



Historic England

To: BST@beis.gov.uk

1.10.2020

CONSULTATION RESPONSE: The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020

Consultation on proposed amendments to the Environmental Impact Assessment regulatory regime for offshore oil and gas exploration, production, unloading and storage projects

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England, both on and off-shore. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Digital, Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Historic England's involvement with marine development matters were extended (under the National Heritage Act 2002) to modify our functions to include securing the preservation of monuments in, on, or under the seabed within the seaward limits of the UK Territorial Sea adjacent to England (12 nautical miles). We also provide our advice in recognition of the English marine plan areas (inshore and offshore) as defined by the Marine and Coastal Access Act 2009 and as described within the UK Marine Policy Statement and the policies of published or draft Marine Plans.

We welcome the opportunity to submit a response to this Consultation on the following points. We have confined ourselves to those questions which are most relevant to our work, locus and remit, therefore we have not provided comments on all the questions, many of which relate to matters of process.

General Comments

There are no specific matters within the consultation which require the comment of Historic England, on the basis that consideration of cultural heritage is included

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within the proposed PETROLEUM PIPE-LINES ENVIRONMENTAL PROTECTION: The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 within Regulation 8 (Environmental Statement Requirements), vis. 8(2)(e)(iv) “material assets, cultural heritage and the landscape” and:

- SCHEDULE 5 (Matters to be taken into account in deciding whether a project is likely to have a significant effect on the environment), 2viii (Location of the project) “landscapes and sites of historical, cultural or archaeological significance” and 3v (Type and characteristics of the potential impact) “material assets, cultural heritage and the landscape”
- SCHEDULE 6 (Information for the environmental statement), 4d “material assets, cultural heritage and the landscape” and 5d “the risks to human health, cultural heritage or the environment”

Consultation Questions – Response to Questions in *italics*

Question 1 Do you agree that the terms “project”, “development” and “developer” are appropriate?

Yes

Question 3 Do you agree that the Secretary of State should be able to attach conditions to the agreement to the grant of consent that the developer must comply with?

Yes

Question 4 Do you agree with the current practice of undertaking coordinated procedures for HRA and EIAs/ screening directions?

N/A – outside our remit

Question 9

(b) Are you content with the proposal to inform the public of decisions on Schedule 3 projects via an online register?

Yes, this formalisation of best practice is welcomed

Question 10 Do you agree with the approach to publicity for a screening direction for a Schedule 2 offshore project?

Yes

Question 11 Do you agree with the simplification of the information requirements for developers wishing to obtain a formal scoping opinion?

Yes

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Question 15 Do you agree with the proposal for the Secretary of State to additionally make the public notice and EIA documentation available on the Government website?

Yes

Question 16 Do you agree with the proposal to remove the provision requiring the developer to make the EIA documentation available for inspection at a UK address and to replace it with a provision to provide such documentation by post or email to anyone who requests it?

It is difficult to reconcile how the proposed implementation of Article 6 in the proposed 2020 (EIA) Regulations which "...would remove the requirement for developers to make the EIA documentation available for public inspection at an address in the UK" makes public participation any more "effective", therefore a requirement for the public display of project documentation still seems appropriate. Additionally, it may be onerous to supply such EIA documentation by post to multiple people, instead of making it available for inspection. However, it is appreciated that more online access should be supported, and that EIA documentation is likely to be configured for online accessibility as the primary means for dissemination.

Question 17 Do you agree with the proposal to extend transboundary consultation (where required) to all countries that may be affected?

Yes, this seems a sensible correction.

Question 19

(a) Do you agree with the means of making the consultees and public aware of the decisions by placing notices in the Gazettes and on the GOV.UK website?

(b) Do you agree with the methods for providing the information set out in Article 9(1)(a) and (b)?

Yes to both questions.

Chris Pater
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