Strategic Compensation Studies

Offshore Structure Repurposing Roadmap

Offshore Wind Evidence + Change Programme | THE CROWN ESTATE | SCS Strategic Compensation Studies | OffshoreWind Industry Council

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About the OWEC Programme: This project forms part of the Offshore Wind Evidence and Change (OWEC) programme, led by The Crown Estate in partnership with the Department for Energy Security and Net Zero and Department for Environment, Food & Rural Affairs. The Offshore Wind Evidence and Change programme is an ambitious strategic research and data-led programme. Its aim is to facilitate the sustainable and coordinated expansion of offshore wind to help meet the UK's commitments to low carbon energy transition whilst supporting clean, healthy, productive, and biologically diverse seas.

About the OWEC SCS Project: The Strategic Compensation Studies (SCS) is a £3.5 million project running until the end of 2027 which forms part of the OWEC programme. Alongside OWEC funding, the SCS project is supported through financial and in-kind contributions from participating Offshore Wind Industry Council (OWIC) members.
Further information can be found via the Strategic Compensation Studies webpage.

Purpose of this Report: This report forms part of the SCS artificial nesting structure (ANS) work package and provides an overview of the current landscape surrounding offshore infrastructure decommissioning and its potential repurposing as offshore ANS. This report details the key barriers for repurposing offshore structures (with a focus on oil and gas platforms) for compensation and provides the next steps for developing repurposed ANS as strategic compensation.

Disclaimers: This report discusses of legal and regulatory matters. Please note this has been prepared for OWIC and OWEC in its capacity as OWIC's funder of the SCS project. OWIC may share this report with OWIC members and industry stakeholders on a non-reliance / without liability basis, and the authors will not have any legal liability to or be held responsible for any decisions or actions taken by, any third party based on any view expressed in this report.

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Acronyms

Acronym	Term
AEoI	Adverse Effect on Integrity
ANS	Artificial Nesting Structure
AONs	Apparently Occupied Nests
AP	Abandonment Programme
DCO	Development Consent Order
DD	Due Diligence
Defra	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero
DP	Decommissioning Programme
EA2004	Energy Act 2004
EIA	Environmental Impact Assessment
HRA	Habitats Regulations Assessment
HSE	Health and Safety Executive
KSCP	Kittiwake Strategic Compensation Plan
LoSCM	Library of Strategic Compensation Measures
MCAA	Marine and Coastal Access Act
MMO	Marine Management Organisation
MOU	Memorandum of Understanding
MRF	Marine Recovery Fund
NSTA	North Sea Transition Authority
OEUK	Offshore Energies UK
ONBC	Offshore Nesting Bird Census
OPRED	Offshore Petroleum Regulator for Environment and Decommissioning
OW	Offshore Wind
OWEC	Offshore Wind Evidence and Change
OWIC	Offshore Wind Industry Council
PA1998	Petroleum Act 1998
SCS	Strategic Compensation Studies
SNCB	Statutory Nature Conservations Body
SoS	Secretary of State
SPA	Special Protection Area
UKCS	United Kingdom Continental Shelf

Glossary

Term	Definition
Derogation (OSPAR Decision 98/3)	A derogation under OSPAR refers to an exemption granted from certain obligations under the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic. These derogations typically apply to specific circumstances where compliance is impractical or where alternative measures are considered sufficient to achieve environmental protection objectives.
Derogation (Habitats Regulations)	Under the Habitats Regulations, a derogation allows a project or plan to proceed despite potential adverse effects on a European protected site or species, provided strict conditions are met. These include demonstrating no satisfactory alternatives, overriding public interest, and implementing compensatory measures to maintain the overall coherence of the Natura 2000 network.
Library Of Strategic Compensation Measures	A list of strategic compensation measures for offshore wind projects that have been approved by the Secretary of State for the Department for Environment, Food and Rural Affairs.
Net Zero	Refers to achieving a balance between emissions produced and emissions taken out of the atmosphere via such activities as carbon offsets. It allows the production of emissions as long as they are offset by reducing the greenhouse gases already in the atmosphere .
Strategic Compensation	A coordinated approach to addressing the adverse environmental impacts of offshore wind farms, such as harm to habitats and species, by delivering environmental compensation at a strategic level. This approach aims to achieve economies of scale, provide opportunities for large-scale investment in marine environment restoration, and unlock barriers to offshore wind deployment. Instead of individual projects compensating for their specific impact, this policy allows for collective, strategic measures that can benefit the broader marine ecosystem

