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GUIDANCE NOTES FOR INDUSTRY**GUIDANCE NOTES FOR OIL AND GAS SURVEYS
AND SHALLOW DRILLING**

PETROLEUM OPERATIONS NOTICE No. 14A and 14B

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1.0 Introduction and scope

- 1.1 This Guidance applies if you are proposing any oil and gas survey or shallow drilling activity. The Guidance applies only to oil and gas related activities, and takes account of implementation of the Offshore Petroleum Activities (*Conservation of Habitats*) Regulations 2001 (the "Habitats Regulations") that came into force on 31 May 2001. It integrates the existing PON14 notification system and the requirements of the Habitats Regulations for all surveys and shallow drilling in the UK, with particular emphasis on UKCS seismic and site surveys that form the bulk of oil and gas related survey activity.

2.0 Definitions

- 2.1 "Surveys" means all types of oil and gas surveys in all sea areas as defined below.

"The UKCS" means any area currently designated under section 1 (7) of the Continental Shelf Act 1964. For the purposes of this Guidance, this includes superjacent (overlying) waters. This area is most often referred to as the sea area extending out to 200 miles from the seaward limit of the territorial seas.

"Territorial seas" means the sea areas extending out to 12 nautical miles seaward of the UK territorial waters baseline. Beyond this is the UKCS.

"Internal waters" means the sea areas inshore of the UK territorial waters baseline. In the past, these have been referred to as "Watery areas".

"Landward areas" means terrestrial areas down to the low water mark.

"Applicants" means all operators, contractors and licensees who submit applications for survey consent or notification.

"SoS" means the Secretary of State for Trade and Industry.

"Relevant site" is as defined in the Habitats Regulations.

- "Geological surveys" means:

Carrying out offshore investigations using geophysical techniques, to gain information concerning the character or position of geological features below the seabed sediments that will aid in the searching for, or getting of, oil and gas deposits, or the siting of a rig, platform or subsea structure, where an airgun, watergun or vibroseis source is used. These investigations usually take place during the exploration phase, but may also be undertaken during production operations, for example 4D reservoir seismic. The definition includes trials of the techniques used for this type of survey, even if the trials do not aim to provide information on geological features. Onshore (Landward) surveys are not included in this definition. (See also further definitions below).

The scope of this definition, and the surveys requiring consent (Table 1), reflect the wording of regulation 4 of the Habitats Regulations (see section 22), which requires consent for “prospecting or carrying out geological surveys by physical or chemical means”.

- “Shallow drilling” means:

Drilling using rotary techniques for the purposes of obtaining geological information about rocks and/or seabed sediments. Any drilling for the purposes of searching for or getting of petroleum is not included in this definition, but is subject to the requirements of both the Habitats Regulations and the Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999.

The scope of this definition is also determined by regulation 4, which states that consent is required for “drilling for the purpose of obtaining geological information about strata”.

- “Seismic surveys”, “site surveys” and “borehole seismic” mean:

A seismic survey is a survey undertaken using a towed airgun array with a source volume of 200 cubic inches or more (includes watergun or vibroseis). There are two types of site survey. A site survey using a small (<200 cubic inches) towed airgun array is considered to be a high-resolution seismic site survey. A site survey that does not use an airgun array is considered to be seabed survey. Borehole seismic is a survey undertaken using an airgun array of any volume, that may be deployed downhole or using a tow vessel.

- Route survey means:

A survey undertaken using any technique that is carried out prior to the installation of a pipeline (or cable), or prior to transport of a large structure such as a jacket or decommissioned facility. These surveys aim to identify a suitable route, and may include investigations of seabed sediments and the identification of obstacles. Pipeline pre-lay and post-lay surveys are considered to be distinct, usually occurring just before or just after pipeline (or cable) installation.

- “Activities” is a collective term that means:

All oil and gas surveys and shallow drilling.

3.0 UKCS geological surveys requiring consent

- 3.1 The UKCS activities that need consent, based on the definitions in section 2.1, are listed in Table 1. Consent is distinct from notification, in that activities requiring consent must not proceed without it. Both notification and the consenting process serve to advise other users of the sea of the proposed activity.

Table 1 – UKCS activities that require consent

Type of activity	Examples (this is not a complete list)
Geological Surveys	
Seismic surveys	<ul style="list-style-type: none"> • 2D, 3D, 4D (time lapse), marine vibroseis. Including nearshore, transition, offshore and platform undershoots (towed streamer or bottom cable – OBC/OBS – techniques) • Seismic refraction systems • Vertical cable • Multi component/4C – bottom deployed geophones (shear wave measurement)
High resolution seismic site surveys	<ul style="list-style-type: none"> • High resolution seismic survey using small airgun array
Magnetic surveys	<ul style="list-style-type: none"> • Airborne and marine surveys
Gravity surveys	<ul style="list-style-type: none"> • Gradiometry survey
Borehole seismic	<ul style="list-style-type: none"> • Vertical seismic profiling
Shallow Drilling	
Shallow drilling	<ul style="list-style-type: none"> • Shallow borehole to investigate the structural properties of seabed sediments

3.2 If you are proposing a survey that appears to fall within the definitions in section 2.1, but the technique is not listed in Table 1, you should contact us as early as possible.

