturing-the-energy.org.uk).

# ANNEX A - A guide to Comparative Assessments

## For potential OSPAR derogation candidates and pipelines with a potential leave in situ option

### Introduction

The comparative assessment process enables operators to objectively and transparently assess a number of different decommissioning options.

Where an operator identifies a decommissioning option that will see infrastructure remain in the marine environment a comparative assessment of a reasonable number of options must be provided to demonstrate how the preferred decommissioning solution has been identified.

A comparative assessment is a mandatory requirement for any potential OSPAR derogation candidate or for all pipeline decommissioning.















### OSPAR Derogation candidates

If an installation falls within the derogation categories identified in Decision 98/3 then a detailed comparative assessment of the alternative disposal options must be carried out by the operator. The framework for this assessment is set out in Annex 2 to the OSPAR Decision. Annex 2 explains that:

- Operators must assess the impact of each option using established methodologies.
- The preferred option should be selected by focusing on the matters where the impacts of the options are significantly different.
- The means used to reach the conclusion should be described.

As the presumption in Decision 98/3 is that all installations will be removed operators must start from a default position of complete removal. If the comparative assessment of the options identifies two or three matters that show a significant difference, judgement will need to be exercised as to which should be given the greatest consideration. There is no outright hierarchy, although balancing the safety and environmental impacts of the options, including the impact on climate change, will clearly be important. Options where the safety risks are intolerable or involve major unacceptable environmental impacts may be ruled out without further consideration. Proportionality must also be considered but it is unlikely that cost will be accepted as the main driver unless all other matters show no significant difference. The engagement of interested stakeholders in balancing the impacts of the options is strongly recommended. A framework for undertaking a comparative assessment of options is set out below.

## Comparative Assessment Framework

		DECOMMISSIONING OPTIONS											
ASSESSMENT CRITERIA	Matters to be considered	Complete removal to land			Partial removal to land			Leave wholly in place			Disposal at sea *		
													
Safety	risk to personnel												
	risk to other users of the sea												
	risk to those on land												
Environmental	marine impacts												
	other environmental compartments (including emissions to the atmosphere)												
	energy/resource consumption												
	other environmental consequences (including cumulative effects)												
Technical	risk of major project failure												
Societal	fisheries impacts												
	amenities												
	communities												
Economic													
	 HIGH		MEDIUM						LOW				

\* Although under OSPAR Decision 98/3 the disposal of the substructure of a concrete installation at a deep-water licensed site is still an option this must be considered against the UK Government announcements at the time of the Decision when Ministers stated that there would be no toppling and no local or remote dumping of offshore installations.

## Notes on assessment

### **Safety:**

- In assessing and comparing the safety risks of different options the general principles of risk management used within the industry should be applied.
- The use of quantitative risk assessment (QRA) techniques should be employed. Typical mechanisms include using Potential Loss of Life (PLL), Individual Risk Per Annum (IRPA) and Fatal Accident Rate (FAR) criteria.
- Comparison should be made with the risk levels generally supported by the Health & Safety Executive who define the maximum tolerable level of individual risk of fatality as 1 in 1000 per year, and for the broadly acceptable level of individual risk to be set in the range of 1 in 100,000 to 1 in 1 million per year.
- Where different corporate risk levels to those indicated above have been adopted, comparison should also be made with these.

The risks should also be set in context by drawing comparison with the risks that were judged to be acceptable during the installation and development phase and the risks that exist in other industries.

### **Environmental:**

- The assessment and comparison of the environmental impacts of different options should be based on an Environmental Appraisal carried out in accordance with the widely recognised techniques and standard methodologies for such evaluations. This should include consideration of the impact on climate change. See section 12.
- An assessment of the impact of all activities at the offshore location and also at the onshore dismantling and disposal site should be carried out. If the disposal site is not known, a generic assessment of environmental impacts at a typical disposal site should be carried out.
- In assessing energy and resource consumption, as well as any discharges or emissions to the environmental compartments, the internationally agreed principles for environmental life cycle assessments should be followed.

### **Technical feasibility:**

- Recognised Quantitative Risk Assessment techniques, engineering and operational analysis should be used in combination to provide comprehensive, robust, quantitative and qualitative assessments of the options.
- Comparison should be made with accepted industry risk assessment criteria for marine operations. Consideration of the risks associated with the work will include evaluation of the maximum acceptable probability of a major accident, judged against corporate standards and where possible the criteria adopted during the installation phase.

- The assessment of the technical feasibility of different decommissioning options should be based on existing industry experience and available equipment. But where possible account should also be taken of the planned timing of the work and foreseeable developments in technology.
- Some consideration of what Technology is available or currently being developed.

### **Societal:**

- The engagement of interested stakeholders will be important in order to assess and take account of the views of different interest groups. The Oil & Gas UK Guidelines on Stakeholder Engagement for Decommissioning Activities may provide more information.
- The impacts on fisheries and fishing activity both historical and future potential will be of paramount importance. This should be assessed with regard to the level of activity in the area and the long-term impacts, the safety of fishermen and mitigation measures that can be put in place.
- Employment and regional development opportunities should be considered.

### **Economic:**

- Establishing accurate cost estimates is important not only from a company point of view but for OPRED, given that the 1998 Act was amended by the Energy Act 2016 to include an obligation for the operator to work with the OGA decommissioning team to ensure that costs are minimised in the decommissioning programme. It should also be noted that under the UK tax regime a significant proportion of decommissioning costs ultimately falls to the Exchequer.
- In preparing cost estimates, account should be taken of the work undertaken by OGUK to establish a common approach to decommissioning costs in the Work Breakdown structure. Guidelines are available on the Oil & Gas UK website.
- In assessing alternative decommissioning options proportionality should be considered and costs should be balanced against the other assessment criteria. However, it is unlikely that costs alone will be accepted as the deciding factor in arriving at the preferred option unless all other matters show no significant difference.

### **Verification**

In addition to stakeholder engagement it is important that the studies and the assessment process that supports the chosen decommissioning option are subject to independent expert verification. The purpose of this verification is to confirm that the assessments are reliable and there is no requirement to verify the final means of weighting and balancing the options but the process must be transparent. This may involve the establishment of an independent review process to evaluate the scope, quality and application of the work undertaken. Experts in particular fields may be engaged to evaluate and confirm specific aspects of the project.

## Pipelines with a potential leave in situ option

Where an operator proposes to decommission a pipeline in-situ a comparative assessment of the options is required. This involves a two stage process with an early option screening process to narrow options to a manageable number that are then assessed in more detail following the comparative assessment framework noted above.

### Stage 1: Option Screening

Operators should identify a comprehensive list of potential decommissioning options at an early stage and identify the criteria against which each option will be considered. A desk-top exercise should then be undertaken to reduce the number of reasonable/technically feasible options to a short-list of around five options. Operators may wish to use the Oil and Gas UK guidance to do this or follow their own companies screening method. The output of this exercise should be reviewed by a team of experts and/or experienced personnel to assure the outcome and choice of options to be carried forward to a more detailed comparative assessment. The assessment should be based upon evidence available at the time (e.g. operational surveys of items to be decommissioned, operational environmental data, and feasibility studies) and should include “lessons learned” from similar Decommissioning Programmes and screening evaluations.

An example of a stage 1 screening exercise is shown below.

Pipeline Decommissioning - Option Screening	Safety	Environment	Technical	Societal	Economic	Selected for further study
Leave the pipeline as is						
Backfill an open trenched pipeline	N/A	N/A	N/A	N/A	N/A	
Trench the pipeline into an open trench						
Trench and Fill the pipeline						
Deepen the current trenched pipeline	N/A	N/A	N/A	N/A	N/A	
Rock Dump to bury the pipeline						SELECTED
Remove by Reverse S Lay						
Remove by reverse J Lay						
Remove by Reeling						SELECTED
Remove by Cutting and Lifting						SELECTED
Remove by towing						SELECTED

### Stage 2: Detailed Comparative Assessment process

Having identified a small number of reasonable and technically feasible options the operator should then undertake a detailed comparative assessment of each option.

Decommissioning options must be assessed against five criteria: safety, environmental, technical, societal and economic as set out in the comparative assessment framework above.

Assessments must be evidenced based, using existing data where possible or gathering additional or new information as appropriate.

Decisions must be transparent and regulators and stakeholders must understand the rationale underpinning the assessment and decision making process. Operators must carefully consider how best to involve stakeholders in the comparative assessment process.

In respect of non-complex pipeline comparative assessments a peer review of the studies and assessment process will normally be accepted. However OPRED may itself engage consultants to test particular aspects of the decommissioning proposals or to confirm that accepted practices and methodologies have been used.

Operators will be expected to assess the risks and consequences of options, and OPRED may ask to see evidence of this as part of the decommissioning process.

### **Pipeline comparative assessments – where more information may be required**

Where a pipeline being decommissioned is in a sensitive area or is complex in nature, operators may be asked to provide more detailed information in regard to the risks associated with the decommissioning options alongside information on information of the unmitigated and mitigated risks.

# ANNEX B - OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations

**RECALLING** the Convention for the Protection of the Marine Environment of the North East Atlantic, in particular Articles 2 and 5 of that Convention,

**RECALLING** the relevant provisions of the United Nations Convention on the Law of the Sea,

**RECOGNISING** that an increasing number of offshore installations in the maritime area are approaching the end of their operational life-time,

**AFFIRMING** that the disposal of such installations should be governed by the precautionary principle, which takes account of potential effects on the environment,

**RECOGNISING** that re-use, recycling or final disposal on land will generally be the preferred option for the decommissioning of offshore installations in the maritime area,

**ACKNOWLEDGING** that the national legal and administrative systems of the relevant Contracting Parties need to make adequate provision for establishing and satisfying legal liabilities in respect of disused offshore installations,

**THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH EAST ATLANTIC DECIDE THAT**

## Definitions

1. For the purposes of this Decision,

- “concrete installation” means a disused offshore installation constructed wholly or mainly of concrete;
  - “disused offshore installation” means an offshore installation, which is neither
    - a) serving the purpose of offshore activities for which it was originally placed within the maritime area, nor
    - b) serving another legitimate purpose in the maritime area authorized or regulated by the competent authority of the relevant Contracting Party;
- but does not include:
- a) any part of an offshore installation which is located below the surface of the sea-bed, or
  - b) any concrete anchor-base associated with a floating installation which does not, and is not likely to, result in interference with other legitimate uses of the sea;
- “relevant Contracting Party” means the Contracting Party, which has jurisdiction over the offshore installation in question;



- “steel installation” means a disused offshore installation, which is constructed wholly or mainly of steel;
- “topsides” means those parts of an entire offshore installation which are not part of the substructure and includes modular support frames and decks where their removal would not endanger the structural stability of the substructure;
- “footings” means those parts of a steel installation which:
  - i. are below the highest point of the piles which connect the installation to the sea-bed;
  - ii. in the case of an installation built without piling, form the foundation of the installation and contain amounts of cement grouting similar to those found in footings as defined in sub-paragraph 3(a); or
  - iii. are so closely connected to the parts mentioned in subparagraphs (i) and (ii) of this definition as to present major engineering problems in severing them from those parts.

### **Programmes and Measures**

2. The dumping, and the leaving wholly or partly in place, of disused offshore installations within the maritime area is prohibited.
3. By way of derogation from paragraph 2, if the competent authority of the relevant Contracting Party is satisfied that an assessment in accordance with Annex 2 shows that there are significant reasons why an alternative disposal mentioned below is preferable to re-use or recycling or final disposal on land, it may issue a permit for
  - c) all or part of the footings of a steel installation in a category listed in Annex 1, placed in the maritime area before 9 February 1999, to be left in place;
  - d) a concrete installation in a category listed in Annex 1 or constituting a concrete anchor base, to be dumped or left wholly or partly in place;
  - e) any other disused offshore installation to be dumped or left wholly or partly in place, when exceptional and unforeseen circumstances resulting from structural damage or deterioration, or from some other cause presenting equivalent difficulties, can be demonstrated.
4. Before a decision is taken to issue a permit under paragraph 3, the relevant Contracting Party shall first consult the other Contracting Parties in accordance with Annex 3.
5. Any permit for a disused offshore installation to be dumped or permanently left wholly or partly in place shall accord with the requirements of Annex 4.
6. Contracting Parties shall report to the Commission by 31 December 1999, and every 2 years thereafter, relevant information on the offshore installations within their jurisdiction including, when appropriate, information on their disposal for inclusion in the inventory to be maintained by the Commission.