Executive Summary

This report forms part of the Offshore Wind Evidence and Change (OWEC) programme, led by The Crown Estate in partnership with the Department for Energy Security and Net Zero (DESNZ) and Department for Environment, Food & Rural Affairs (Defra). The OWEC programme is an ambitious strategic research and data-led programme. Its aim is to facilitate the sustainable and coordinated expansion of offshore wind to help meet the UK's commitments to low carbon energy transition whilst supporting clean, healthy, productive, and biologically diverse seas.

The OWIC-led Strategic Compensation Studies (SCS) project aims to investigate the effectiveness of certain potential strategic compensation measures through desk-based studies and practical pilots to increase confidence in measures and provide strategic compensation options for OW plans and projects.

This report forms part of the SCS artificial nesting structure work package and explores the feasibility and identifies the steps required for repurposing offshore structures as Artificial Nesting Structures (ANS) to deliver seabird compensation at scale for offshore wind projects.

Repurposing offshore structures as ANS represents a unique opportunity to deliver seabird compensation while reducing environmental impacts and cost. Offshore structures already provide nesting habitat for seabirds, notably kittiwake, which have been recorded breeding in large numbers on oil and gas platforms in the North Sea. Productivity rates on these structures often exceed those at natural sites, demonstrating their suitability as breeding habitat. Guillemot and razorbill have also been observed using offshore structures, and while evidence for northern gannet is limited, records from other regions indicate potential adaptability.

However, repurposing offshore platforms as ANS will require addressing several regulatory and operational barriers. Overcoming these barriers will require close coordination among regulators and stakeholders, in particular with regards to OSPAR Decision 98/3 which prohibits leaving disused installations in place. Additionally, transitioning a platform to ANS involves navigating legislation under the Petroleum Act 1998 (PA1998), the Energy Act 2004 (EA2004), and Marine Licensing regimes, alongside resolving ownership, liability, and seabed rights.

This report sets out a six-phase roadmap for the repurposing of offshore structures, specifically oil and gas platforms, as ANS for use as a strategic compensation measure:

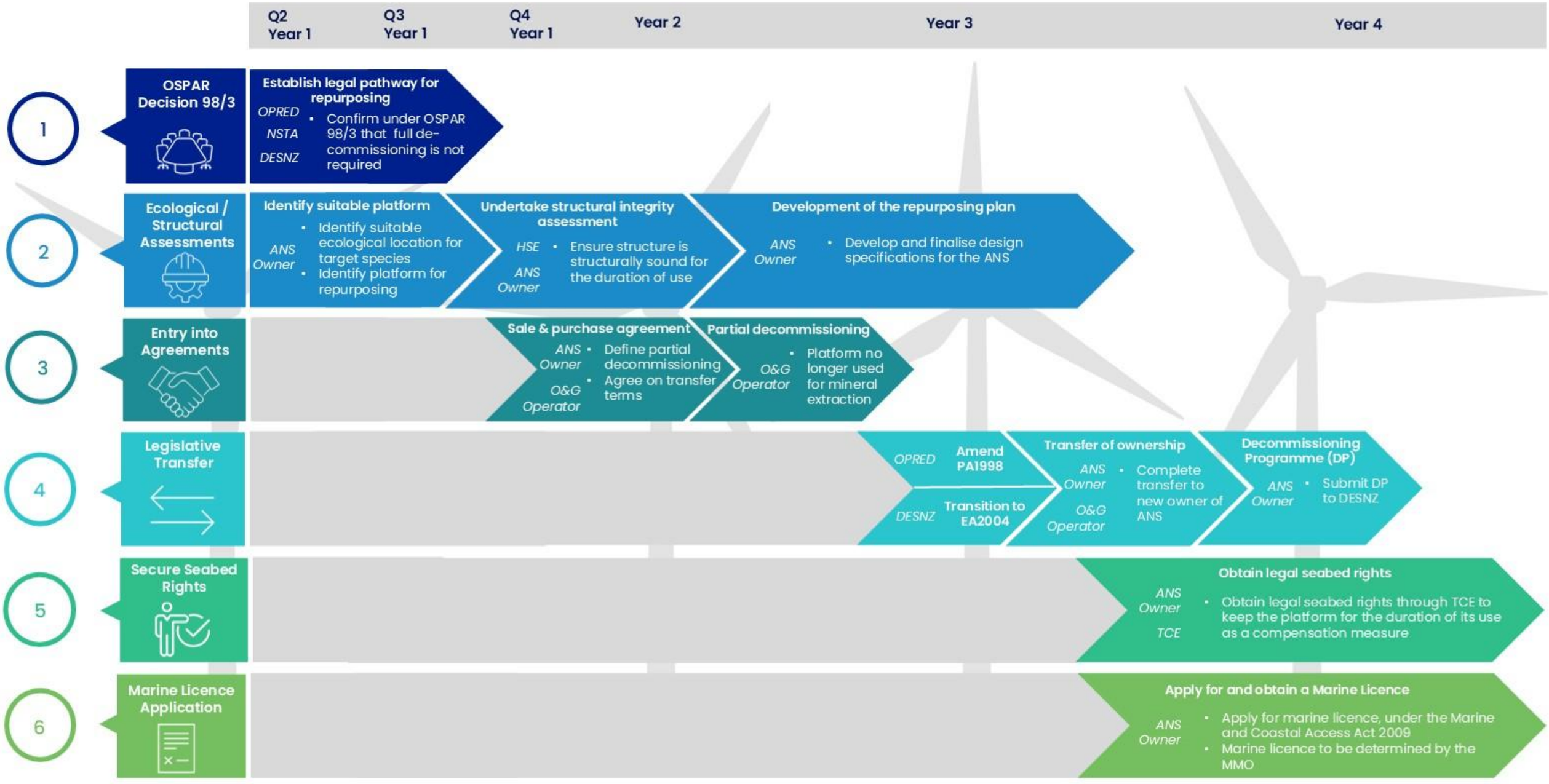
1) Confirm legal interpretation under OSPAR Decision 98/3;
2) Assess ecological suitability and structural integrity of platforms;
3) Negotiate sale and purchase agreements defining ownership and liability;
4) Amend decommissioning programmes under PA1998 and transition obligations to EA2004;
5) Secure seabed rights through The Crown Estate; and
6) Submit a Marine Licence application for physical works to repurpose platforms.

The roadmap below provides a clear pathway for overcoming regulatory and practical challenges.

Offshore Structure Repurposing Roadmap

This roadmap forms part of the Strategic Compensation Studies artificial nesting structure (ANS) work package 1. A report has been undertaken which reviews key barriers for repurposing offshore structures for seabird compensation and sets out the pathway to progress repurposing as a strategic compensation measure for offshore wind. *(OWIC, 2026[1])*. This roadmap provides a summary of the six-phase process identified within that study.

The six-phases provided below outline the key actions to be undertaken, responsible party (in italics) and estimated timeframes for each phase. Note the term "ANS owner" relates to the proposed new owner of the structure.



[1] OWIC (2026). Id Offshore Structure Repurposing Roadmap. OWEC SCS Report No. 08. A report produced by GoBe Consultants and Pinsent Masons LLP for the OWEC Strategic Compensation Studies (SCS) project..

SCS Strategic Compensation Studies

APEM Group

Offshore Wind Evidence + Change Programme

THE CROWN ESTATE

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1 Scope of this Report

The offshore wind (OW) sector is set to expand significantly to meet ambitious Government targets around Net Zero. It is recognised that the scale and location of future developments will mean that the Habitats Regulations derogation process is increasingly likely to be triggered, hence there is a need for industry-scale consideration of how future-proof compensation will be delivered. Strategic compensation has been identified as a potential solution for addressing some of these issues and could help streamline consenting timelines and deliver improved environmental outcomes at a seascape scale.

The Offshore Wind Industry Council (OWIC)-led Strategic Compensation Studies (SCS) project, funded by the Offshore Wind Evidence and Change (OWEC) programme, within which this piece of work is being delivered, aims to investigate the effectiveness of certain strategic compensation measures through desk-based studies and practical pilots to increase confidence in measures, and provide compensation options for OW plans and projects.

