

Decommissioning - Installations

Legislation

Key Legislation

- **Petroleum Act 1998**

The Petroleum Act 1998 sets out requirements for undertaking decommissioning of offshore installations and pipelines including preparation and submission of a Decommissioning Programme.

- **Energy Act 2008**

Part III of the Energy Act 2008 amends Part 4 of the Petroleum Act 1998 and contains provisions to enable the Secretary of State to make all relevant parties liable for the decommissioning of an installation or pipeline; provide powers to require decommissioning security at any time during the life of the installation and powers to protect the funds put aside for decommissioning in case of insolvency of the relevant party.

- **Marine & Coastal Access Act 2009**

- **Marine (Scotland) Act 2010**

Although most activities associated with exploration or production/storage operations that authorised under the Petroleum Act or Energy Act are exempt, this exemption does not extend to decommissioning operations. The licensing provisions of these Acts come into force in April 2011. A licence will be required for all decommissioning operations.

- **Convention on the Protection of the Marine Environment of the North East Atlantic 1992 (OSPAR Convention)**

- **OSPAR Decision 98/3**

This decision requires that decommissioning will normally remove the whole of the installation but there are some possible exceptions for large structures.

- **OSPAR Recommendation 2006/5 on a management scheme for offshore cuttings piles**

This recommendation outlines the approach for the management of cuttings piles offshore. The first stage of the Recommendation is to be carried out within two years of the Recommendation coming into effect with the second stage completed in a predetermined timeframe laid out in stage 1. This Recommendation entered into force from 30 June 2006.

Supporting Legislation

- **Offshore Production and Pipelines (Assessment of Environmental Effects) Regulations 1999**

- **Offshore Production and Pipelines (Assessment of Environmental Effects) (Amendment) Regulations 2007**

Although there is no statutory requirement to undertake an environmental impact assessment (EIA) at the decommissioning stage, a Decommissioning Programme will nevertheless need to be supported by an EIA (see [EIA](#)). The environmental statement (ES) submitted for development consent under the EIA regulations requires the applicant to consider the long term impacts of the development, including decommissioning. However, in light of the lengthy period of time between the project sanction and decommissioning, the requirement for a detailed assessment is deferred until closer to the time of actual decommissioning and is submitted as part of the

Decommissioning Programme. In the case of an OSPAR derogation candidate it will be necessary to address through the EIA the environmental impacts of alternative disposal options as part of the Comparative Assessment (as required for the Decommissioning Programme). However in the majority of cases where total removal applies and a Comparative Assessment is not required it will only be necessary for the EIA to address the impacts of the proposed decommissioning activity on the environment. The EIA should consider the impacts associated with all activities offshore, inshore and onshore (dismantling and disposal sites), the impact on climate change and an assessment of energy and resource consumption.

- **Offshore Marine Conservation (Natural Habitats &c.) Regulations 2007**
- **Offshore Marine Conservation (Natural Habitats, &c.) (Amendment) Regulations 2009**
- **Offshore Marine Conservation (Natural Habitats, &c.) (Amendment) Regulations 2010**

These Regulations make provision for implementing the Birds Directive and Habitats Directive in relation to marine areas where the United Kingdom has jurisdiction beyond its territorial sea. The Regulations make provision for the selection, registration and notification of sites in the offshore marine area (European Offshore Marine Sites) and for the management of these sites. Competent authorities are required to ensure that steps are taken to avoid the disturbance of species and deterioration of habitat in respect of the offshore marine sites and that any significant effects are considered before authorisation of certain plans or projects. Provisions are also in place for issuing of licences for certain activities and for undertaking monitoring and surveillance of offshore marine sites. The 2010 Amendment Regulations make various insertions for new enactments (e.g. new Birds Directive) and also devolve certain powers to Scottish Ministers.

- **Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001**
- **Offshore Petroleum Activities (Conservation of Habitats) (Amendment) Regulations 2007**

Regulation 5 of the 2001 Regulations requires the Secretary of State to consider whether an "appropriate assessment" (known as a Habitats Regulatory Assessment) should be undertaken prior to granting a licence under the Petroleum Act 1998 where a European Offshore Marine Site may be affected by a proposed plan or project. The 2007 amendment Regulations extend this requirement to all UK waters.

- **Offshore Chemicals Regulations 2002**

A permit will be required under these Regulations for the use and discharge of chemicals during decommissioning. Permit application will be required using a PON15E or, if chemical use and discharge is minimal, using an existing PON15D to request a variation of the production chemical permit (see **Decommissioning Chemicals**).