7. In the light of experience in decommissioning offshore installations, in particular those in categories listed in Annex 1, and in the light of relevant research and exchange of information, the Commission shall endeavour to achieve unanimous support for amendments to that Annex in order to reduce the scope of possible derogations under paragraph 3. The preparation of such amendments shall be considered by the Commission at its meeting in 2003 and at regular intervals thereafter.

### **Entry into force**

8. This Decision enters into force on 9 February 1999, and shall then replace Decision 95/1 of the Oslo Commission concerning the Disposal of Offshore Installations.

### **Implementation Reports**

9. If any Contracting Party decides to issue a permit for a disused offshore installation to be dumped or left wholly or partly in place within the maritime area, it shall submit to the Commission at the time of the issue of the permit a report in accordance with paragraph 3 of Annex 4.
10. If any disused offshore installation is dumped or left wholly or partly in place within the maritime area, the relevant Contracting Party shall submit to the Commission, within 6 months of the disposal, a report in accordance with paragraph 4 of Annex 4.

## ANNEX 1 to OSPAR Decision 98/3

### **CATEGORIES OF DISUSED OFFSHORE INSTALLATION WHERE DEROGATIONS MAY BE CONSIDERED**

1. The following categories of disused offshore installations, excluding their topsides, are identified for the purpose of paragraph 3:
  - a) steel installations weighing more than ten thousand tonnes in air;
  - b) gravity based concrete installations;
  - c) floating concrete installations;
  - d) any concrete anchor-base which results, or is likely to result, in interference with other legitimate uses of the sea.

## ANNEX 2 to OSPAR Decision 98/3

### FRAMEWORK FOR THE ASSESSMENT OF PROPOSALS FOR THE DISPOSAL AT SEA OF DISUSED OFFSHORE INSTALLATIONS

#### General Provisions

1. This framework shall apply to the assessment, by the competent authority of the relevant Contracting Party, of proposals for the issue of a permit under paragraph 3 of this Decision.
2. The assessment shall consider the potential impacts of the proposed disposal of the installation on the environment and on other legitimate uses of the sea. The assessment shall also consider the practical availability of re-use, recycling and disposal options for the decommissioning of the installation.

#### Information required

3. The assessment of a proposal for disposal at sea of a disused offshore installation shall be based on descriptions of:
  - a) the characteristics of the installation, including the substances contained within it; if the proposed disposal method includes the removal of hazardous substances from the installation, the removal process to be employed, and the results to be achieved, should also be described; the description should indicate the form in which the substances will be present and the extent to which they may escape from the installation during, or after, the disposal;
  - b) the proposed disposal site: for example, the physical and chemical nature of the seabed and water column and the biological composition of their associated ecosystems; this information should be included even if the proposal is to leave the installation wholly or partly in place;
  - c) the proposed method and timing of the disposal.
4. The descriptions of the installation, the proposed disposal site and the proposed disposal method should be sufficient to assess the impacts of the proposed disposal, and how they would compare to the impacts of other options.

#### Assessment of disposal

5. The assessment of the proposal for disposal at sea of a disused offshore installation shall follow the broad approach set out below.
6. The assessment shall cover not only the proposed disposal, but also the practical availability and potential impacts of other options. The options to be considered shall include:
  - a) re-use of all or part of the installation;
  - b) recycling of all or part of the installation;
  - c) final disposal on land of all or part of the installation;

- d) other options for disposal at sea.

**Matters to be taken into account in assessing disposal options**

7. The information collated in the assessment shall be sufficiently comprehensive to enable a reasoned judgement on the practicability of each of the disposal options, and to allow for an authoritative comparative evaluation. In particular, the assessment shall demonstrate how the requirements of paragraph 3 of this Decision are met.
8. The assessment of the disposal options shall take into account, but need not be restricted to:
  - e) technical and engineering aspects of the option, including re-use and recycling and the impacts associated with cleaning, or removing chemicals from, the installation while it is offshore;
  - f) the timing of the decommissioning;
  - g) safety considerations associated with removal and disposal, taking into account methods for assessing health and safety at work;
  - h) impacts on the marine environment, including exposure of biota to contaminants associated with the installation, other biological impacts arising from physical effects, conflicts with the conservation of species, with the protection of their habitats, or with mariculture, and interference with other legitimate uses of the sea;
  - i) impacts on other environmental compartments, including emissions to the atmosphere, leaching to groundwater, discharges to surface fresh water and effects on the soil;
  - j) consumption of natural resources and energy associated with re-use or recycling;
  - k) other consequences to the physical environment which may be expected to result from the options;
  - l) impacts on amenities, the activities of communities and on future uses of the environment; and
  - m) economic aspects.
9. In assessing the energy and raw material consumption, as well as any discharges or emissions to the environmental compartments (air, land or water), from the decommissioning process through to the re-use, recycling or final disposal of the installation, the techniques developed for environmental life cycle assessment may be useful and, if so, should be applied. In doing so, internationally agreed principles for environmental life cycle assessments should be followed.
10. The assessment shall take into account the inherent uncertainties associated with each option, and shall be based upon conservative assumptions about potential impacts. Cumulative effects from the disposal of installations in the maritime area and existing stresses on the marine environment arising from other human activities shall also be taken into account.

11. The assessment shall also consider what management measures might be required to prevent or mitigate adverse consequences of the disposal at sea, and shall indicate the scope and scale of any monitoring that would be required after the disposal at sea.

### **Overall assessment**

12. The assessment shall be sufficient to enable the competent authority of the relevant Contracting Party to draw reasoned conclusions on whether or not to issue a permit under paragraph 3 of this Decision and, if such a permit is thought justified, on what conditions to attach to it. These conclusions shall be recorded in a summary of the assessment which shall also contain a concise summary of the facts which underpin the conclusions, including a description of any significant expected or potential impacts from the disposal at sea of the installation on the marine environment or its uses. The conclusions shall be based on scientific principles and the summary shall enable the conclusions to be linked back to the supporting evidence and arguments. Documentation shall identify the origins of the data used, together with any relevant information on the quality assurance of that data.

## ANNEX 3 to OSPAR Decision 98/3

### **CONSULTATION PROCEDURE**

1. A relevant Contracting Party which is considering whether to issue a permit under paragraph 3 of this Decision shall start this consultation procedure at least 32 weeks before any planned date of a decision on that question by sending to the Executive Secretary a notification containing:
  - a) an assessment prepared in accordance with Annex 2 to this Decision, including the summary in accordance with paragraph 12 of that Annex;
  - b) an explanation why the relevant Contracting Party considers that the requirements of paragraph 3 of this Decision may be satisfied;
  - c) any further information necessary to enable other Contracting Parties to consider the impacts and practical availability of options for re-use, recycling and disposal.
2. The Executive Secretary shall immediately send copies of the notification to all Contracting Parties.
3. If a Contracting Party wishes to object to, or comment on, the issue of the permit, it shall inform the Contracting Party which is considering the issue of the permit not later than the end of 16 weeks from the date on which the Executive Secretary circulated the notification to the Contracting Parties, and shall send a copy of the objection or comment to the Executive Secretary. Any objection shall explain why the Contracting Party which is objecting considers that the case put forward fails to satisfy the requirements of paragraph 3 of this Decision. That explanation shall be supported by scientific and technical arguments. The Executive Secretary shall circulate any objection or comment to the other Contracting Parties.

4. Contracting Parties shall seek to resolve, by mutual consultations, any objections made under the previous paragraph. As soon as possible after such consultations, and in any event not later than the end of 22 weeks from the date on which the Executive Secretary circulated the notification to the Contracting Parties, the Contracting Party proposing to issue the permit shall inform the Executive Secretary of the outcome of the consultations. The Executive Secretary shall forward the information immediately to all other Contracting Parties.
5. If such consultations do not resolve the objection, the Contracting Party which objected may, with the support of at least two other Contracting Parties, request the Executive Secretary to arrange a special consultative meeting to discuss the objections raised. Such a request shall be made not later than the end of 24 weeks from the date on which the Executive Secretary circulated the notification to the Contracting Parties.
6. The Executive Secretary shall arrange for such a special consultative meeting to be held within 6 weeks of the request for it, unless the Contracting Party considering the issue of a permit agrees to an extension. The meeting shall be open to all Contracting Parties, the operator of the installation in question and all observers to the Commission. The meeting shall focus on the information provided in accordance with paragraphs 1 and 3 and during the consultations under paragraph 4. The chairman of the meeting shall be the Chairman of the Commission or a person appointed by the Chairman of the Commission. Any question about the arrangements for the meeting shall be resolved by the chairman of the meeting.
7. The chairman of the meeting shall prepare a report of the views expressed at the meeting and any conclusions reached. That report shall be sent to all Contracting Parties within two weeks of the meeting.
8. The competent authority of the relevant Contracting Party may take a decision to issue a permit at any time after:
  - a) the end of 16 weeks from the date of dispatch of the copies under paragraph 2, if there are no objections at the end of that period;
  - b) the end of 22 weeks from the date of dispatch of the copies under paragraph 2, if any objections have been settled by mutual consultation under paragraph 4;
  - c) the end of 24 weeks from the date of dispatch of the copies under paragraph 2, if there is no request for a special consultative meeting under paragraph 5;
  - d) receiving the report of the special consultative meeting from the chairman of that meeting.
9. Before making a decision with regard to any permit under paragraph 3 of this Decision, the competent authority of the relevant Contracting Party shall consider both the views and any conclusions recorded in the report of the special consultative meeting, and any views expressed by Contracting Parties in the course of this procedure.

10. Copies of all the documents which are to be sent to all Contracting Parties in accordance with this procedure shall also be sent to those observers to the Commission who have made a standing request for this to the Executive Secretary.

## ANNEX 4 to OSPAR Decision 98/3

### PERMIT CONDITIONS AND REPORTS

1. Every permit issued in accordance with paragraph 3 of this Decision shall specify the terms and conditions under which the disposal at sea may take place, and shall provide a framework for assessing and ensuring compliance.
2. In particular, every permit shall:
  - a) specify the procedures to be adopted for the disposal of the installation;
  - b) require independent verification that the condition of the installation before the disposal operation starts is consistent both with the terms of the permit and with the information upon which the assessment of the proposed disposal was based;
  - c) specify any management measures that are required to prevent or mitigate adverse consequences of the disposal at sea;
  - d) require arrangements to be made, in accordance with any relevant international guidance, for indicating the presence of the installation on nautical charts, for advising mariners and appropriate hydrographic services of the change in the status of the installation, for marking the installation with any necessary aids to navigation and fisheries and for the maintenance of any such aids;
  - e) require arrangements to be made for any necessary monitoring of the condition of the installation, of the outcome of any management measures and of the impact of its disposal on the marine environment and for the publication of the results of such monitoring;
  - f) specify the responsibility for carrying out any management measures and monitoring activities required and for publishing reports on the results of any such monitoring;
  - g) specify the owner of the parts of the installation remaining in the maritime area and the person liable for meeting claims for future damage caused by those parts (if different from the owner) and the arrangements under which such claims can be pursued against the person liable.
3. Every report under paragraph 9 of this Decision shall set out:
  - a) the reasons for the decision to issue a permit under paragraph 3;
  - b) the extent to which the views recorded in the report of the special consultative meeting under paragraph 7 of Annex 3 to this Decision, or expressed by other Contracting Parties during the procedure under that Annex, were accepted by the competent authority of the relevant Contracting Party;
  - c) the permit issued.
4. Every report under paragraph 10 of this Decision shall set out:

- d) the steps by which the disposal at sea was carried out;
- e) any immediate consequences of the disposal at sea which have been observed;
- f) any further information available on how any management measures, monitoring or publication required by the permit will be carried out.