The SCS project will provide more confidence in different measures by carrying out practical trials and collating evidence to help fill data gaps, ensuring that OW projects can be consented/conditions discharged in a timely way and that the relevant frameworks and mechanisms are in place for compensation delivery. The SCS project also aims, where possible, to promote additional measures for approval into the library of strategic compensation measures (LoSCM) to support the acceleration of OW delivery in the UK.

The SCS project includes six technical work packages, as follows:

- Work package 1 – artificial nesting structures
- Work package 2 – predator reduction
- Work package 3 – habitat creation and restoration
- Work package 4 – infrastructure removal
- Work package 5 – delivery mechanism and overarching actions
- Work package 6 – supporting measures

This report has been drafted by GoBe Consultants Ltd, with legal input and review provided by Pinsent Masons LLP, and forms part of the SCS artificial nesting structure (ANS) package (work package 1). This report reviews key barriers for repurposing offshore structures for compensation and sets out

the pathway to progress the repurposing of offshore infrastructure as a strategic compensation measure. This report is accompanied by a one-page visual roadmap (included in the Executive Summary and as a standalone document) providing a summary of the process mapping presented in this report.

Repurposing platforms as ANS for OW compensation could provide win-win opportunities, by retaining key nesting locations (i.e. where seabirds are already nesting), re-utilising existing infrastructure (such as the foundation), and minimising environmental disturbance (avoiding significant disruption to benthic habitats and reducing the need for additional vessel movements). Additionally, repurposing can potentially save valuable time and resources to ultimately speed up the consenting and deployment of OW, helping the UK to deliver its 43 – 50 GW of OW Clean Power 2030 target and net zero targets by 2050.

2 An Introduction to Artificial Nesting Structures

ANS are man-made installations designed to replicate the features of a natural nest site in order to support seabird conservation by providing additional nesting spaces. Purpose-built ANS structures for seabirds can be located both onshore and offshore and vary widely in design, including for example constructed (or repurposed) towers with built-in ledges to mimic cliff face nests (Kildaw, 1999), and floating platforms for ground nesting birds (Quinn *et al.*, 1995). The overarching aim of these structures are to increase population growth, to reduce threats from predation or human disturbance, and improve productivity. This document focuses on ANS used to create nesting spaces for UK seabird species, in particular black-legged kittiwake (*Rissa tridactyla*), common guillemot (*Uria aalge*), razorbill (*Alca torda*) and northern gannet (*Morus bassanus*).

2.1 Artificial Nesting Structures for Offshore Wind

ANS have been used for seabirds in the UK for several decades. For example, in 1988 a wall with ledges, acting as an artificial cliff, was built in the Port of Lowestoft's Harbour adjacent to a demolished pier which had established kittiwake nests (Suffolk Wildlife Trust, 2007). The Lowestoft wall initially produced hundreds of fledglings but is no longer colonised presumably due to the build-up of old nesting material from previous breeding seasons on

the wall (British Ports Association, 2023; Ørsted, 2021b; Suffolk Wildlife Trust, 2007). The Lowestoft wall has since been upgraded in 2023 with old nesting material removed and wire mesh installed to limit gull predation. The wall is now designated as a County Wildlife Site (British Ports Association, 2023).

In 1998, the first purpose-built nesting tower for a UK seabird species was constructed in Gateshead (referred to as Saltmeadows Tower) to support nesting kittiwake displaced during the redevelopment of the old Baltic Flour Mill into the Baltic Centre for Contemporary Art (Kittiwake Upon the Tyne, 2025). Saltmeadows Tower has since had over two decades of successful use, with up to 132 pairs nesting on the structure annually since its relocation in 2000/01 (Kittiwake Upon the Tyne, 2025).

The use of ANS for the delivery of seabird compensation subsequently first emerged in the UK OW sector as part of the consent application for the Hornsea Project Three Offshore Wind Farm ('Hornsea Three'). The Secretary of State (SoS) concluded Adverse Effect on Integrity (AEoI) on kittiwake due to predicted in-combination collision impacts on kittiwake at Flamborough and Filey Coast Special Protection Area (SPA). Therefore, Hornsea Three were requested to provide a detailed compensation plan to evidence that the proposed compensatory measures would ensure that the overall coherence of the network of European sites for kittiwake is protected (SoS 'minded to approve letter'; July 2020). Within the compensation plan, Hornsea Three proposed the construction of ANS to offset the predicted impacts through increasing the breeding population of kittiwake in the Eastern Atlantic (including the UK North Sea) (Ørsted, 2020a).