- **Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005**

These Regulations require a permit to discharge or re-inject any material contaminated with reservoir hydrocarbons as defined in the Regulations (see **Produced Water**).

- **Offshore Combustion Installations (Prevention and Control of Pollution) Regulations 2001**

Under these Regulations a permit is required if the aggregated thermal capacity of the combustion equipment on the installation exceeds 50 MW(th). Such permits will have been issued prior to decommissioning and when the aggregated thermal capacity of the relevant plant falls below the 50 MW(th) threshold during the course of the decommissioning operations, the installation will no longer be subject to the controls and the Operator will be required to surrender the permit (see [Power Generation](#)).

- [The Greenhouse Gas Emissions Trading Scheme Regulations 2005](#) (as amended)

Under these Regulations a permit is required to cover the emission of greenhouse gases if the aggregated thermal capacity of the combustion equipment on the installation exceeds 20 MW(th). Such permits will have been issued prior to decommissioning and must be surrendered when the aggregated thermal capacity falls below the threshold. The installation will then be deemed closed and will drop out of the EU Emissions Trading Scheme. Installations will be able to retain and trade any surplus allowance for the year of closure, but will not receive any allowances for future years (see [EU ETS](#)).

- [Merchant Shipping \(Oil Pollution Preparedness, Response & Co-operation Convention\) Regulations 1998](#)

There is an expectation that the OPEP produced under these Regulations will cover all activities where there is a risk of a hydrocarbon spill, including activities relating to decommissioning. This may be achieved by the incorporation of decommissioning activities into the existing OPEP or by producing a decommissioning specific OPEP (see [Oil Pollution Emergency Planning](#)).

- [Convention on International Trade in Endangered Species \(CITES\)](#)

The cold water coral *Lophelia pertusa* is known to exist on offshore installations. If the coral is present and the installation upon which it is located is to be returned to shore it will be necessary to discuss with Defra the requirements of the Convention on International Trade in Endangered Species.

- **Waste Management**

The disposal of materials onshore must comply with the relevant pollution prevention and waste requirements (see [Handling Waste Offshore, Transfer Special/Hazardous Waste, Transfer Controlled Waste, Waste Disposal and Transhipment of Waste](#)).

- [Radioactive Substances Act 1993](#)
- [The Transfrontier Shipment of Radioactive Waste and Spent Fuel Regulations 2008](#)

Under these Regulations additional authorisation for handling and disposal of radioactive waste may be necessary in certain circumstances (see [Radioactive Substances - Use and Radioactive Substances - Disposal](#)).

- **Inshore activities**

If during decommissioning there are to be activities undertaken in inshore waters, consideration must also be given to the requirements of legislation relevant to that specific geographical area (UK or elsewhere). Specific requirements should be checked with relevant national authorities prior to

decommissioning and where appropriate investigated and addressed during the EIA

Guidance

- [**Revised Guidance Notes on the Decommissioning of Offshore Oil and Gas Installations and Pipelines \(pdf file\) \(March 2011 version 6\)**](#)

The Guidance Notes are intended to help companies understand their liabilities and the process for approval of decommissioning programmes. They have been updated to take account of both the experience gained since 2006 and the relevant decommissioning provisions in the Energy Act 2008.

These Guidance Notes do not yet include requirements of the Marine and Coastal Access Act and Marine Scotland Acts. New DECC Guidance is pending.

- IMO Guidelines and Standards for the Removal of Offshore Installations and Structures on the Continental Shelf in the Exclusive Economic Zone 1989

Consent Needed and How to Obtain It

Consent Needed

Decommissioning Programme

Approval of the Decommissioning Programme from the regulatory authority.

Section 29 of the Petroleum Act 1998 enables the Secretary of State to serve notices requiring the recipient to submit a costed Decommissioning Programme for his approval at such future time as he may direct. The programme (referred to in the 1998 Act as an "abandonment programme") should contain the measures proposed to be taken in connection with the decommissioning of an installation or pipeline. Equivalent Notices previously served under section 1 of the 1987 Act will continue to be valid.

Other Consents and Permits

Marine and Coastal Access or Marine Scotland Act Licence is required for all decommissioning operations and most operations will include a range of activities requiring licences. Operators will be able to apply for licences for individual activities, or to apply for licences to cover a range of activities.