# ANNEX C - The contents of a Decommissioning Programme

## Presentation

The draft programme should be presented in a form that allows ready updating and change.

Each draft should be dated, pages should be numbered, and any diagrams, charts etc. should be annexed to the main text. The maximum use should be made of tabular presentation. To reduce the burden on industry, OPRED asks companies to prepare drafts which are as short as possible, consistent with providing information discussed below proportionate to the project concerned.

Separate programmes should be prepared for pipelines and installations although these can be contained within the same decommissioning document. This is necessary because the Petroleum Act 1998 has the effect of requiring a decommissioning programme in respect of each set of equipment which is the subject of a section 29 notice or series of related section 29 notices. It should be possible to identify the different programmes in order to isolate the liabilities of the different groups of notice holders.

There is further guidance at the end of this Annex on how to structure combined decommissioning documents.

The format and content of the draft programme should, where appropriate, accord with the following guidance:

## Format and Content

### 1. Introduction

A brief introductory paragraph indicating that the decommissioning programme is being submitted for approval in accordance with the requirements of the Petroleum Act 1998. It should also clearly indicate the companies that will be a party to the programme and any differences in ownership status.

### 2. Executive Summary

A management summary outlining the background to the decommissioning proposals and highlighting the essential features of the proposed method of decommissioning, this should include the chosen decommissioning options, key execution decisions, key risk management considerations and some detail on schedule.

### 3. Background Information

Relevant background information, supported by diagrams, schematics and relevant photographs including:

- The relative layout of the facilities to be decommissioned (installations, subsea equipment and pipelines).
- Location and main infrastructure map(s) of the offshore area relevant to the programme content (can be attached as a pdf separately).
- The relative location, type and status of any other adjacent facilities (telephone cables, other pipelines and platforms etc.) which would have to be taken into consideration.
- Information on prevailing weather, sea states, currents, seabed conditions, water depths etc.
- Any fishing, shipping and other commercial activity in the area.
- Any other background information relevant to consideration of the draft decommissioning programme.

### 4. Description of Items to be Decommissioned

A description, inclusive of diagrams, covering:

#### Installations

- Support structures for fixed and floating installations at the time of removal (type, size, arrangement and weights).
- Topsides for fixed and floating installations (type, size, configuration, equipment and weights).
- A list of all wells (including subsea and satellite wells and whether active, suspended or abandoned, which are directly linked to the installation by infrastructure. As well as detail in regard to the plug and abandonment. Open water wells should only be included for information.
- Subsea equipment/installations on or in the seabed (size, weight, height above seabed, whether piled or not, type of construction and material, details of interaction between equipment and other uses of the sea, e.g. fishing).
- Offshore loading facilities.
- Any other installed items.

#### Pipelines, flow lines and umbilicals

- Lengths, diameters, type of construction.

- The extent of burial, trenching and details of any concrete mattresses, frond mattresses, grout bags, rock-dump or other materials used to cover the lines.
- Details of any subsea facilities that form part of the pipelines (e.g. PLEM, UTA, riser anchor bases).
- The stability of the pipelines including details of any spanning or exposure (survey data and history to support information given in this section should be included as an annex to the programme, live pipeline survey information may be relevant).
- Details of interaction between any part of the pipelines and other uses of the sea (e.g. in particular fishing activity, both historical and depending on the field it may be necessary to estimate future activity).

### Materials on the Seabed

- Drill cuttings (amount, composition, dimensions) or cross-reference the drill cuttings section of the programme if appropriate.
- Debris.
- Any other materials.

In some cases there will be related equipment, usually within the same field, that is not covered by the decommissioning programme. If appropriate this should be listed here for clarity and an explanation given of why it is not part of the programme. The requirement for this will vary with each case and will be established during early discussions with OPRED in stage 1 of programme development.

### 5. Inventory of Materials

For all items described under 4 above, include an inventory listing the amount, type and relative location of all materials including hydrocarbons, sludges, heavy metals, sacrificial anodes and any radioactive material including LSA (Low Specific Activity) scale. Where exact quantities cannot be verified, estimates should be calculated. These should be supplied alongside an assurance that the relevant waste regulations will be complied with.

### 6. Removal and Disposal Options

This section will provide a general description of the alternative removal and disposal options for the items described in 4 above. It should include a short list of options and the reasons for rejecting those not short-listed.

### *Comparative Assessments*

If the programme relates to an installation for which the owners are seeking a derogation under paragraph 3 of OSPAR Decision 98/3 then a detailed comparative assessment of the alternative disposal options must be included in this section. The terms of the assessment and the information to be included is set out in Annex 2 to the OSPAR Decision. .

Similarly, a programme for pipelines, should also include a non-complex comparative assessment. Further guidance on comparative assessments can be found in Annex A. If the pipeline is of a complex nature (size, construction etc.) or is in an area of special sensitivity (North Norfolk sandbanks etc.) then a copy of the operator internal business risk and consequence analysis may be required, the decommissioning manager will discuss this during the drafting of the programme (See Section 10)

OPRED will review the comparative assessment against the criteria and approach set out in Annex A.

### **7. Selected Removal and Disposal Option**

This section should describe the proposed decommissioning option. It should include:

- The removal and disposal option, describing the removal method and the disposal route, recognising any potential transfrontier shipment of waste issues.
- An indication of how the principles of the waste hierarchy will be met as well as complying with waste regulations, including the extent to which the installation or any part of it, including the topsides and the materials contained within it, will be re-used, recycled or scrapped.
- Details of any cleaning or removal of waste materials, including cleaning methods; cleaning agents and disposal of residues.
- A clear outline of how the disposal of any radioactive material, including LSA scale, will be addressed. If appropriate this should include an indication of whether the potential disposal route requires authorisation under the Radioactive Substances Act 1993 and whether the appropriate authorisation is already in place.
- Details of any materials and remains on the seabed after decommissioning.
- Water clearances above any remains.
- Predicted degradation, movement and stability of any remains.

### **8. Wells**

The abandonment of wells is regulated under the model clauses incorporated in individual licences. In addition, section 45A of the Petroleum Act 1998 gives the Oil and Gas Authority power to require information and, specific action to be taken in relation to well abandonment. Where a well has been part of the associated infrastructure of an offshore installation at the time a s.29 notice was served, and is directly connected to the installation via infrastructure, the s.29 notice holder will be obliged to include the decommissioning of that well in the relevant decommissioning programme.

The decommissioning programme should therefore contain:

- A listing of all active, suspended and previously abandoned wells relating to the installation (directly connected by infrastructure, or so connected when the relevant s.29 notices were served). It should be possible from this list to identify each individual well. If this information is already included in section 4 (description of items to be decommissioned) it does not need to be repeated but can simply be cross referenced.
- A summary of the methods used or proposed to be used to plug and abandon the wells,. This requirement will be met by detailing how the plug and abandonment will be carried out as well as the timing, and that a PON5 will be submitted in support of any works that are to be carried out. Guidelines on well abandonment are available from <http://www.oilandgasuk.co.uk/> and further details regarding the well P & A process can be found on the OGA website.

### 9. Drill Cuttings

This section should describe actions taken to implement the requirements of OSPAR Recommendation 2006/5 (see Section 11 and Annex I). If it has been agreed that Stage 2 of the management regime set out in the Recommendation is necessary and can be initiated at the time of decommissioning, the programme should contain the outcomes including the required comparative assessment, the conclusions from it and the proposed action to deal with the cuttings pile. Where initial screening assessed the accumulations as below the Stage 1 threshold, details regarding the cuttings pile should still be included in the programme. This is particularly important where extrapolation of data for other piles was the basis for the initial assessment. At the time of decommissioning survey data should be presented to support the initial findings and, where either threshold in Recommendation 2006/5 is exceeded, a comparative assessment and proposed action to deal with the pile, in line with Stage 2 of the Recommendation's management regime, should be conducted.

### 10. Environmental Appraisal

This section should include an Environmental Appraisal of the selected decommissioning option (see section 12). It should not be necessary to repeat information that is presented elsewhere in the decommissioning programme but an assessment of the potential effects of the project on the environment and climate change must be undertaken and the measures envisaged to avoid, reduce and, if possible remedy any significant adverse effects indicated.

The EA should include the following:

- All potential impacts on the marine environment, including exposure of biota to contaminants associated with the installation, other biological impacts arising from physical effects, conflicts with the conservation of species, with the protection of their habitats, or with mariculture, and interference with other legitimate uses of the sea.
- All potential impacts on other environmental compartments, including emissions to the atmosphere, leaching to groundwater, discharges to surface fresh water and effects on the soil.
- Consumption of natural resources and energy associated with re-use and recycling.

- Other consequential effects on the physical environment which may be expected to result from the option.
- Potential impacts on amenities, the activities of communities and on future uses of the environment.

### *EU Habitats and Birds Directive*

It is expected that a properly conducted EA would:

- Identify any habitats or species listed in Annex I of the Habitats and Birds Directives and covered by the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001.
- Determine the likely impacts on them of the decommissioning activities and propose any suitable mitigation.
- Propose an appropriate management system.

These findings should be included alongside the decommissioning programme as part of the EA and will provide the information for OPRED as competent authority for the Habitats Regulations offshore, to undertake an appropriate assessment if this is required.

For proposed activities within 40 km of the coast the possibility of the operations, or an accident or incident during the operations, impacting protected coastal habitats and species must also be considered. The EA must also identify and address these risks and provide sufficient information to allow an appropriate assessment to be prepared where necessary.

Within any assessment all future requirements to undertake post-decommissioning surveys and potential remedial works must be clear. Where these activities could impact protected habitats or species, this must be addressed in the EIA and a further appropriate assessment may be required prior to the post-decommissioning activities.

Further Natura 2000 sites, e.g. a Special Area of Conservation (SAC) or Special Protection Areas (SPA), are likely to be identified and other conservation areas may be designated in areas where at the time of decommissioning no known sites were present. It is the responsibility of the operator to ensure that all future activities meet the requirements of the Regulations and they should approach OPRED prior to any activities being undertaken.

Where activities require formal environmental approval, e.g. a chemical or oil discharge permit, there will normally be a recommended 28 day notification period and a requirement to undertake an appropriate assessment could add weeks to the approval process.

### *Use of Explosives*

As part of the EIA it will be necessary to assess the potential impacts of the use of any explosives on marine life in particular marine mammals. The use of explosives can be

permitted where this is shown to be the best practicable environmental option. The impact assessment should include a description to justify the necessity to use explosives including the alternatives which have been considered; the potential impacts of the explosive use and the proposed mitigation strategy. Suggestions for appropriate mitigation are included within the JNCC Guidelines for minimising acoustic disturbance to marine mammals whilst using explosives, available from the JNCC (<http://www.jncc.gov.uk/default.aspx?page=4900>).

### **11. Interested Party Consultations**

A description is required of the consultation process employed, including a summary of the statutory consultations with interested parties and the extent to which they have been taken into account in the programme. Relevant correspondence should be annexed to the programme. In those cases where it has been necessary to conduct a wide ranging public consultation/dialogue process, the outcome of the process should be included.

### **12. Costs**

There should be an overall cost estimate in GBP sterling of the preferred decommissioning option and an indication of the basis on which the estimate is made. The estimate should be broken down to reflect the different activities, preferably in accordance with the 'Element Level' of the Oil & Gas UK Decommissioning Cost Estimating Guidelines, work breakdown structure.

If it is anticipated the decommissioning work will span a number of years expenditure should be split by year. In cases with more than one platform, expenditure should be split by platform.