3.3 Special provision has been made for the consenting of UKCS borehole seismic, for example Vertical Seismic Profiling. Applications may be made using the PON14 system described in this guidance, or details included in the PON15B submission submitted in support of the application for well consent. It is up to you to decide which application method is most suitable, on a case-by-case basis, bearing in mind that the surveys will require consent.

3.4 Surveys taking place partly on the UKCS and partly in territorial seas or internal waters also need consent. This is required under the Habitats Regulations and a single application allows us to assess the environmental effect more easily than using separate consent/notification procedures for the different parts of the survey.

4.0 UKCS surveys requiring notification

4.1 Notification is required to inform other users of the sea where a proposed activity could interact with other activities. **Please note that notification will be required for all types of survey that are undertaken within, or near to, a relevant site, so that we can assess potential effects of the activity.**

Table 2 – UKCS activities that require notification

Type of activity	Examples
New route surveys, e.g. pipeline and cable route surveys, and seabed	<ul style="list-style-type: none"> • Side-scan sonar surveys • ROV/AUV surveys

surveys that are remote from existing installations or infrastructure (see also Table 3)	
Seabed surveys	<ul style="list-style-type: none"> • Herring spawning survey
All surveys within, or near to, a relevant site	<ul style="list-style-type: none"> • Coring operation on a shallow sand bank or reef habitat

5.0 UKCS excluded activities

5.1 There are a few surveys that are excluded from the consent or notification requirements. There may still be a requirement to inform other sea users, but that will be covered by other procedures.

Table 3 – UKCS excluded activities

Type of activity	Examples
Inspection, repair and maintenance (IRM) surveys of existing installations and infrastructure	<ul style="list-style-type: none"> • Pipeline pre-lay and post-lay surveys (notified by Pipeline Works Authorisation process) • Pipeline survey to identify free spans • Wellhead inspection using an ROV
Environmental surveys	<ul style="list-style-type: none"> • Grab sampling, box corers Transect using box corers to sample for biological communities and chemical parameters

6.0 Non-UKCS surveys and shallow drilling

6.1 In territorial seas and internal waters, different regulations apply (the Conservation (Natural Habitats, & c) Regulations 1994, as amended). There is no provision for the consent of oil and gas surveys and shallow drilling, but we require **notification** for the activities listed in Tables 1 and 2 above. Excluded activities in Table 3 also apply to non-UKCS areas.

6.2 Landward geophysical surveys also require **notification**.

7.0 Oil and gas licence requirements, and how they interact with survey consents and notifications

7.1 This section applies to all activities in all sea areas (UKCS, territorial seas and internal waters).

7.2 The requirement for consent is additional to any permission conferred under Exploration and Production licences granted under the Petroleum Act 1998 or the Petroleum (Production) Act 1934. Although exploration licences issued under the Petroleum Act 1998 (and its predecessors) will continue to be required, they are independent of this consenting process.

- 7.2 Exploration licences cover all sea areas of the United Kingdom excluding internal waters. Production licences can be issued for any sea area excluding internal waters, but are restricted to small areas.
- 7.3 Before carrying out a UKCS geological survey or shallow drilling operation in any unlicensed area you will need an exploration licence and a consent. In areas where you hold a production licence, you will not require an exploration licence but will still require consent (e.g. a 4D reservoir evaluation seismic survey). If a survey in an area covered by a production licence extended into an unlicensed area, then you would also require an exploration licence.
- 7.4 If you wish to undertake a UKCS geological survey or shallow drilling operation in an area that is the subject of a production licence, and you are not the licensee (or its approved operator), you must obtain the licensee's agreement as consent will only be granted on this condition. If you wish to undertake a survey activity that doesn't require consent (e.g. a pipeline route survey) in an area that is the subject of a production licence, and you are not the licensee (or its approved operator), you do not need the permission of the licence holder. The reason for this distinction is that production licences grant *exclusive rights* to the holder for the searching for, or getting of, petroleum in the area covered by the production licence.
- 7.5 Before undertaking any survey in any sea area, you should confirm whether there are any licence conditions (including block conditions) that could constrain the proposed survey activity. If there are any relevant conditions, you should contact us as soon as possible, and prior to applying for consent or submitting the notification. We cannot grant consent until you have negotiated a waiver to suspend the condition (usually this will involve discussions with the authority that requested inclusion of the condition).
- 8.0 Other permitting requirements, the Food and Environmental Protection Act (FEPA) 1985, Part II Deposits in the Sea (as amended) and the Coast Protection Act (CPA) 1949 (as amended)**
- 8.1 A FEPA Part II licence is required for all deposits in the sea (and under the seabed), unless the proposed deposits are specifically exempted under the Deposits in the Sea (Exemptions) Order 1985 (SI 1985 No. 1699). The licensing requirement applies to both temporary and permanent deposits, and it may therefore be necessary to obtain a licence for deposits made during the course of scientific, seismic etc surveys. For example, a licence may be required for the installation of seabed equipment, or for the abandonment of sacrificial anchors used to secure equipment to the seabed. Survey operators are therefore advised to contact the relevant FEPA Part II licensing authority at least eight weeks prior to undertaking any survey that will involve the deposit of materials on the seabed, to confirm whether a licence is required. It should be noted that a FEPA Part II licence may be required in addition to consents and approvals issued under other legislation, and that certain categories of deposits are discouraged and this can lead to licence refusal. Early contact with the licensing authority is therefore essential. For further information in relation to potential licensing implications, contact EnvironmentalManagementTeam@dti.gsi.gov.uk.