A Chemical Permit under the Offshore Chemical Regulations 2002 is also required for the use or discharge of any chemical during decommissioning (see [**Decommissioning Chemicals**](#))

The existing OPPC field permit for the platform may be used to discharge/re-inject materials containing oil, if this permit has ended then a term permit will be required the Oil Pollution Prevention and Control Regulations (OPPC) (see [**Produced Water**](#) or [**Produced Sand/Scale**](#)).

Decommissioning activity may be incorporated into existing OPEP or a decommissioning OPEP produced (see [**Oil Pollution Emergency Planning**](#)).

If the coral *Lophelia pertusa* is present on an installation located outside territorial waters that is being transported to the UK or elsewhere a CITES certificate will be required from Defra.

Marine and Coastal Access or Marine Scotland Act Licence required for deposit of stabilisation or protection materials related to decommissioning operations (see [**Decommissioning Deposits**](#))

A [**Wildlife Licence**](#) may be required, depending on specific

decommissioning activities being undertaken.

Additional authorisations for radioactive related issues may be required, depending on specific decommissioning activities being undertaken (see [LSA](#) and [Radioactive Waste](#)).

There are specific requirements around navigation issues under the Coast Protection Act - see [Decommissioning - Navigation](#).

How to Apply

Subsequent to the submission of draft copies of the Decommissioning Programme and the associated periods of consultation, six copies of the final draft copy of the Decommissioning Programme should be sent to DECC.

If applying for a derogation then DECC will advise on the subsequent steps needed for consultation with OSPAR parties.

In addition to the Decommissioning Programme, Operators must apply for new and/or vary/surrender existing permits/consents following the specific procedures for the individual permits/consents.

The application process for licences under the MCAA and MSA is not yet known. DECC guidance has been drafted and is awaiting issue.

Who to Apply to

Documents should be marked for the attention of the Head of the Offshore Decommissioning Unit and be addressed to:

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

It is DECCs intention that applications will eventually be administered through the UK Oil Portal.

In addition to the Decommissioning Unit, Operators must apply to the relevant departments/organisations for new or variations to/surrender of existing permits/consents.

The application process for licences under the MCAA and MSA is not yet known. DECC guidance has been drafted and is awaiting issue. Any queries in the meantime should be direct to DECC Oil & Gas Environmental Management Team by email to emt@decc.gsi.gov.uk

When to Apply

Discussions should commence well ahead of forecast cessation of operations. In the case of a large field with multi-facilities this may be **three years** or more in advance.

See: [Timing of Preparation of Decommissioning Programme](#)

The application process for licences under the MCAA and MSA is not yet known.

Performance Standards

OSPAR Recommendation
2006/05

The Cuttings Pile Management Regime as set out by OSPAR Recommendation 2006/05 is divided into two stages. Stage 1 involves initial screening of all cuttings piles. This should be completed by June 2008.

The Recommendation outlines the following for Stage 1:

- 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 50 mg/kg and the duration that this contamination level remains. The unit used should be square kilometre years (km²yr).
- 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 km² year (note: a persistence of 500 km²yr could mean an area of 1km² is contaminated for 500 years or an area of 500 km² is contaminated for 1 year).

- 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 involves a BAT and/or BEP assessment and should, where applicable, be carried out in the timeframe determined in Stage 1.

Requirement to Remove

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. The topsides of all installations must be returned to shore. There is a presumption in favour of land disposal and all installations with a jacket weight less than 10,000 tonnes must be completely removed to shore.

The Decision recognises that there may be difficulty in removing the 'footings' of large steel jackets weighing more than 10,000 tonnes and in removing concrete installations. As a result, there are derogations possibly available from the main rule for these categories of installations. It has been agreed that these cases should be considered individually to see whether it might be appropriate to leave the footings of large steel installations or concrete structures in place. Nevertheless, there is a presumption that they will all be removed entirely and exceptions to that rule will only be granted if the assessment and consultation procedure which forms part of the OSPAR Decision shows that there are significant reasons why an alternative disposal option is preferable to reuse or recycling or final disposal on land. Any installations that were positioned after 9 February 1999 must be completely removed.

The **Revised Guidance Notes on the Decommissioning of Offshore Oil and Gas Installations and Pipelines** provide guidance on the decommissioning requirements which apply, in accordance with the requirements of the OSPAR Decision 98/3 to the various types of installation located on the UKCS.

Habitats Directive and Birds Directive

DECC is obliged to take proper account of the obligations stemming from the Birds and Habitats Directives to protect and conserve the marine environment. A number of offshore sites have been designated as draft or possible SACs (see **JNCC website**).