It is recognised that accurate cost data may not be available at the point that the decommissioning programme is approved as it will be dependent on the outcome of a commercial tendering process, however operators must provide a best estimate. Operators should discuss any sensitivities about cost data with OPRED as well as the OGA decommissioning team. Details on costs will be kept confidential.

### **13. Schedule**

Details of the decommissioning time scale for the proposed option, including a schedule showing the dates at which the various stages of the decommissioning are expected to start and finish, should be included.

### **14. Project Management and Verification**

Information on how the operator will manage the implementation of the decommissioning programme should be included to provide verification to OPRED concerning progress and compliance. This should include a commitment to submit a report, detailing how the programme was carried out, within one year of completion of the decommissioning work, including debris clearance and post-decommissioning surveys (see Section 13).

### **15. Debris Clearance**

This section should include proposals for identification and removal of seabed debris following decommissioning works. As a minimum the area covered for debris clearance should include a 500m radius around any installation and a 100m (50m either side of the pipeline) corridor along the length of any pipelines. Identification of debris would normally be conducted by side



scan sonar with an ROV deployed to investigate and recover any potential hazards located. Following this work, verification of seabed clearance by an independent organisation will normally be required. This requirement will depend on the circumstances of the case and will be decided in discussion with OPRED.

### **16. Post-Decommissioning Monitoring and Maintenance**

Proposals covering the post-decommissioning phase:

- Seabed sampling surveys to monitor levels of hydrocarbons, heavy metals and other contaminants in sediments and biota. A commitment to submit the results of surveys to OPRED is also required. On completion of the last intended survey, the requirement for further work will depend on the results and will be agreed in discussion with OPRED.
- Inspection and maintenance where remains are to be left in place. A commitment to report the outcome of this work to OPRED will also be required.

### **17. Supporting Studies**

Where supporting studies have been undertaken they should be listed within the programme and should be available to enquirers on request.

### **18. Structure of Combined Decommissioning Programmes**

Where it has been agreed in discussion with OPRED that it would be beneficial to include more than one programme within a decommissioning document, it should take account of the following:

- In the Introduction provide a clear statement that the document contains a separate programme for each set of associated notices served under section 29 of the Petroleum Act 1998.
- The introduction should identify the obligations associated with each programme. The programmes should be listed indicating which installations or pipelines are covered by each one and what companies will be a party to which programme. To further identify the obligations it is useful to include a table indicating which sections and subsections of the document refer to each separate programme.
- Clear identification of costs and show which programme they refer to.
- The responsibility for any survey and monitoring requirements should be clearly allocated to individual programmes or clearly shared by all.
- A detailed timetable that shows the work for all programmes.

There is no need to duplicate sections. If a section contains information relating to separate programmes, subsections can be used to highlight the allocation eg costs. In most cases the need to include more than one programme in a decommissioning document will arise in the context of pipelines. As indicated above decommissioning proposals for pipelines should be



contained within a separate programme in order to be able to clearly identify the specific decommissioning obligations that apply to the lines, which may have different owners from the installations.

## ANNEX D - Other regulators, government departments, and related agencies

The following provides an indication of the role of other government departments, and related regulators, in addition to those identified in the 1998 Act and in relevant environmental regulations, who have an interest in decommissioning activity. The table at the end of this Annex summarises the activities involved and some of the permits or authorisations likely to be required. However this list is not intended to be exhaustive as individual cases will differ. Operators should discuss their decommissioning proposals with the relevant Departments, Agencies and regulators responsible for the legislation.

### The Oil & Gas Authority - Decommissioning

The Energy Act 2016 created the Oil & Gas Authority (OGA). Its principle statutory objective is to maximise the economic recovery of the UK's oil and gas resources. The Energy Act 2016 also imposed certain duties on the OGA which relate to decommissioning:

- to review each Decommissioning Programme to assess whether decommissioning costs are minimised
- to consider potential reuse opportunities (including CCS)
- to engage the decommissioning supply chain
- to maximise economic extension of asset field life
- to develop guidance on the late-life asset management process

The OGA's interest and role in relation to decommissioning includes the following:

The OGA is also responsible for regulation in relation to the decommissioning of wells and will provide the necessary approvals in accordance with the obligation contained in the petroleum production licence and its model clauses and legislative obligations

[www.ogauthority.co.uk/decommissioning/wells](http://www.ogauthority.co.uk/decommissioning/wells).

Industry guidelines on well abandonment are available at

<https://www.ogauthority.co.uk/decommissioning/wells/> .

The OGA has developed a regulatory roadmap building block tool to give details of regulatory requirements through the lifecycle of a decommissioning project. This is a guide only and individual regulators should be contacted directly for further details.

The OGA has outlined options for delivery of MER UK in their Decommissioning Strategy, and set out decommissioning supply chain interests.

Information regarding the appointment of an OSD operator for decommissioning activity, by the OGA Licencing Authority [www.ogauthority.co.uk/licencing-consents/licensing-system/licensee-criteria/](http://www.ogauthority.co.uk/licencing-consents/licensing-system/licensee-criteria/).

Licence requirements for a deposit consent for the support and protection of a pipeline, for example, of rock gravel or grout bags, any deposit would also require a marine licence and at the decommissioning phase discussion with the OPRED

[www.ogauthority.co.uk/media/2425/deposit-consent-template-oga-2016.doc](http://www.ogauthority.co.uk/media/2425/deposit-consent-template-oga-2016.doc).

### Health and Safety Executive (HSE)

OPRED works in partnership with the Health & Safety Executive (HSE) as the Offshore Safety Directive Regulator (OSDR) responsible for implementing the EU directive 2013/30/EU on safety of offshore oil and gas operations.

HSE's role in decommissioning stems from its powers under the Offshore Installations (Safety Case) Regulations 2015 which extends the Offshore Safety Act 1992 and the application of Part I of the Health and Safety at Work etc Act 1974 to apply to the offshore environment . Offshore regulations include specific requirements to secure the safe dismantling, removal and disposal of offshore installations and pipelines.

Given this remit the HSE is a consultee in the decommissioning programme process and operators must consult the HSE at an early stage in the development of decommissioning scope and option assessment.

Health and safety legislation will continue to apply to any installations left in situ after decommissioning. In particular, duty holders will need to ensure the integrity of the installation and the safety of personnel working on it. It should be noted that the duty holder under offshore health and safety legislation may not be the same as those parties with the duty to carry out a decommissioning programme under the Petroleum Act 1998.

The Pipelines Safety Regulations 1996 contain requirements for the safe decommissioning of, and notification to, the HSE at least 3 months prior to commencement of pipeline decommissioning works.

Activities associated with decommissioning which are carried out onshore will be subject to the provisions of the Health and Safety at Work etc Act 1974 and appropriate regulations made under that Act.

HSE role in decommissioning offshore regulations include specific requirements to secure the safe decommissioning and dismantlement of offshore installations and pipelines. This includes:

- Offshore Installations ( Offshore Safety Directive) (Safety Case etc) Regulations (SCR 2015) and the Offshore Installations (Safety Case) Regulations 2005 (OSCR2005)
- Fulfilment of notification requirements to Health and Safety Executive (HSE) under regulation 22 of the Pipeline Safety Regulations 1996
- Offshore Installations and Wells (Design and Construction, etc) Regulations 1996
- Health and Safety at Work etc Act 1974.

[www.hse.gov.uk/offshore/index.htm](http://www.hse.gov.uk/offshore/index.htm) (Note these links may change and you should check the HSE website).

The Offshore Installations (Safety Case) Regulations 2015 (OSCR2015) came into force in July 2015, replacing the 2005 Safety Case Regulations in offshore waters. The new regulations require acceptance by HSE of a safety case for the dismantlement of a fixed installation.

OSCR2015 are aimed at combining health, safety and environmental issues which could bring about a major accident hazard as well as bringing OSCR more in line with other supporting offshore legislation. The new regulations can be found on the website at: The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015 (Note these links may change and you should check the HSE website).

OSCR2015 requires a safety case to be submitted at least 3 months before the commencement of dismantling. In accepting a safety case under OSCR2015, HSE will wish to be satisfied that there is an effective safety and environmental management system (SEMS) in place. The SEMS should ensure that hazards with potential to cause a major accident are identified, that risks are adequately controlled and that the organisational arrangements in place will enable the duty holder to comply with relevant statutory provisions. The rigorousness of the SEMS will be especially significant during decommissioning in order to cater for factors such as reduced personnel on board or contractor personnel new to the installation.

A range of other statutory health and safety provisions will apply during decommissioning, including regulation 10 of the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996 which requires the decommissioning and dismantlement of an installation to be done safely so as to maintain its integrity during work activities.

The Pipelines Safety Regulations 1996 contain requirements that pipelines are decommissioned safely either by dismantlement and removal or by being left in a safe condition, and for notification of decommissioning works at least 3 months prior to commencement.

## Waste Authorities and Regulators

Operators should contact the relevant waste regulator at an early stage in the decommissioning planning process. The information they require is on a similar timetable to the decommissioning process.

### **The Environment Agency (EA)**

The EA regulates a range of landward activities in England and Wales including those carried out under the Environment Permitting (England and Wales) Regulations 2007 which covers facilities previously regulated under the Pollution Prevention and Control Regulations and the Waste Management Licensing Regulations 1994. The EA regulates various aspects of decommissioned waste through the waste management regime.

### **Scottish Environment Protection Agency (SEPA)**

SEPA is responsible for the enforcement of pollution legislation in Scotland. SEPA was created by the Environment Act 1995. In Scotland, SEPA regulates various aspects of decommissioned waste through the waste management regime.

### **DOENI/ Northern Ireland Environment Agency**

The Northern Ireland Environmental Agency ( previously known as The Environment and Heritage Service) is an agency within the Department of the Environment ( Northern Ireland).

DOE NI is responsible for co-ordinating policy within Northern Ireland in respect of pollution of the marine environment, radioactive substances etc and complying with the requirements of the OSPAR Convention and other international obligations. DOENI is the Marine Plan Authority hence a consultee on Decommissioning Programmes within its jurisdiction.

<https://www.doeni.gov.uk>

### **Waste Authorities**

These Waste Authorities are responsible for administering and enforcing the waste management controls. Anyone who produces, transports, manages and treats waste has a duty of care to ensure that waste is managed correctly. This includes proper storage, only transferring it to an appropriate person and ensuring that when it is transferred it is sufficiently well described to enable its safe recovery or disposal without harming the environment. Anyone who produces keeps or manages waste must take all reasonable steps to apply the waste hierarchy.

### **Waste Management plan**

Movements of waste from the UKCS to other Member States and Non Member States are deemed to be a transboundary movement and therefore subject to trans-frontier regulations. Unless wastes are exempt from the scope of Council Regulation No 1013/2006/EC, the “Waste Shipment Regulation” (WSR) and the UK Management Plan for the Export and Import of Wastes, any movements for disposal would be prohibited. Details are available in the international shipments of waste guidance. These can be viewed at <http://www.environment7agency.gov.uk/business/sectors/32447.aspx>.

Additional guidance on responsibilities for dealing with hazardous waste is given at <https://www.gov.uk/dispose-hazardous-waste>.

**The Environmental Protection Act 1990**, persons concerned with controlled waste are under a duty of care, under the EPA1990, to ensure that the waste is managed properly, recovered or disposed of safely. In Scotland the Duty of Care also applies to the storage, transfer and carriage of waste before it is exported.

**Trans-frontier Shipment of Waste Regulations 2007**, the international movement of waste is controlled by means of Council Regulation No 1013/2006/EC on shipments of waste (the “WSR”). This is the responsibility of the relevant waste authorities. Operators should consult the appropriate Agency when considering decommissioning activities that involve transboundary movements of waste.

**Radioactive Substances Act 1993**, anyone who receives radioactive sources or radioactive waste for disposal is subject to the requirements of the Radioactive Substances Act 1993 (RSA 93). Under this Act they must have an authorisation from the appropriate regulatory body. The Act applies to offshore installations.