8.2 In some cases, deposits at sea may also require to be the subject of a consent issued under Section 34 of CPA. Consent will normally only be required for deposits in shallower waters, where there could be navigational implications, but it is recommended that you should contact the relevant consenting authority prior to undertaking any survey that will involve temporary or permanent deposits on the seabed. For Scottish controlled waters (out to a three mile limit measured from the UK territorial seas baseline), the relevant controlling authority is the Scottish Executive Development Department, Ports & Harbours Branch, Victoria Quay, Edinburgh EH6 6QQ (coast.protection@scotland.gov.uk). For all other UK waters (for the purpose of deposits relating to oil and gas surveys), the relevant authority is the Department for Transport, Ports Division 2, Great Minster House, 76 Marsham Street, London SW1P 4DR (damion.bagalue@dtlr.gsi.gov.uk).

9.0 What forms do I need to fill in when applying for consent or providing notification?

9.1 For most consents and notifications the same form is used - the PON 14A. It can be used to:

- Apply for consent. The form then serves two functions, to request consent to carry out an activity and to notify other sea users.
- Notify interested parties only.
- Update or cancel previous applications or notifications.

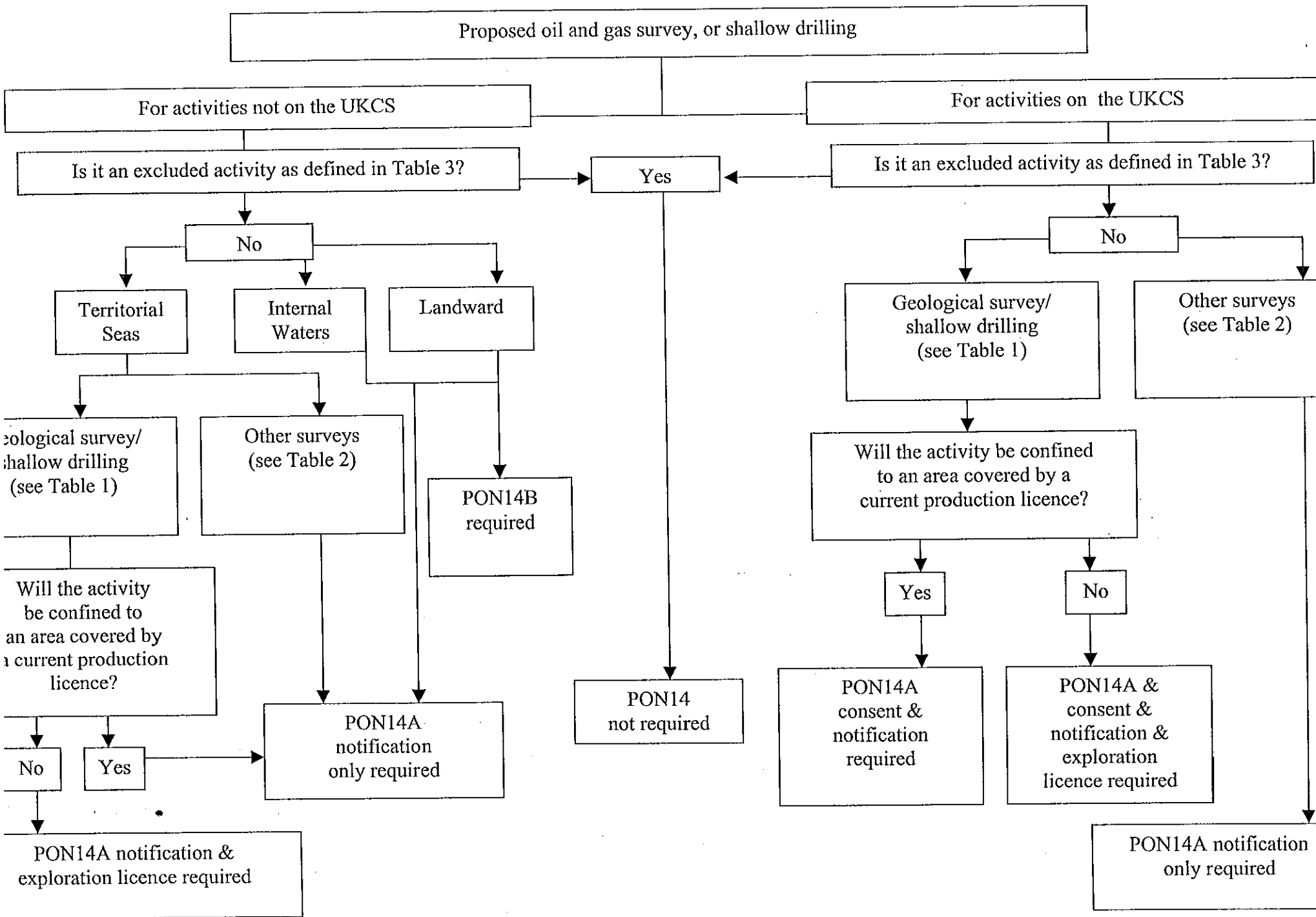
9.2 The PON14B is only used for landward surveys and for offshore surveys and shallow drilling in internal waters, and its function is to provide notification.