Where the Secretary of State considers that there may be significant effect on the conservation objectives, they may require an Habitats Regulatory Assessment to be undertaken.

If this is the case, JNCC will recommend that as competent authority DECC undertakes a screening for Habitats Regulatory Assessment (SHRA) or a full Habitats Regulatory Assessment (HRA). The ES or PON15 should contain adequate information to enable DECC to undertake the assessment. **EU Guidance on Habitats Regulatory Assessment** (pdf file) can provide guidance on the process, in particular Annex 2.

Assessment of Disturbance of Marine European Protected Species

Under the Offshore Marine Conservation (Natural Habitats &c.) Regulations 2007 **as amended by The Offshore Marine Conservation (Natural Habitats, &c.) (Amendment) Regulations 2012** New, a person commits an offence if he:

- Deliberately disturbs a European Protected Species in such a way as to be likely significantly to affect:
 - the ability of any significant group of animals of that species to survive, breed, or rear or nurture their young; or
 - the local distribution or abundance of that species.

Marine European Protected Species (EPS) include all species of cetaceans, all species of marine turtles and sturgeon.

The onus is on the developer carrying out an activity to (i) assess the likelihood of committing a disturbance offence (ii) consider the need for mitigation measures and (iii) decide whether to apply for a **Wildlife Licence**.

A description of the assessment of the likelihood of committing a disturbance offence must be included in the PON14A application. Guidance on undertaking such an assessment is included in the JNCC's Guidance (see **Guidance**).

The JNCC has also issued detailed guidance notes for seismic operations, use of explosives and piling operations. These are available on the **DECC website**.

Wildlife Licences

If there is a risk which cannot be removed or sufficiently reduced by the taking of mitigation measures then a Wildlife Licence may be required to be granted by the regulatory authorities for a number of "purposes". Purposes include "over-riding public interest" and "scientific and educational purposes". Licences can however only be issued where there is no satisfactory alternative. It is expected that the majority of activities will not require a Wildlife Licence since their potential for disturbance will fall below the threshold of the offence in the Regulations. More information can be obtained from the **JNCC's website**.

Public Participation Directive

The Public Participation Directive (PPD) requires a number of aspects of public notification and consultation:

- An outline of main alternatives (if any) should be included in permit applications;

- The public should be notified and made aware of any decisions making available relevant consents and permits with the reasons and considerations on which decisions have been based;
- Public notification at the earliest possible time where the information can be provided on the nature of possible decisions; and
- Making available within timeframe's the necessary reports, advice issued to the regulator in accordance with legislation when applications were made and information relevant to a decision which only became available after advertisement of an application.

Timing of Preparation of Decommissioning Programme

Discussions should commence well ahead of forecast cessation of operations. In the case of a large field with multi-facilities this may be **three years** or more in advance.

At a mutually agreed time, following preliminary discussions, the operator should submit to DECC 23 copies of a first draft of a Decommissioning Programme. Copies of the draft programme will be distributed by DECC to other Government Departments and Agencies. Submission in CD ROM form is the preferred method, although one paper copy will also be required. Four paper copies will be required when the holders of Section 29 notices are directed formally to submit the Decommissioning Programme.

At the same time DECC will agree with the Operator a timetable for considering the draft programme and submitting it for approval by the Secretary of State. DECC will use its best endeavours to complete the consideration of the draft Decommissioning Programme within 10 weeks.

The Offshore Decommissioning Unit will act as a one-stop-shop, co-ordinate all comments on the draft and submit a written response to the operator. Further meetings with Government Departments may be necessary at this stage to discuss whether additional information and amendments to the draft programme may be necessary.

It is important that sufficient time is allowed 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 those cases involving installations that are candidates for derogation under OSPAR Decision 98/3 it is likely that more than one draft will be required.

For derogation cases, DECC will still aim to comment on the consultation draft of the decommissioning programme within 10 weeks. However, given the complexities of a derogation case this process may take longer to complete. At the same time as submitting the draft to DECC the Operator should commence statutory consultations and announce the proposals in the Press and on the Internet. The outcome of these consultations should be reviewed with DECC and details included in a post consultation draft of the decommissioning programme along with any comments received from DECC in response to the Government consideration of the draft. Having received the updated draft of the decommissioning programme DECC should be satisfied that there are sufficient grounds to initiate consultations with other OSPAR Contracting Parties on the intention to issue a permit allowing derogation from the terms of OSPAR Decision 98/3. When submitting the Decommissioning Programme for approval, the outcome of the OSPAR process should be reflected in the document.