### **Non-radioactive waste responsibilities**

The Waste Authorities ask the operator to:

- keep waste to a minimum by doing everything they reasonably can to prevent, reuse, recycle or recover waste;
- sort and store waste safely and securely (<https://www.gov.uk/managing-your-waste-an-overview/sorting-storing-waste>);
- complete a waste transfer note (<https://www.gov.uk/managing-your-waste-an-overview/waste-transfer-notes>) for each load of waste that leaves the operators ( or nominated waste contractors) premises;
- check if their waste carrier is registered to dispose of waste;
- ensure the waste carrier does not dispose of offshore waste illegally;
- register as a waste carrier if they want to dispose of their own waste regularly. A waste permit may also be required. Apply to register in: <https://www.gov.uk/waste-carrier-or-broker-registration> <https://www.gov.uk/guidance/waste-environmental-permits>

### **Moving waste between countries**

Additional guidance on waste imports and exports is given at <https://www.gov.uk/guidance/importing-and-exporting-waste>

### **Sorting and storing waste**

Waste must be stored safely and securely and the operator shall ensure all waste is:

- stored in a secure place
- uses suitable containers that will stop waste escaping
- is labelled containers clearly with the type of waste they contain
- uses covers to stop waste blowing away
- uses waterproof covers if rain could cause contaminated run-off or prevent the waste from being reused
- And different types of waste are stored separately, so that:
- they don't contaminate each other
- they can be reused more easily

### *Waste transfer notes*

For each load of non-hazardous waste The operator (or nominated waste contractor) moves off their premises, a waste transfer note or a document with the same information, e.g. an invoice is required. Additional information can be found at

<https://www.gov.uk/government/publications/duty-of-care-waste-transfer-note-template>.

### **SEPA and the EA requirements**

Both agencies highlight five principles:

- i. Early Engagement
- ii. Active Waste Management Plans
- iii. Waste Framework Directive
- iv. Duty of Care
- v. Inventory of Offshore Waste

They are looking for operators to provide an active waste management plan with specifics as to where all waste will be sent from the offshore location. This should encompass:

- The operator's intentions for the active management of offshore waste, outlining the transition from the operational phase to decommissioning and through to a post decommissioning monitoring mode in a continuation of the process for all operational waste.
- A process of advising the various waste regulator (onshore and trans-boundary) if a waste stream/volume location changes.
- Identification and categorisation of the generic waste streams (non-hazardous materials, steels, hazardous materials, radioactivity etc.) and be clear in the document what generic end point is assumed.
- An inventory of waste in accordance with The Waste Framework/Waste Hierarchy, Waste Inventory, Waste Categorisation and Waste management obligations  
[www.gov.uk/guidance/waste-legislation-and-regulations](http://www.gov.uk/guidance/waste-legislation-and-regulations)  
[www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive](http://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive)

## Department for Environment, Food and Rural Affairs (DEFRA)

DEFRA's aim is sustainable development, with five strategic priorities:

- Climate change and energy



- Sustainable consumption and production, including a national waste strategy
- Protection of the countryside and natural resources
- Sustainable rural communities
- A sustainable farming and food sector, including animal health and welfare

DEFRA is responsible for co-ordinating Government policy on the marine environment. It therefore has an interest in all general questions which arise in respect of offshore oil and gas activity and the marine environment. It is specifically responsible for the development and implementation of domestic and international policies to protect fisheries and the marine environment from the deposit of waste and other materials at sea.

DEFRA leads on strategic marine planning, policy and co-operation.

An extensive programme of aquatic environmental monitoring is carried out on behalf of the Department.

As part of this obligation, DEFRA leads for the UK on two conventions that impact offshore decommissioning strategy, namely:

- The prevention of marine pollution by dumping of wastes and other matter under the 1972 London Convention and 1996 Protocol)
- The protection of the marine environment of the North East Atlantic (under the 1992 OSPAR Convention) which not only covers dumping issues but also the prevention and elimination of pollution from offshore installations.

OPRED supports DEFRA in these obligations and operators should direct any queries on these obligations to their nominated OPRED Environmental Manager.

Further information on DEFRA services and obligations can be found at

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>

## The Scottish Government – Marine Scotland

Marine Scotland is responsible for the integrated management of Scotland's seas. Its purpose is to manage Scotland's seas for prosperity and environmental sustainability, working closely with its key delivery partners and others. Anyone wishing to undertake activities involving the deposits of substances or articles at sea in waters adjacent to Scotland is advised to check with Marine Scotland. Marine Scotland will confirm if a licence is required or if the activities are exempt under the Deposits in the Sea (Exemptions) Order 1985 (as amended). Marine Scotland also conducts an extensive marine environment monitoring programme in waters adjacent to Scotland.

## Department for Transport (DfT)

Consent is required for placing any offshore installation or pipeline on the UK Continental Shelf installations which may obstruct or endanger navigation. While responsibility lies with the Ports Division of DfT implementation has been delegated to OPRED.

## Maritime and Coastguard Agency (MCA)

The aim of the MCA is to develop, promote and enforce high standards of marine safety and to minimise the risk of pollution of the marine environment from ships. It is responsible for implementing the Government's strategy for marine safety and the prevention of pollution from ships. The MCA is a consultee to any application for the placing of offshore installations and other works in tidal waters, advising specifically on matters of navigational safety.

## The Joint Nature Conservation Committee (JNCC), Natural England (NE), Scottish Natural Heritage (SNH), the Countryside Council for Wales (CCW) and the Council for Nature Conservation and the Countryside (CNCC)

The JNCC is the public body that advises the UK Government on UK wide and international nature conservation. Their role is to provide evidence, information and advice so that decisions are made that protect natural resources and systems. They are a key stakeholder in the decommissioning process and are the primary point of contact for nature conservation advice on decommissioning programmes. NE, SNH, CCW and CNCC are responsible for providing similar advice on decommissioning programmes within 12 miles of shore or on projects that have the potential to impact their respective coastal areas.

## Ministry of Defence (MOD)

The MOD's UK Hydrographic Office is responsible for maintaining Admiralty Charts on which installations and pipelines are marked. The charts are supported by a range of Notices to Mariners, in both written and other media. Consents from DfT will specify that Notices are issued at the operator's expense where activity at an installation has implications for navigation around it.

The MOD's Directorate of Safety, Environment and Fire Policy is concerned with the impact of decommissioning on defence operations.

## HM Treasury/HM Revenue & Customs

HM Treasury and HM Revenue & Customs have an interest in the efficient use of resources in decommissioning.

## The Crown Estate/Crown Estate Scotland

The Crown Estate Commissioners have statutory responsibility for management of the Crown's proprietary interests offshore; these include nearly all of the UK seabed to the territorial limit (12 miles) and exploitation rights on the Continental Shelf (excluding hydrocarbons) under the Continental Shelf Act 1964.

The rights to oil and gas underneath the territorial sea and the UK Continental Shelf are vested in the Crown under the Petroleum Act 1998 and are managed by OGA however, The Crown Estate's consent as landowner is required for all oil and gas pipelines that cross the seabed within 12 nautical miles of the UK coastline. operators should engage with the Crown Estate and the OGA to clarify any requirements that they may have in relation to decommissioning of pipelines and cables [www.thecrownestate.co.uk/energy-minerals-and-infrastructure/cables-and-pipelines](http://www.thecrownestate.co.uk/energy-minerals-and-infrastructure/cables-and-pipelines)

Summary of main activities requiring approval:

ACTIVITY	AUTHORITY	PERMIT/CONSENT	REMARKS
Cessation of Production	OGA		Handled through Field Reports and separate COP Document
Venting/Flaring	OGA	Venting/Flaring consent under the Energy Act 1976	
Safety case	HSE	Acceptance under and the OSCR 2015	
Well abandonment	OGA, HSE	PON5	See OGA's Oil & Gas Website
Cleaning, discharges, emissions	OPRED or DAs in Internal and Controlled Waters	Chemical Permit under the Offshore Chemicals Regulations and/or Oil Discharge Permit under the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations (permits applied for via UK Energy Portal PRA (Production Operations), PLA (Pipeline Operations) or DCA (Decommissioning Operations) MATS). Flare and/or Vent Consents may also be required from OPRED under the Energy Act 1976. Discharges and emissions in Scottish Internal or Controlled Waters permitted under the Water Environment (Controlled Activities) (Scotland) Regulations.	See OPRED Oil and Gas website and/or contact Environmental Management Team for advice

Oil Spill Planning	OPRED	CoP and Decommissioning may require a material change to existing installation or field OPEP's, which must remain in place during Decommissioning until there is no longer a potential for an oil pollution incident.	See OPRED Oil and Gas website and/or contact Offshore Environmental Inspectorate for advice
Deposits of materials or substances in the sea or on the seabed	OPRED or DAs in Internal and Controlled Waters (OGA approval may also be required for deposits relating to pipelines)	Marine Licence under the Marine and Coastal Access Act, or Marine (Scotland) Act for deposits in Scottish Internal or Controlled Waters (OGA Pipeline Works Authorisation DepCon may be required under Petroleum Act 1998)	See OPRED Oil and Gas website and/or contact Environmental Management Team for advice (Contact OGA Consents team for Petroleum Act advice)
Removal of materials or substances from sea or seabed	OPRED or DAs in Internal and Controlled Waters (OGA approval may also be required for removals relating to pipelines)	Marine Licence under the Marine and Coastal Access Act, or Marine (Scotland) Act for deposits in Scottish Internal or Controlled Waters (OGA Pipeline Works Authorisation may be required under Petroleum Act 1998)	See OPRED Oil and Gas website and/or contact Environmental Management Team for advice (Contact OGA Consents Team for Petroleum Act advice)
Disturbance of seabed, or materials or substances on the seabed	OPRED or DAs in Internal and Controlled Waters (OGA approval may also be required for disturbance relating to pipelines)	Marine Licence under the Marine and Coastal Access Act, or Marine (Scotland) Act for deposits in Scottish Internal or Controlled Waters (OGA Pipeline Works Authorisation may be required under Petroleum Act 1998)	See OPRED Oil and Gas website and/or contact Environmental Management Team for advice (Contact OGA Consents Team for Petroleum Act advice)

Explosives use	OPRED or DAs in Internal and Controlled Waters	Marine Licence under the Marine and Coastal Access Act, or Marine (Scotland) Act for deposits in Scottish Internal or Controlled Waters	See OPRED Oil and Gas website and/or contact Environmental Management Team for advice (see also JNCC guidelines for minimising the risk of disturbance and injury to marine mammals whilst using explosives (August 2010))
Debris removal operations	OPRED or DAs in Internal and Controlled Waters	Acoustic surveys may require approval or notification under the Offshore Petroleum Activities (Conservation of Habitats) Regulations. Over-trawl operations and/or debris removal operations require a Marine Licence under the Marine and Coastal Access Act, or Marine (Scotland) Act for deposits in Scottish Internal or Controlled Waters	See OPRED Oil and Gas website and/or contact Environmental Management Team for advice
Waste Handling	EA/SEPA	Duty of care under Environmental Protection Act 1995 Multiple permits which should be discussed with the regulator	Proposals should be discussed at an early stage with the relevant Agency
Waste Shipment (into and out of the EU)	EA/SEPA	Authorisation under the Transfrontier Shipment of Waste Regulations 2007	Authorisation also required from the receiving country. Authorisation also for any waste being returned to the country of origin.
Marine activities	OPRED, DfT, Hydrog, HSE, MCA, SFF, NFFO	Various notifications required for diving activities, vessel use, towing activities etc	Discuss with relevant Departments, Agencies or Bodies

Safety Zones	HSE, Hydrog, DfT	Notification upon removal of facilities	Under Petroleum Act 1987, SZ will automatically cease if installation no longer projects above the surface of the sea. SZ's made by statutory order will remain unless removed by order.
Equipment and materials brought ashore	HM Revenue & Customs	Duties and VAT may apply to certain items	Discuss with HMRC
Export of installations and equipment	BEIS	An export licence may be required in certain circumstances under the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003	Consult BEIS Export Control Directorate
Export and import	DEFRA	A certificate may be required under the Convention on International Trade in Endangered Species (CITES)	If the coral, <i>Lophelia pertusa</i> , is present on an installation located outside of territorial waters that is being transported to the UK or elsewhere, a CITES certificate will be required from Defra.