9.2 Copies of the PON14A and the PON14B are attached to this Guidance in Appendices C and D.

10.0 Summary of the oil and gas consent, notification and licence requirements, and the forms that must be completed for surveys and shallow drilling in all sea areas

10.1 Figure 1 summarises the information contained in sections 1-7, to help you determine the requirements for your activity.

Figure 1 – Licence and PON14 Consent/Notification requirements for surveys and shallow drilling.



11.0 When do I need an Environmental Assessment?

- 11.1 Before submitting your PON14A to us, it may be necessary to carry out an Environmental Assessment (EA) to support your submission.
- 11.2 An EA will be required if there is any likelihood that the proposed activity could disturb marine mammals (or adversely affect other protected species including marine turtles) or affect a relevant site (or other sensitive area), regardless of whether the PON14A is a request for a consent or a notification.

Table 4 – Activities that require an Environmental Assessment

<ul style="list-style-type: none">• Seismic surveys in sensitive sea areas such as Cardigan Bay, the English Channel, the Moray Firth, the St George's Channel and deep-water areas to the west and north of the United Kingdom.
<ul style="list-style-type: none">• High resolution seismic site surveys, in sensitive areas as in bullet 1, above.
<ul style="list-style-type: none">• Any other survey using airguns, waterguns or vibroseis in sensitive areas as in bullet 1, above.
<ul style="list-style-type: none">• Any survey or shallow drilling that could have an effect on the integrity of a relevant site or other sensitive area, e.g. shallow drilling operations on a shallow sandbank habitat or seabed sampling operations near a reef habitat.

12.0 Completing PON14As and Environmental Assessments

- 12.1 This section provides additional information on how to fill in the PON14A, and what should be included in an EA (if you need one).
- 12.2 **Completing the PON14A.** The information required on the PON14A has remained much the same as that included in the previous version, but uses a clearer format. Not all sections will apply to all activities, and you should only fill in relevant sections. If there is additional information you wish to include, but there is not a relevant section on the form, the additional information can be provided as a separate attachment.
- 12.3 If the survey involves a number of survey techniques, please submit a single PON14A rather than a separate PON14A for each survey technique. For example, a site survey might use side-scan sonar, a sub-bottom profiler and a small airgun array, but a single PON14A is sufficient.
- 12.4 **Completing the Environmental Assessment.** When required (see Section 11), the EA should provide an assessment of the environmental effects of the proposed activity. In combination with the PON14A, the EA will form the basis for deciding whether consent/agreement should be granted. The EA narrative should include, but not necessarily be limited to:
- A short description of the proposed activity, including details of the technique or techniques employed that could *interact* with the sensitivities at that location. For example, for seismic surveys the focus should be nature of the energy source and its effect on marine mammals; for shallow drilling, the focus should be potential smothering effects on seabed species.

- An assessment of sensitivities within the survey area, such as marine mammals, fish spawning areas and relevant sites. Fish spawning data are available from CEFAS and SEERAD and marine mammal data from the British Oceanographic Data Centre (www.bodc.ac.uk) or JNCC.
- An assessment of any possible interactions between the survey vessel activities and marine mammals, fish spawning, relevant sites etc. Where possible, for surveys using acoustic techniques the source level (dB re 1 μ Pa @1m) and dominant frequencies generated should be used to assess effects on marine mammals. In areas sensitive for marine mammals, *basic* acoustic propagation modelling is required to assist in the forecast of effects.
- Information about any mitigation measures proposed to limit or prevent adverse environmental effects, for example, the use of a marine mammal observer (MMO) and/or hydrophones to help detect cetacean presence in the vicinity of a 3D seismic survey.
- Details of any other oil and gas surveys with the potential for cumulative impacts, or any other activity that may interact to produce cumulative effects. We realise that this information is difficult to find and that, at the moment, there is no single source of information. This is a position we are working to improve, but in the short term we would advise that you contact other oil companies and contractors to build up a picture of other surveys (proposed or ongoing) that will generate an impact “footprint” that could interact with your survey and therefore increase the overall potential impact in the area.
- Any gaps in the available data.
- Details of special conditions applying to relevant licenses. These conditions are designed to minimise the impact of surveys on fish spawning and cetaceans.
- If the proposed activity is near to, or on, a relevant site, the EA will need to contain additional information in relation to potential effects on the integrity of the site (see Section 11).