Consultations

At the point at which the draft Decommissioning Programme is submitted to the DECC, the Operator should commence statutory consultations as required under section 29(3) of the Petroleum Act 1998. These consultations will be with 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 notice/letter issued under Section 29 of the Act. A list of the parties normally included is provided in an annex of the DECC Decommissioning Guidance (see **Guidance**). The Statutory Consultees should normally be given 30 days in which to comment.

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 DECC. Hard copies of the draft programme should be made available at the Operator's offices and a copy can be placed on the Internet. At the same time DECC will indicate on its website that the Decommissioning Programme has been issued for consultation.

The results of consultations should be reviewed with DECC and reported 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.

In the more complex cases, which require assessment in accordance with the procedures set out in OSPAR Decision 98/3 (i.e. where whole or part of the installation is to be left in place), operators will need to develop and manage a wide-ranging public consultation process. The form and timing of this process should be discussed with DECC. Such a process may take up to 12 months, and should commence at an early stage. If this in turn leads to a decision to seek a derogation under the OSPAR Decision it will be necessary for DECC to consult the other OSPAR Contracting Parties. Annex 3 to the Decision sets out the required consultation process, which may take up to eight months to complete.

DECC will be responsible for submitting the case for derogation to the OSPAR Secretariat but the Operator will be asked to prepare a document that supports this case. The contents of this derogation document should be discussed with DECC. It should be based on the draft decommissioning programme but should only contain those factors that are relevant to the derogation case. Preparation of the derogation document would normally commence at the time of submission of the post statutory consultation draft of the decommissioning programme. Sufficient copies will be required for distribution to all of the OSPAR Contracting Parties.

Content of the Decommissioning Programme

A Decommissioning Programme will typically contain the following sections:

- Section 1 – Introduction
- Section 2 – Executive Summary
- Section 3 – Background Information
- Section 4 – Description of Items to be Decommissioned
- Section 5 – Inventory of Materials
- Section 6 – Removal and Disposal Options
- Section 7 – Selected Removal and Disposal Option
- Section 8 - Wells
- Section 9 – Drill Cuttings

Section 10 – Environmental Impact Assessment
 Section 11 – Interested Party Consultations
 Section 12 - Costs
 Section 13 - Schedule
 Section 14 – Project Management and Verification
 Section 15 – Debris Clearance
 Section 16 – Post Decommissioning Monitoring and Maintenance
 Section 17 – Supporting Studies
 Section 18 – Structure of Combined Decommissioning Programmes

Treating, keeping and disposing of waste

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.

Anyone who deposits, recovers or disposes of waste must do so in compliance with the conditions of a waste management licence, or within the terms of an exemption from licensing, and in a way, which does not cause pollution of the environment or harm to human health. Any Operator planning to carry out any decommissioning or an associated activity involving waste should contact the relevant Agency. The Agencies are finalising separate guidance for industry on the treating, keeping and disposing of wastes at the decommissioning stage. This guidance will be available from the Environment Agency and the Scottish Environment Protection Agency.

The disposal of materials onshore must comply with the relevant pollution prevention and waste requirements (see [Handling Waste Offshore](#), [Transfer Special/Hazardous Waste](#), [Transfer Controlled Waste](#), and [Waste Disposal](#)).

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 transfrontier regulations (see Waste –and [Transshipment of Waste](#)).

Navigation and Marking of Remains (where installation left partly or wholly in place)

There are specific requirements for Hydrographic Office notifications and marking of remains - see [Decommissioning - Navigation](#).

Sampling/Monitoring Requirements

Pre decommissioning survey requirements

Surveys around an installation to establish an environmental baseline may need to be undertaken before decommissioning if relatively recent survey data does not already exist. It should be noted that existing or proposed baseline surveys should be comparable to those requirements for post decommissioning environmental seabed sampling surveys (see below).

Precise survey requirements will differ according to individual conditions. Discussions on what may be required in an individual case should be held with DECC's Offshore Decommissioning Unit before an Operator develops this part of the survey strategy.

All survey requirements should be fully understood before any pre decommissioning surveys are scoped. Surveys should generate the data required to support assessment of any drill cuttings piles present and should also include provisions to identify the presence of the cold water coral *Lophelia pertusa* (including its presence on the installation substructure) and the reef forming work *Saballaria*. It is also prudent to use pre decommissioning surveys to identify the amount of marine growth present on the installation substructure as this will inform the removal/disposal strategy for decommissioning.