# ANNEX E - Decommissioning Security Agreements to which the Secretary of State is a party

## General Background

The Secretary of State is party to a small number of industry's decommissioning security agreements (DSAs) and they help to give comfort that funding for decommissioning is available. OPRED has participated in the industry initiative to develop a standard template DSA. The template DSA and associated guidance are available from the Oil & Gas UK website [www.oilandgasuk.co.uk](http://www.oilandgasuk.co.uk). OPRED is currently reviewing the DSA template and security arrangements in the light of recent low oil prices and new operators in the basin. Accordingly, this section of the guidance may be subject to change. In some circumstances, where there is only one or a small number of operators in a field, the Secretary of State may enter into a DSA or other trust or finance deed or instrument directly with these parties to obtain security. Although OPRED will also consider security agreements that do not utilise the DSA template they would need to meet the same minimum requirements and ensure that security is ring-fenced to be used for decommissioning.

The over-riding aim of a DSA is to ensure that guaranteed funds (which may include future revenues in appropriate cases) will be available to cover the decommissioning costs at all times. For example, if a company becomes insolvent before decommissioning, the security posted under the DSA would be triggered and held in trust. The Treasury's introduction of the Decommissioning relief deed gives surety of decommissioning tax relief and one of the aims of this is to move security to a post-tax basis in DSAs, OPRED considers security on a post-tax basis. This security will be equal to the insolvent participant's post-tax share of the decommissioning costs reduced by an allowance for their share of any remaining oil and gas reserves and the operating expenditure that would be spent in recovering those reserves, in line with a formula contained in the DSA. This formula underpins the DSA and has to be recalculated regularly by an independent third party to ensure that the levels of security are realistic and up to date. Tax-relief for decommissioning is however subject to the policy of any particular government at any time and may be withdrawn by legislation, which is acknowledged in the current DSA template.

The Secretary of State for Business, Energy and Industrial Strategy may become a party to a DSA if he considered there is substantial unmitigated risk in a particular field, to ensure that changes to the agreement cannot be made without his written consent, and, in certain cases, to enable him to take action to resolve a default situation. Any proposed changes to the agreement, in the event of a licence assignment, for example, would require a separate approval from the Secretary of State. It is also conceivable that in the event of a default by all



the other parties to a DSA, the Secretary of State may need to arrange decommissioning and draw on the securities arranged by the parties.

As DSAs are stand-alone documents, separate from the JOA (or similar agreement), to any licence assignment granted by the OGA's Licensing Section does not imply consent to any change to the parties to the DSA. Such changes should be agreed separately, through OPRED, by written amendment to the DSA.

Cases where 100% ownership results following a licence transfer require a special approach. In cases where there are two or more remaining licensees each party effectively ensures that the other(s) adheres to the agreement (if they do not do this they may become liable for another participant's share, under the joint and several provisions of the Act). However, in cases, where following licence transfer one party will own 100% of the interests, OPRED may require a departed licensee to 'police' the DSA. This party will usually be the last licensee to sell their interests, and to ensure they 'police' the agreement effectively their section 29 notice will not be withdrawn. In addition, if this scenario is not already incorporated, the format of the DSA will require amendment to reflect the differences arising from the situation. In cases where there is no departed licensee OPRED would see more risk and would discuss how to mitigate this risk with the current Section 29 holder and in these circumstances if the operator fails the financial tests may ask for security to be posted.

Where the Secretary of State has concerns about the ability of a section 29 holder or a group of section 29 notice holders, to fund the decommissioning of a project he can use his powers under section 38(4) of the Petroleum Act 1998 to require security, in practice our preferred approach is to try to achieve this through a voluntary agreement, and if that was not possible would take steps to require security. (See Annex E). When section 38(4) is used a DSA is not required. Although the Secretary of State may become a party to a DSA and take the presence of an acceptable agreement into account when considering whether to withdraw a section 29 notice and/or issue a notice under section 38(4), these are commercial agreements setting the security requirements between the companies. Where a section 38(4) notice is issued it will specify what security is required including the amount, the credit rating of the security provider and the timing. . There will be similarities with the Secretary of State's minimum requirements for a DSA and the types of security and risk factor discussed below will apply. OPRED will discuss the situation with the company (which has a legal right to object) before issuing a notice under section 38(4).

### Minimum Requirements for a DSA to which the Secretary of State is a party

OPRED recognises the impacts that the security requirements of DSAs can have, particularly on smaller companies. Our requirements are as detailed below but we do consider proposals for alternative forms of security. Alternatives must provide a similar level of security to letters of credit, i.e. be irrevocable, on demand and issued by a UK body of substance (see below).

We require the parties to a DSA to provide security such as cash, irrevocable standby Letters of Credit (LoCs) issued by a Prime Bank or on-demand (performance) bonds from Prime Banks or issued by an Insurer regulated under the Financial Services and Markets Act 2000. For these purposes the security must be issued by a body established in an EU or OECD country with a UK lending or insurance office and which have an A- or better awarded by Standard and Poor's or Fitch or A3 or better awarded by Moody's or an equivalent rating by another recognised rating agency. We may consider proposals which do not fully meet these criteria and take account of factors such as the level of risk and decommissioning costs and the presence of other parties to the DSA. In all cases, the suitability of security proposed and the issuing bank of any security will be considered in the light of the individual circumstances of the operators or other persons liable for decommissioning to ensure that these can be enforced by the UK Government if necessary

The DSA should ideally be on a full field basis and should establish a mechanism to allocate a share of the costs to each party. The security should cover each party's share of the post-tax costs of decommissioning the installations and pipelines in the relevant field. In the event of default, although obligations remain joint and several, in the first instance other parties should cover the share of the default proportionate to their percentage interest.

The security should be provided on a post-tax basis (decommissioning costs after decommissioning tax relief) including site clear-up after the main removal work. In most cases it will also be necessary to add a risk factor to cover the uncertainties surrounding cost calculations. The need for and the amount of this will vary depending on the complexities of the facilities to be decommissioned but in most circumstances will add around 10 - 30 % to the total cost estimate. Unless one party owns 100% of the interests, where the field concerned is in production and future revenues can be reasonably predicted, allowance would be made for those revenues on a post-tax basis. However, salvage value of the equipment can only be discounted if the security covers an FPSO type facility which has real intrinsic value. Following completion of the main removal activities ongoing security to cover the site clear up activities will be required (this amount will be in the range of 1-3% of the total decommissioning costs). Further information on the formula to be used to calculate the costs of decommissioning is contained within the template DSA and its accompanying guidance notes, at the Oil and Gas UK website.

Unless alternative forms of security are agreed, the DSA should provide for the security in the form of LoCs, escrow accounts, on-demand performance bonds or similar, to be renewed annually, 2 months before the next period of security is due to commence. In the event of the failure by any party to renew security before the next period, that party would be in default and the LoC or performance bond would be triggered and the money drawn down and deposited in a regulated Trust Fund to accrue interest until it is needed to pay for decommissioning costs.

In addition to cash, LoC or on demand bonds we would accept that a company of substantial financial standing can demonstrate its ability to meet all its potential liabilities without providing a financial security. The particular circumstances of the case and the level of decommissioning costs will determine whether this is feasible and what defines an acceptable

financial status. However, the company would as a minimum have sufficient assets to easily afford both its potential liabilities for the project and its wider UKCS portfolio; with costs for each equating to less than 30% of the company's net worth (see Annex E). The assets backing the net worth figure and new financial risk assessment metrics would need to be held by the section 29 notice holder.

This approach does not change our policy on parent company guarantees discussed below because it is based on the statutory obligation of the section 29 notice and the assets of the company.

The DSA should be drafted to ensure that any potential liability of the Trust Fund to inheritance tax is accounted for in the calculation of the amount of security.

### Unacceptable Security

#### *Parent Company Guarantees (PCGs)*

PCGs are not considered to represent acceptable security for the following reasons.

A standby letter of credit imposes a primary contractual obligation on the issuer to pay a specified sum of money on the happening of a specified event. It can be argued that a PCG is related to the underlying contract and is not therefore a primary obligation on the part of the guarantor. There remains, therefore, the possibility that the guarantor might dispute the basis on which the obligation in the underlying contract has arisen which could result in the matter becoming the subject of litigation.

There are companies with interests in the UKCS which are subsidiaries of major overseas companies but do not have significant UK assets and are reliant upon support from the overseas parent. OPRED is concerned about the difficulties and potential delays in enforcing a PCG through foreign courts. Delay could hamper our objective of ensuring timely decommissioning. This situation in turn creates a difficulty in accepting PCGs from UK or European parents.

In some cases the parent company may not itself have the long-term financial strength we are looking for and in cases where a subsidiary is in financial difficulty this may indicate that the parent and/or group as a whole is in financial difficulty, as the need for the security to be called upon is most likely to arise in cases where the group as a whole is in financial difficulties. Moreover, in such cases, if the guarantor cannot or will not pay up under the guarantee, the remaining participants would be left without any easily accessible assets to cover the defaulting licensee's share of decommissioning costs. This might therefore expose the Secretary of State to the risks involved in trying to recover decommissioning costs from overseas parent companies.

## Independent Audit

Estimates of decommissioning costs and of the net value of remaining recoverable reserves used to calculate the required levels of security must be carried out at least every 3 years and may be required annually depending on the project timescales. An independent third party expert approved by OPRED must verify this audit process. Further details about the timing and frequency of such audits are contained within the template DSA.

## Independence of the DSA

The DSA must be a stand-alone document, entirely independent of the JOA (although the terms are sometimes referenced in the JOA) and any other similar agreements.

## ANNEX F - Statutory consultees for a Decommissioning Programme

The National Federation of Fishermen's Organisations  
NFFO Offices  
30 Monkgate  
York  
YO31 7PF  
(Tel: 01904 635430)

Scottish Fishermen's Federation  
24 Rubislaw Terrace  
Aberdeen  
AB10 1XE  
(Tel: 01224 646944)

Northern Ireland Fishermen's Federation  
1 Coastguard Cottages  
The Harbour  
Portavogie  
Co. Down  
BT22 1EA  
(Tel: 028 42771954)

Global Marine Systems Limited  
New Saxon House  
1 Winsford Way  
Boreham Interchange  
Chelmsford  
Essex  
CM2 5PD  
(Tel: 01245 702000)

# ANNEX G - OSPAR CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC

ANNEX 16

(Ref. 9.19)

OSPAR CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE  
NORTH-EAST ATLANTIC

MEETING OF THE OSPAR COMMISSION (OSPAR)

STOCKHOLM: 26-30 JUNE 2006

## OSPAR Recommendation 2006/5 on a Management Regime for Offshore Cuttings Piles

RECALLING Article 2(3) of the Convention for the Protection of the Marine Environment of the North-East Atlantic ("OSPAR Convention"), which, inter alia, requires Contracting Parties to take full account of the latest technological developments and practices when adopting programmes and measures and to this end requires Contracting Parties to define with respect to programmes and measures the application of best available techniques (BAT) and best environmental practice (BEP), including, where appropriate, clean technology;

RECALLING Article 5 of the OSPAR Convention, which requires the Contracting Parties to take all possible steps to prevent and eliminate pollution from offshore sources in accordance with the provisions of the Convention, in particular as provided for in Annex III;

RECALLING the programmes and measures contained in OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations;

RECALLING the programmes and measures contained in OSPAR Decision 2000/3 on the Use of Organic-Phase Drilling Fluids (OPF) and the Discharge of OPF-Contaminated Cuttings;

## **The Contracting Parties to the Convention for the Protection of the Marine Environment of the North-East Atlantic RECOMMEND:**

### **1. Definitions**

For the purpose of this Recommendation:

‘BAT’	means best available techniques as defined in Appendix 1 of the OSPAR Convention
‘BEP’	means best environmental practice as defined in Appendix 1 of the OSPAR Convention
‘cuttings’	means solid material removed from drilled rock together with any solids and liquids derived from any adherent drilling fluids
‘cuttings pile’	means an accumulation of cuttings on the sea bed which has been derived from more than one well
‘operator’	means a company controlling the operations of an offshore installation in a part of the maritime area which is under the jurisdiction of a Contracting Party
‘organic-phase drilling fluid (OPF)’	means an organic-phase drilling fluid, which is an emulsion of water and other additives in which the continuous phase is a water-immiscible organic fluid of animal, vegetable or mineral origin
‘other discharges’	means discharges other than discharges of OPF’s which contain either chemicals on the OSPAR list of chemicals for priority action or radioactive substances

### **2. Purpose and Scope**

The purpose of this Recommendation is to reduce to a level that is not significant, the impacts of pollution by oil and/or other substances from cuttings piles.