13.0 What is an Appropriate Assessment, when is it needed and who undertakes the assessment?

- 13.1 An Appropriate Assessment is a documented procedure carried out by DTI to determine the effect of a proposed activity, where the techniques employed could interact with the sensitivities of a relevant site. We do not carry out Appropriate Assessments routinely, and would expect one to be required in a minority of cases. However, anyone proposing a survey that could interact with the sensitivities of a relevant site should contact DTI and JNCC as soon as possible.
- 13.2 Appropriate Assessments are needed when we judge that a survey or shallow drilling operation, either alone or in combination with other plans or projects, will have a *likely significant effect* on a relevant site. Relevant sites have been selected in internal

waters and the territorial seas but have still to be selected for the UKCS. This means that for activities in internal waters and the territorial seas it will be relatively straightforward to decide whether an Appropriate Assessment is required, but for the UKCS we can only base our decision on whether the area is a suitable habitat and could become a selected site. In such areas, we are following a precautionary approach, and treating them *as if they were relevant sites*. If you are in any doubt about whether this requirement could be relevant for a proposed survey, we would advise you to contact DTI and JNCC.

13.3 All surveys and shallow drilling operations will be considered on a case-by-case basis, but the following guidelines indicate when an Appropriate Assessment is more likely to be required:

- Any survey or shallow drilling operation, or any other operation, in a sea area within the boundary of a relevant site that will have a “likely significant effect” on the site’s sensitivities.
- Any shallow drilling operation, or any other operation, in a sea area outside the boundary of a relevant site, which will have a “likely significant effect” on the site’s sensitivities.

13.4 Where an Appropriate Assessment is needed, the PON14A and supporting environmental assessment must address all potential environmental effects. This will involve supplying additional details to enable DTI to decide whether there will be a likely significant effect of the proposed plan or project on both the qualifying interests of the site and the site’s conservation objectives and, if so, to decide whether the proposed plan or project will have an adverse effect on the site integrity. The information in the environmental assessment will inform our Appropriate Assessment. We will also take account of advice received from JNCC, and then decide if the proposed activity should go ahead.

13.5 For a definition of *likely significant effect* and a guide to Appropriate Assessment, you may wish to consult the following document:

European Commission - DG Environment - November 2001. Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the ‘Habitats’ Directive 92/43/EEC.

14.0 Submission of your PON14A

14.1 When you have completed your PON14A and attached any relevant narrative, please send it by e-mail to the EnvironmentalManagementTeam@dti.gsi.gov.uk. The PON14 form is available from the DTI’s Oil and Gas Website (www.og.dti.gov.uk), and we have also attached a copy at Appendix A. If you can’t e-mail the application to DTI, please post or fax the form to the contacts below:

The PON14A Co-ordinator
Environmental Management Team
Licensing and Consents Unit (Offshore Environment & Decommissioning)