Where the installation has been completely removed.

Upon completion of decommissioning operations, appropriate surveys should be undertaken to identify and recover any debris located on the seabed, which has arisen from the

decommissioning operation or from past development and production activity. The area to be covered is likely to vary from case to case but the minimum required will be a radius of 500 m around the location of the installation or any remains.

Following the removal of any debris, independent verification of seabed clearance should be obtained. The usual method of achieving this is to engage a fishing vessel to carry out a trawl of the area and to issue a certificate of seabed clearance. Any debris removal activities and any subsequent trawl of the area will need to take account of the presence of drill cuttings.

In addition to debris surveys, a post-decommissioning environmental seabed sampling survey should be undertaken to monitor levels of hydrocarbons, heavy metals and other contaminants in sediments and biota.

A survey strategy should be developed in consultation with DECC who will in turn take advice from other Government Departments and Agencies with an interest such as the Fishery Departments. Details of the survey strategy should be included in the Decommissioning Programme.

In most cases a second survey will need to be carried out at some time after the post-decommissioning survey. Any further surveys will depend on the results of earlier survey work and the circumstances of each case.

Where installation is left partly or wholly in situ.

In addition to the debris clearance and environmental survey requirements described above, where installations are left partly or wholly in situ additional monitoring requirements will be required as described below.

If it is agreed that a concrete installation or the 'footings' of a steel installation should be left in place the condition of the remains will have to be monitored at appropriate intervals by the owners. A suitable monitoring regime should be agreed with the DECC who will consult with other Government Departments and Agencies with an interest. Details of the monitoring regime should be specified in the Decommissioning Programme.

The form and duration of the monitoring programme will depend upon the particular circumstances and if necessary will be adapted with time.

In accordance with Annex 4 to the OSPAR Decision (which sets out the conditions to be attached to any permits granted in accordance with the Decision), the first step in any monitoring programme has to be undertaken **before** decommissioning operations begin. Annex 4 requires 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 will include details of the fate of any hazardous substances. The approach to this requirement will be addressed on a case by case basis. It will be for the Operator to propose a suitable organisation to carry out the independent verification.

For any remaining structures certain aspects of the IMO Guidelines and Standards will still be relevant:

- Any disused installation or structure, or part thereof, which protrudes above the surface of the sea, should be adequately maintained
- An unobstructed water column of at least 55 m 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. Site produced and edited by Xodus AURORA

- 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.

Reporting Requirements

Close Out Report

At the conclusion of decommissioning operations the Operator will be required to satisfy DECC that the approved Decommissioning Programme has been implemented. This will involve the submission of a close out report within four months of the completion of offshore work. This report will include results of the debris clearance and post decommissioning surveys.

The report should explain major variations from the decommissioning programme and should summarise the following:

- Information on the outcome of the decommissioning programme as a whole.
- An explanation of any major variances from the programme.
- The results of debris clearance and any monitoring undertaken. Any independent verification (e.g. seabed clearance certificates) should be attached.
- The results of the post-decommissioning environmental sampling survey. If necessary update 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, confirmation of marking any remains on mariners charts, inclusion in the 'Fishsafe' system and installation of navigational aids.
- Provide high level summary of actual costs and a general explanation of any difference against forecast costs.

Following submission of the Close-out Report to DECC the Operator will be asked to place a copy on their website.

Where Installation is Left Partly or Wholly In Situ

Inspection reports (as agreed with DECC) should be submitted to DECC Offshore Decommissioning Unit, together with proposals for any maintenance or remedial work that may be required.

Other Reporting

In addition to the Decommissioning Programme Close Out Report, Operators must report as required by other permits/consents and legislative requirements e.g. covering such issues as waste reporting, seabed deposits, chemical use and discharge, oil discharges, radioactive substances, oil and chemical spills etc, following the specific procedures for the individual permits/consents and relevant legislation.

Non Compliance

Offshore Inspection

The **DECC Environmental Inspectorate Enforcement Policy** sets out the general principles that Inspectors shall follow in relation to enforcement including prosecution.

Renewal and Variation

Marine and Coastal Access Act and Marine (Scotland) Act

Licences will be valid for a maximum period of one year, but operators will be able to apply to renew licences that cover a range of activities.

Ongoing Monitoring & Surveys

There may be a requirement to conduct further environmental seabed surveys subsequent to the decommissioning of the installation.

Where an installation has been left in situ there is a requirement to undertake a monitoring programme.