This recommendation is in addition to the programmes and measures contained in OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations and OSPAR Decision 2000/3 on the use of Organic Phase Drilling Fluids (OPF) and the discharge of OPF-Contaminated Cuttings.

This Recommendation applies to Contracting Parties which have cuttings piles within their jurisdiction in their internal waters or territorial sea, or on their continental shelf.

### **3. Programmes and Measures**

The Cuttings Pile Management Regime is divided into two stages. Stage 1 involves initial screening of all cuttings piles. This should be completed within 2 years of the Recommendation taking effect. Stage 2 involves a BAT and/or BEP assessment and should, where applicable, be carried out in the timeframe determined in Stage 1.

**Stage 1 (to be completed within 2 years of the Recommendation coming into effect)**

Contracting Parties should require that all cuttings piles are screened, using existing information and relevant research, to identify those that require further investigation.

Where water-based drilling fluids were used and no other discharges have contaminated the cuttings pile, no further investigation is necessary.

Where organic-phase drilling fluids (OPF) were used and discharged or other discharges have contaminated the cuttings pile the following process should be completed:

- Contracting Parties should require that the rate of oil loss and the persistence over the area of seabed contaminated are assessed using existing evidence where this is sufficient to carry out this process, and undertaking the relevant research where more information is needed;
- The rate of oil loss should be assessed on the basis of the quantity of oil lost from the cuttings pile to the water column over time. The unit used should be tonnes per year (tonnes/yr);
- The persistence should be assessed on the basis of the area of the seabed where the concentration of oil remains above 50mg/kg and the duration that this contamination level remains. The unit used should be square kilometre years (km<sup>2</sup>yr).

The results of this process should be compared against the following thresholds:

Rate of oil loss to water column:	10 tonnes/yr
Persistence over the area of seabed contaminated	500 km <sup>2</sup> yr

Where both the rate and persistence are BELOW the thresholds and no other discharges have contaminated the cuttings pile, no further action is necessary and the cuttings pile may be left in situ to degrade naturally.

Where either the rate of oil loss or the persistence are ABOVE the thresholds, stage 2 should be initiated at a time to be determined by the Contracting Party, taking into account the rate of oil loss, the persistence over the area of seabed contaminated and the timing of the decommissioning of the associated installation.

**Stage 2 (to be carried out in the timeframe determined in Stage 1)**

The Contracting Party should require that a study is carried out to determine the best available techniques (BAT) and/or the best environmental practice (BEP) for the cuttings pile.

The study should characterise the cuttings pile, review the impacts and carry out a comparative assessment to determine BAT and/or BEP.

Characterisation should include determining the position, area and topography, hydrography, volume, physical characteristics, and chemical content, as well as a biological characterisation.



The current edition of the publication from Oljeindustriens Landsforening (OLF) 'Guidelines for Characterisation of Offshore Drill Cuttings Piles' (available on [www.olf.no](http://www.olf.no)) may be used in the completion of the study, or other methods accepted by the Contracting Party.

Contracting Parties may require that a sampling programme should be used to define the limit of areas contaminated or to determine the effects on the macro-fauna, together with a more detailed characterisation of the cuttings pile.

When assessing BAT and/or BEP, consideration should include, but not be limited to, the following options:

- Onshore treatment and reuse
- Onshore treatment and disposal
- Offshore injection
- Bioremediation in situ
- Covering in situ
- Natural degradation in situ

The comparative assessment should be made on the same basis as a comparative assessment made under OSPAR Decision 98/3 on The Disposal of Disused Offshore Installations and include consideration of the following matters:

- The assessment should consider the potential impacts of the proposed disposal of the cuttings pile on the environment and other legitimate uses of the sea. The assessment should also consider the practical availability of re-use, recycling and disposal options;
- The information collated in the assessment should be sufficient to enable a reasoned judgement on the practicability of each of the disposal options, and to allow for an authoritative comparative evaluation;

The assessment of the disposal options should take into account, but need not be restricted to:

- (a) technical and engineering aspects of the option, including re-use and recycling and the impacts associated with cleaning the cuttings pile while it is offshore;
- (b) the timing of the decommissioning;
- (c) safety considerations associated with removal and disposal, taking into account methods for assessing health and safety at work;
- (d) impacts on the marine environment, including those arising from exposure of biota to contaminants associated with the cuttings pile, other biological impacts arising from physical effects, conflicts with the conservation of species, with the

protection of their habitats, or with mariculture, and interference with other legitimate uses of the sea;

- (e) impacts on other environmental compartments, including emissions to the atmosphere, leaching to groundwater, discharges to surface fresh water and effects on the soil;
  - (f) consumption of natural resources and energy;
  - (g) other consequences to the environment which may be expected to result from the options;
  - (h) impacts on amenities, the activities of communities and on future uses of the environment; and
  - (i) economic aspects
- For the matters outlined above, Contracting Parties should require each option to be assessed using appropriate methodologies. The preferred option should be selected by focussing on matters where there are significant differences. The means used to select the preferred option should be described and allow the Contracting Party to make consistent decisions;
  - The assessment should take into account the inherent uncertainties associated with each option, and should be based upon conservative assumptions about potential impacts. Cumulative effects from the disposal of material in the maritime area and existing stresses on the marine environment arising from other human activities should also be taken into account;
  - The assessment should also consider what management measures (including responsibilities, resources and funding) might be required to prevent or mitigate adverse consequences of each option, and should indicate the scope and scale of any monitoring that may be required;
  - The assessment should take account of the decommissioning of the associated installation and especially the decommissioning of any seabed structures, the effect this may have on the cuttings pile and any opportunities that may emerge in relation to carrying out simultaneous activities to minimise the overall environmental impacts;
  - The assessment should also take account of potential disturbance of the pile due to other legitimate uses of the sea after decommissioning of the associated installation;
  - The assessment, which should be based on scientific principles and should be linked back to the supporting evidence and arguments, should be sufficient to enable the Contracting Party to reach a judgement on the proposal for BAT and/or BEP. Documentation should identify the origins of the data used, together with any relevant information on the quality assurance of that data.

The Contracting Party, taking account of the conclusions of the comparative assessment, should approve a plan, including a timeframe, to implement BAT and/or BEP.

The Contracting Party should consider whether to require reporting to confirm that the plan is progressing as expected and/or independent confirmation (e.g. from relevant fishing organisations) that it has been completed satisfactorily.

#### **4. Entry into Force**

This Recommendation has effect from 30 June 2006.

#### **5. Implementation Report**

Reports on the implementation of this Recommendation should be submitted by Contracting Parties with cuttings piles in their jurisdiction, using as far as possible the format set out in Appendix 1.

The reports should be submitted to the appropriate OSPAR subsidiary body in the meeting cycle 2008/2009. Subsequent reports on implementation should be made if deemed necessary by the Commission.

# ANNEX H - Decommissioning processes and pathways

The decommissioning policy objective of aiming to achieve a clear seabed means that the majority of installations will be returned to shore for re-use or recycling or final disposal on land. However this may not be possible or appropriate in all circumstances and some installations and pipelines may ultimately be decommissioned in-situ thus remaining in the marine environment. To help operators navigate the different processes required for the different options we have developed a flow diagram to outline the different pathways for decommissioning installations and pipelines.

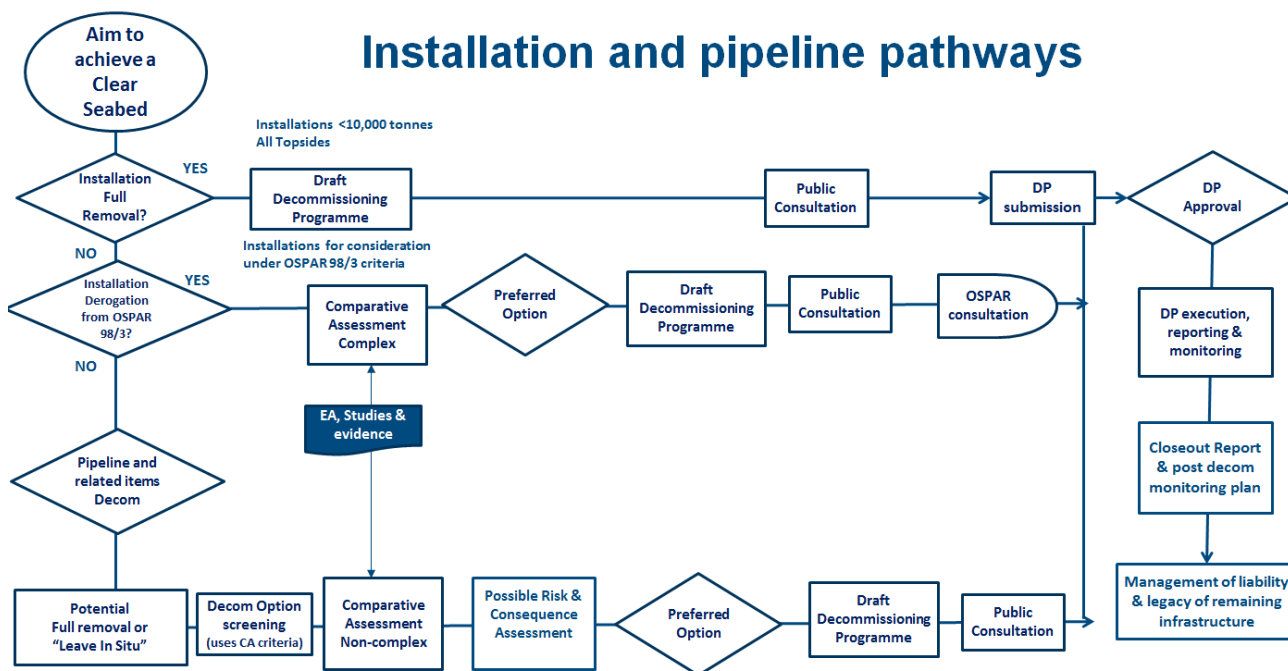
Pathways one and two illustrate the steps in decommissioning installations while pathway three focuses on pipelines.

The first pathway leads to the full removal of the whole installation (including the topside, jacket and footings where appropriate) and the second pathway would potentially see an operator apply for a derogation in accordance with the criteria in OSPAR decision 98/3, for a concrete jacket or for the footings of heavy steel jackets, where all topsides are removed.

Pathway three encompasses full removal and leave in-situ decommissioning outcomes for pipeline.

Experience to date has shown that the circumstances surrounding individual cases will vary considerably and each case is therefore considered on its own merits considering the technical, environmental, safety and, economic issues, and also the impact on other users of the sea in each instance.

The decommissioning process leading to approval and execution of a decommissioning programme must be transparent and it is our policy to ask operators to consult publically on their programme. The three pathways are described in more detail below.