Fourth Floor, Atholl House
86-88 Guild Street
Aberdeen
AB11 6AR

Fax: 01224 254019
Tel: 01224 254102

15.0 The DTI administrative process

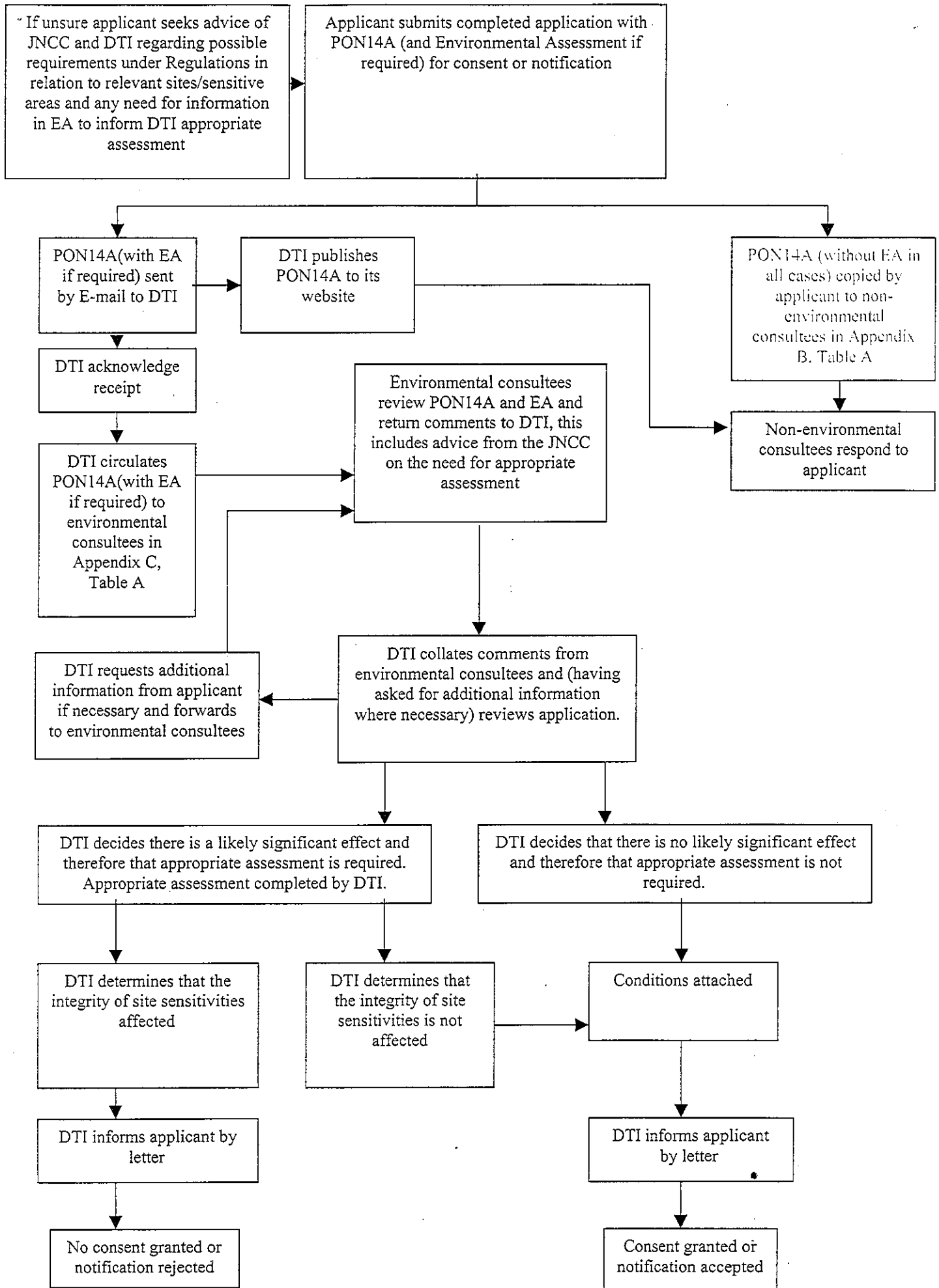
- 15.1 When we receive the PON14A, we will give it a reference number and then e-mail you to confirm the reference and acknowledge receipt. Please quote the reference number if you need to contact us again.
- 15.2 We will circulate the PON14A to the statutory consultees (normally DEFRA or SEERAD and JNCC) and obtain their comments.
- 15.3 The PON14A also serves to notify the various organisations in Appendix B that the activity is taking place, in order to:
- enable the navigational warning system to function efficiently;
 - allow sufficient time for fixed fishing gear to be lifted;
 - give fishermen time to alter their plans and vessel movements, thus improving the chances that the survey vessel will have a clear run;
 - ensure that HM Armed Forces are aware of any activity.
- 15.4 In all cases we would ask that you continue to copy the PON14A to the non-statutory consultees detailed in Appendix B, Table 1. In inshore areas, we would also ask you to send a copy to the relevant Sea Fisheries Committee detailed in Appendix B, Table 2.
- 15.5 If we grant consent, we will send you a letter of consent by post. If we decide that an Appropriate Assessment is required (taking account of advice received from JNCC), we will let you know and carry out the Appropriate Assessment, which may involve us asking you for additional information. If an application is declined, we will send you a letter explaining why consent was refused.
- 15.6 In some cases we will attach conditions to consents, and it is important to realise that they are legally binding.
- 15.7 If there is no requirement to obtain consent, your PON14A notification will be subject to the same process but you will receive a letter confirming that we are happy for the activity to proceed instead of a letter of consent.

16.0 Future changes to the DTI process

- 16.1 In the near future, the PON14A process will be conducted through the DTI's Oil and Gas Portal. When this happens there will be changes to the procedure which have still to be finalised, but the most important obvious change will be that all PON14A for seismic surveys and site surveys (minus any EA) will be published on our website as they are received. This will allow the national and local fishing organisations, and the wider public, to view survey proposals as soon as they are notified to DTI, and should further minimise possible interaction of survey activity and commercial fishing. If your PON14A contains commercially sensitive information and you do not want that information to be published on our website, you will be able to let us know when you submit the PON14A and we will withhold the relevant information.
- 16.2 When the PON14A process switches to the Oil and Gas Portal, you will only need to send us the PON14A. We will circulate it electronically to statutory and non-statutory consultees, and the notification process will be effected via our website.

Following page – Figure 2 – DTI application and processing procedure for surveys and shallow drilling.

Note: The step represented in **blue** text will replace the step in red for this process when the PON14 is adapted to the Oil and Gas Portal (see section 12.1).