## Pathway 1: Full removal of Installation

### General requirements

This pathway assumes that the operator has, in consultation with the OGA, evaluated all options for appropriate re-use of the installation and proposes that the installation will be fully removed from its offshore location and returned to shore to be processed/disposed of on land. The key milestones and requirements of this pathway are:

An Environmental Appraisal will be required to support the decommissioning programme and selected decommissioning option, developed using the guidance and conditions set out in section 12.

The operator should use the standard content/section requirements of a decommissioning programme as outlined in section 6 to describe the methods for execution.

This is the default pathway for all installations and the only option for installations with jackets under 10,000te. The process involved in a typical case where the installation is being completely removed for re-use or recycling or final disposal on land.

No comparative assessment would be required as no part of the installation will remain.

## Pathway 2: Potential OSPAR Derogation

Where a decommissioning programme has the potential for an application for an OSPAR derogation operators will follow pathway two. This is similar to pathway one however it takes into account a longer lead in time due to more complex planning and the need to undertake

more extensive public consultations on the proposals. Decision 98/3 requires all installations to be removed from the marine environment, with potential derogations from this decision as follows:

- Concrete gravity based structures
- The footings of heavy steel jackets more than 10,000 tonnes
- Floating concrete installations
- Concrete anchor bases
- Damaged structures or deteriorated structures (*“any other disused offshore installation to be dumped or left wholly or partly in place, when exceptional and unforeseen circumstances resulting from structural damage or deterioration, or from some other cause presenting equivalent difficulties, can be demonstrated.”*)

### General requirements

This pathway assumes that the operator, in consultation with the OGA, has considered all appropriate options for potential re-use and discounted this option. It also assumes that the topsides of all installations will be fully removed to shore to be processed/disposed of on land.

The key milestones and requirements of this pathway are:

- A comparative assessment of all decommissioning options is required for this pathway, including a base case of full removal, aligned with the assessment procedure set out in Annex 2 of OSPAR decision 98/3.
- An Environmental Appraisal is required to support the Decommissioning Programme and selected decommissioning option, developed using the guidance and conditions set out in section 12.
- The operator should use the standard content/section requirements of a decommissioning programme as outlined in section 6 to describe the full decommissioning scope.
- It should be reported using the streamlined derogation format.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/487229/Streamlined\\_Decommissioning\\_Programme\\_Template\\_Derogation\\_V3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/487229/Streamlined_Decommissioning_Programme_Template_Derogation_V3.pdf)

### Pathway for Pipeline Decommissioning

The pipeline pathway illustrates the key steps for operators considering:

- Full removal of pipelines and stabilisation items pathway

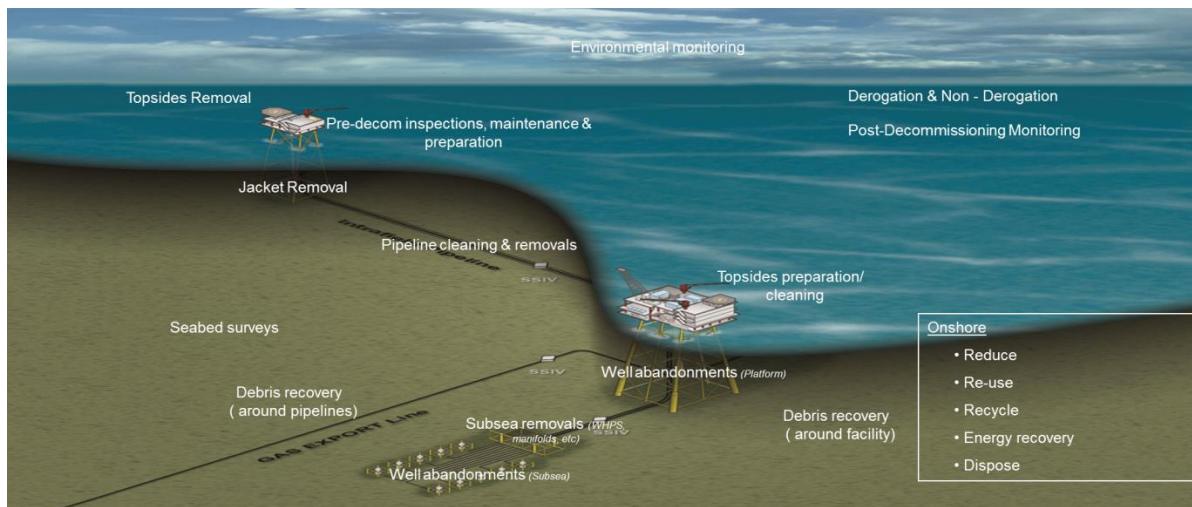
- Potential Leave in Situ for pipelines, pipeline bundles, pipeline equipment & components, stabilisation items and cables

The pipeline pathway should be used for pipelines, pipeline bundles, pipeline equipment & components, stabilisation items, cables etc. (collectively described as “pipelines” in this guidance). However it should be noted that structures such as PLEMs etc are classed as installations and not part of the pipeline and as such need to be removed.

This pathway assumes that the operator, in consultation with the OGA, has considered all appropriate options for potential re-use and discounted this option. The key milestones and requirements are:

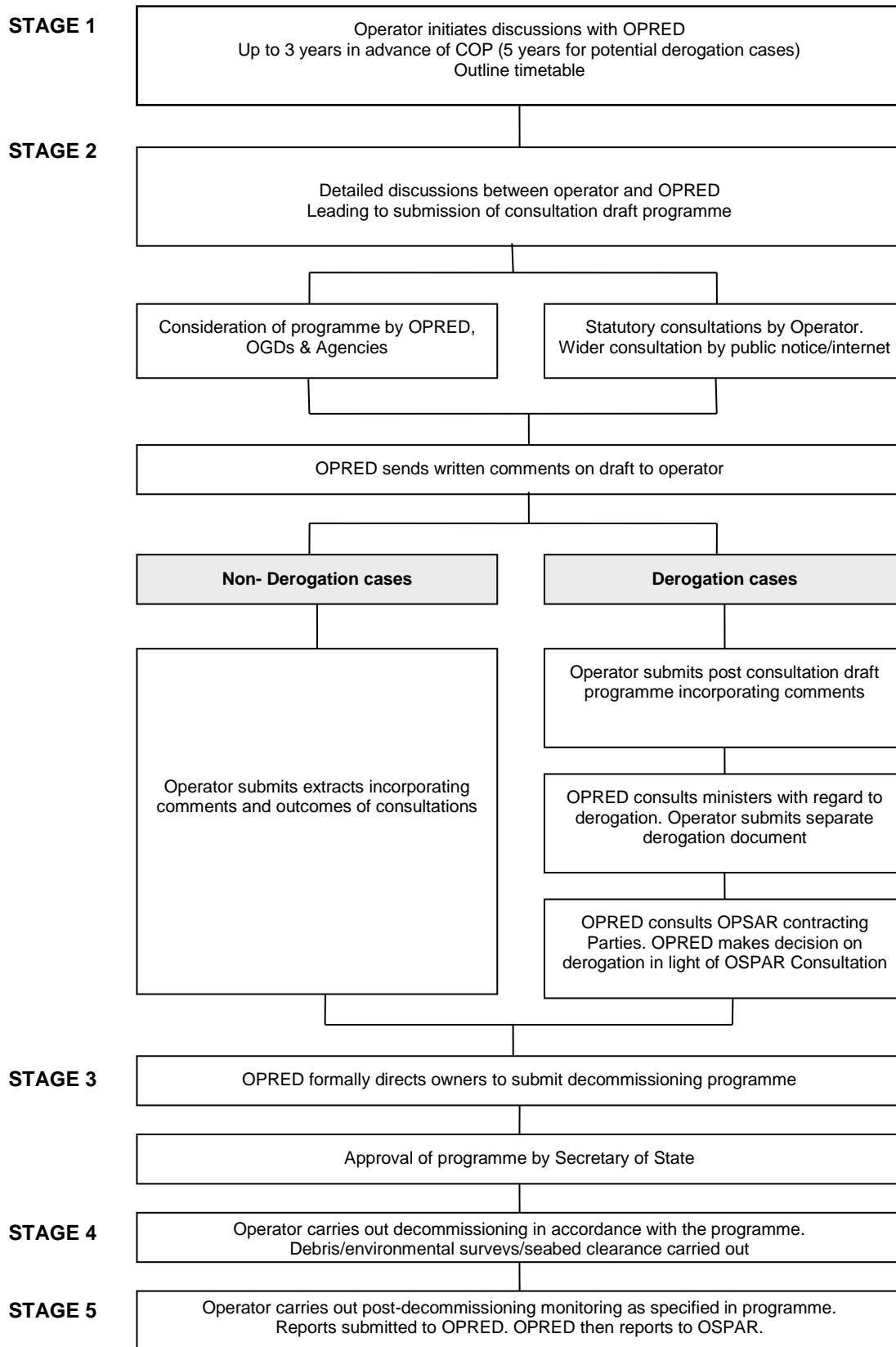
- Option screening should be undertaken prior to identify the options to be considered in a non-complex comparative assessment.
- A non-complex comparative assessment of decommissioning options for pipelines is required for both full removal and potential leave in situ and in the case of potential leave in situ should include a base case of full removal, to decide the most appropriate decommissioning solution.
- An Environmental Appraisal is required to support the Decommissioning Programme and selected decommissioning option, developed using the guidance and conditions set out in section 12.
- If the pipeline is of a complex nature or in an area which may have special or sensitive considerations (this will be explored during early discussions with the operator) then the operator may be required to provide details of their assessment of the risks and consequences of the selected decommissioning option(s).
- The operator shall establish the full decommissioning scope and describe it using the standard content / section requirements of a decommissioning programme, outlined in section 6.
- It should be reported using the streamlined non-derogation format.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/487227/Streamlined\\_Decommissioning\\_Programme\\_Template\\_NonDerogation\\_V3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/487227/Streamlined_Decommissioning_Programme_Template_NonDerogation_V3.pdf)

Diagram shows some of the typical aspects of decommissioning activity that may be described within a decommissioning programme.





## Staged process for Decommissioning Programmes



# ANNEX I - Environmental Appraisal

*To follow.*

# Appendix 1 - Format for Reporting on Implementation of OSPAR Recommendation 2006/5 on a Management Regime for Offshore Cuttings Piles

Format for Reporting on Implementation of OSPAR Recommendation 2006/5 on a Management Regime for Offshore Cuttings Piles

(Note: In accordance with paragraph 5.1 of the Recommendation, this format should be used as far as possible in implementation reports)

I. Implementation Report on Compliance

Country:

Reservation applies

Is measure applicable in your country?

If not applicable, then state why not (e.g. no relevant cuttings piles)

.....  
.....  
.....  
.....

Means of Implementation:	by legislation	by administrative action	by negotiated agreement
	yes/no	yes/no	yes/no

Please provide information on:

- a. specific measures taken to give effect to this measure
- b. any special difficulties encountered, such as practical or legal problems, in the implementation of this measure
- c. the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported
- d. if appropriate, progress towards being able to lift the reservation

.....  
.....  
.....  
.....

II. Implementation Report on Effectiveness

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\* Delete whichever is not appropriate.

## Appendix 1 - Format for Reporting on Implementation of OSPAR Recommendation 2006/5 on a Management Regime for Offshore Cuttings Piles

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NOTE: The following data and information should be reported to the extent possible. Please state the reasons, if some required data and information cannot be provided.

Total number of cuttings piles for which Stage 1 Assessment has been completed		
Total number of cuttings piles for which Stage 2 Assessment has been completed		
Total number of cuttings piles receiving:		
onshore treatment and reuse		
onshore treatment and disposal		
offshore injection		
bioremediation <i>in situ</i>		
covering <i>in situ</i>		
natural degradation <i>in situ</i>		
other treatment option explain...		
For cuttings piles assessed under Stage 1		
Field	Rate of oil loss (te/yr)	Persistence (km <sup>2</sup> yr)