17.0 How long will it take us to process your PON14A?

- 17.1 We would like you to contact us as far in advance as possible of a proposed survey or shallow drilling operation if it is in a sensitive area or you are unsure of our requirements. Early consultation with DTI and the relevant statutory nature conservation agency (normally JNCC <http://www.jncc.gov.uk/>) is particularly important for surveys in areas that are sensitive for cetaceans (see JNCC Guidelines for Minimising Acoustic Disturbance to Marine Mammals from Seismic Surveys 2002) and where there might be a need for Appropriate Assessment.
- 17.2 We can process most PON14As within 28 days, and where we think that all relevant information has been supplied and there are no likely significant effects we should be able to respond within 14 days of the application. Most site surveys will be processed in a few days, and nearly all should be processed within 14 days. We understand that vessels can become available at short notice and we will try our best to process such applications as quickly as possible, but you should bear in mind that we cannot always meet your deadlines (see also Section 17.3 below).
- 17.3 We understand that there are circumstances where urgent, late applications will be made. In the first instance, please contact us as quickly as possible in order to start the dialogue. In order to process these applications quickly, the onus will always be on industry to contact the consultees and to then provide documentation to the effect that the statutory consultees are content and the non-statutory consultees have been informed. **For surveys in the seas around England, Wales and Northern Ireland, applicants should approach us as early as possible with any substantial change or any last-minute survey application so that we may inform DEFRA as soon as possible. Due to the consultation requirements for these waters the process is longer and you should be aware that it might not be possible to complete the consultation exercise and meet your deadline if insufficient time is available.**
- 17.4 Where Appropriate Assessment is necessary, applications will take longer. At this stage we do not know how long they will take as there is no precedent. It is also likely that the processing time will vary on a case-by-case basis. Our advice is to consult DTI and JNCC as early as possible if any survey is proposed near to, or on, a relevant site (see Section 11.2).

18.0 What should I do if I want to change/cancel/submit a late application?

- 18.1 Please let us know of any substantial changes (for example a large increase in survey area or a change in survey timing by several weeks) by sending us a new, updated PON14A as soon as possible, and preferably at least a week before you start. If the original PON14A was accompanied by an environmental assessment, the amended submission should identify and assess any changes to the environmental impact of the proposed survey. We need this information, and it should always be borne in mind that there may be licence conditions that will conflict with a proposed change of timing.
- 18.2 To avoid having to update your application to notify minor changes, we would advise you to record the earliest possible start date and the latest possible end date on your

PON14A application. This may avoid the requirement to advise us of timing changes at a later date.

18.3 If a survey is cancelled, please send us an e-mail as soon as possible.

19.0 What do I need to do when the activity is complete?

19.1 Reporting requirements have changed. There are now three reporting requirements for seismic and site surveys.

19.2 A close-out form must be completed for all seismic and site surveys. This is a condition of consent, and the form must be completed at the end of a survey and submitted to DTI (details on the form) within three months. The close-out is attached at Appendix D. The information on the form will allow the UK Government to report seismic survey statistics to the Agreement on Small Cetaceans of the Baltic and North Seas (ASCOBANS), and will provide information for government and industry to inform future environmental assessments by making it available through UKDEAL (<http://www.ukdeal.co.uk>). Completion of the form should be straightforward, but please contact the DTI if you have any problems.

19.3 At the end of each seismic and site survey the operator should also submit a report of the survey and related marine mammal observations using the JNCC forms. This report should be submitted to JNCC, but should include the DTI reference number given in the consent for the activity. The form may be sent electronically to seismic@jncc.gov.uk. In order to avoid confusion, it is recommended that a clearly labelled, single report should be submitted for each survey.

19.4 The PON9 reporting requirements (including the annual return section) remain unchanged.

20.0 The Joint Nature Conservation Committee (JNCC) Guidelines for minimising acoustic disturbance to marine mammals from seismic surveys

20.1 The JNCC Guidelines must be followed at all times for all seismic surveys. There are no guidelines for borehole seismic. The Guidelines will be revised shortly, following a consultation exercise, and may include new Guidance on additional surveys such as borehole seismic. Current Guidelines are published on the JNCC website (www.jncc.gov.uk).

20.2 The JNCC Guidance Note of March 2000 details likely requirements for Marine Mammal Observers (MMOs) on seismic surveys. The Guidance Note is available from the JNCC, and contact details are provided in Appendix C.

20.3 The industry is encouraged to continue developing the use of hydrophones for cetacean detection during seismic surveys in sensitive areas. To the West of Shetland, hydrophone use is recommended in Quadrants 152, 153, 163, 164, 165, 204, 205, 213 and 214, and in surrounding quadrants where the water depths are greater than 500m.

Although not stated within the current JNCC Guidelines, this aspect may be addressed in later versions.

21.0 Fishing interests

- 21.1 For surveys within the sea area from the Solway Firth, round the Welsh and English coasts as far as Berwick-upon-Tweed, it is advisable to seek clearance from the local Sea Fisheries Committee (SFC) if the surveys are within the Committees area of jurisdiction (up to 6 miles from the coastline). This also applies to the Isles of Scilly. The SFCs have statutory powers varying according to the bye-laws enforceable in the different areas for the purpose of safeguarding local fishery interests.
- 21.2 **Where appropriate, local consultation with fisheries representative bodies should also be carried out prior to undertaking surveys. For England and Wales local offices of DEFRA Sea Fisheries Inspectorate can provide contact details as necessary. It is recommended that details of any consultation are notified to the DTI at the time of submission of the PON14.**
- 21.3 The Kingfisher Bulletin should be informed of survey plans as early as possible. Contact details are provided in Appendix B.
- 21.4 If any survey or shallow drilling operation gives rise to problems involving fishery interests this will be dealt with through the statutory consultation process involving the relevant Fisheries Department or Fisheries Office.
- 21.5 If a survey is cancelled, the applicant should inform relevant local fishing organisations.
- 21.6 Consultation arrangements for fishing organisations are likely to change when the PON14A is included in the UK Oil and Gas Portal. See section 15.1 for details.

22.0 Onshore (Landward) geophysical surveys

- 22.1 The requirements for onshore geophysical surveys are unchanged. Consent is not required for onshore geophysical surveys or shallow drilling. The DTI should be notified of onshore geophysical surveys using the PON14B, attached at Appendix E. Onshore shallow drilling does not require notification. A survey close-out form is not required for onshore surveys.
- 22.2 PON14B submissions should be sent by e-mail to Geoff.Swan@dti.gsi.gov.uk or, if unable to submit electronically, to the address below:

Geoff Swann
Oil and Gas Directorate
1 Victoria Street
London
SW1 OET

Tel: 0207 215 5062

Fax: 0207 215 5070

- 22.3 Applicants should note that it is their responsibility to gain landowner and other relevant permissions prior to carrying out any onshore geophysical survey.

23.0 The Regulations and what they mean

- 23.1 The Regulations apply the Habitats Directive and Wild Birds Directive in relation to oil and gas activities carried out wholly or partly on the UKCS.

- 23.2 Regulation 2 gives an interpretation of what is meant by a "relevant site", but at present candidate SAC's and proposed SPAs for the offshore sector of the UKCS have not yet been selected.

The Government is aiming to designate the first offshore site in 2003 and it is likely that more will follow over the next few years. The offshore habitats, which may qualify for SAC site selection, are listed below (based on the advice of JNCC). The habitats, which will be considered for selection of SAC sites, can be summarised as:

- *sandbanks which are slightly covered by sea water all the time (water depth seldom more than 20 m below chart datum).*
- *reefs (likely to include bedrock, stony reefs (including iceberg plough marks), cold water coral reef (Lophelia), Sabellaria spinulosa reef and*
- *submarine structures made by leaking gases (possibly including pockmarks, which have carbonate structures).*

*The JNCC has produced a report that identifies areas within which future sites may be designated, and we would advise you to read this report available on the JNCC website at <http://www.jncc.gov.uk/Publications/JNCC325/intro325.htm>. **Until sites are selected, these areas will be treated as if they were sites.** If your proposed survey or shallow drilling is on or near to one of these areas and there are potential environmental effects that could affect the interests of that area, you should consult JNCC as soon as possible to seek their views. For activities near to, or in, these areas, it is likely that Appropriate Assessment will be required (see Section 11) and this will mean that processing your application will take longer. An example would be a shallow drilling operation on an area of sandbank (as defined in bullet 3 above).*

- 23.3 Regulation 4 states that the following activities or procedures shall not be carried out without the prior written consent of the SoS granted in accordance with these regulations:

- prospecting or carrying out geological surveys by physical or chemical means.
- drilling for the purposes of obtaining geological information about strata.

This means that any UKCS geological survey or shallow drilling (as defined in Section 1.2) taking place wholly or partly on the UKCS will need consent.

- 23.4 Regulation 5 requires the SoS, before granting such consent, to consider if such surveys are likely to have a significant effect on a relevant site whether individually or in combination with any other plan or project. Any survey that is considered to have a likely significant effect on a relevant site will be subject to an Appropriate Assessment. The DTI as the competent authority will make the decision as to whether there is a likely significant effect.

This relates to controls of activities in relation to sites. Surveys and shallow drilling near to or on a site will receive close scrutiny. In this situation we will take the advice of the JNCC. If the survey is likely to have a significant effect on the site we will carry out an Appropriate Assessment which will inform our decision when considering whether to grant consent. Information on Appropriate Assessment is provided in Section 11.

- 23.5 Regulation 10, in the context of surveys, applies to *inter alia* all cetaceans (whales and dolphins) and marine turtles, and states that a person shall not carry out UKCS oil and gas activities in such a way as to:

- deliberately to kill, capture or disturb any creature which is a member of any species listed in Annex IV (a) of the Habitats Directive.
- deliberately to destroy or take its eggs from the wild; or
- to cause deterioration or destruction of breeding sites or resting places of any such creature.

This protection applies anywhere on the UKCS, not just to specific sites. The UK Government takes the view that surveys and shallow drilling do not deliberately disturb these animals. However, as a precautionary measure, a range of activities will be subject to consent prior to the activity taking place.

- 23.6 Regulation 11 applies to wild birds and states that a person shall not carry out UKCS oil and gas activities in such a way as to:

- deliberately to kill or capture any bird in its wild state which is a member of any species referred to in Article 1 of the Wild Birds Directive.
- deliberately to disturb any bird referred to in Article 1 of the Wild birds directive while it is building a nest or is in, on or near to a nest containing eggs or young, or the dependent young of such a bird.

This protection applies anywhere on the UKCS to a wide range of species. The UK Government takes the view that surveys and shallow drilling do not deliberately disturb these animals. However, as a precautionary measure, the possible effects of surveys and shallow drilling on the species needs to be considered.