Since the SoS conclusion of AEoI for kittiwake at Flamborough and Filey Coast SPA, and the requirement for Hornsea Three to provide compensation to offset potential impacts, subsequent consent applications for OW developments have been submitted with an accompanying derogation case. A number of these applications have included the construction of ANS as compensation measures for kittiwake (Table 2.1).

Initially, OW developers proposed the construction of onshore (or subsequently nearshore) ANS for kittiwake (Table 2.1). However, following comments from Natural England in 2024, (in response to the Hornsea Four kittiwake compensation plan; Natural England, 2004), stakeholder focus has since shifted to the development of offshore ANS.

Natural England's position stemmed from the fact that in total, OW developments were setting out to produce up to 3,000 nest spaces around

the Southern North Sea coast through onshore ANS. Natural England specified they were not convinced that additional onshore ANS would provide sufficient compensatory benefits due to the lack of evidence that there is a still an influx of kittiwake recruits that are limited by nest site availability (Natural England, 2024).

Instead, offshore ANS has been proposed by OW developers for kittiwake compensation, both through the construction of new purpose built ANS, and/or the repurposing of oil and gas platforms (Table 2.1). Natural England noted, in their end of examination position on Outer Dowsing's proposed compensation measures, that there are opportunities to increase the number of recruits into the wider population when using offshore structures (Natural England, 2025).

In addition to kittiwake, offshore ANS have been proposed for guillemot and razorbill (Table 2.1). It is noted that Natural England are uncertain about the use of offshore ANS for guillemot and razorbill (auks) as the measure is currently unproven in its ability to produce the required level of compensation for OW projects (as stated in their end of examination position for Outer Dowsing; Natural England, 2025). However, Natural England have acknowledged the potential given the evidence of these species nesting on offshore oil and gas platforms (Natural England, 2025).

Despite current uncertainties regarding the effectiveness of ANS for guillemot and razorbill, ANS should still be progressed as part of a broader package of measures for auks to provide flexibility and resilience in meeting compensation obligations. This is particularly important due to the fact that there are currently a limited number of approved strategic compensation measures within the LoSCM for these species combined with the potential large scale of compensation required.

Table 2.1: Overview of ANS proposed/implemented by OW projects in English Waters

Project	Compensation Species	Current Status	Documentation
Hornsea Three	Kittiwake	Consented with requirement for compensation. • The construction of three nearshore ANS in East Suffolk were completed before the 2024 breeding season. • The construction of an onshore ANS in Hartlepool was completed before the 2025 breeding season. The first breeding pair and chick were recorded in 2024, with four pairs nesting in 2025.	Kittiwake Compensation Plan (Ørsted, 2020a); Kittiwake Artificial Nest Provisioning: Ecological Evidence (Ørsted, 2020b); Kittiwake Implementation and Monitoring Plan (Ørsted, 2023); Supporting kittiwake, a vulnerable seabird (Ørsted, 2025a).
East Anglia ONE North East Anglia TWO Norfolk Boreas Norfolk Vanguard	Kittiwake Kittiwake Kittiwake Kittiwake	Consented with requirement for compensation. • The construction of four onshore ANS in Lowestoft port completed in March 2023.	Lowestoft kittiwake hotels (Vattenfall, 2023).
Hornsea Project Four	Kittiwake Guillemot	Consented with requirement for compensation. • Use of the onshore Hartlepool ANS constructed for Hornsea Three. • Hornsea Four also signed an option agreement with another developer for up to 700 nests on a prospective offshore ANS. The option agreement provides for 700	Kittiwake Compensation Implementation and Monitoring Plan (Ørsted, 2024); Guillemot Compensation Implementation and Monitoring Plan (Ørsted, 2025b).

Project	Compensation Species	Current Status	Documentation
		multispecies nests for Hornsea Four (i.e. utilised for either kittiwake or guillemot adaptive management). Progression of this project along with ANS has been discontinued as of May 2025.	
Sheringham Shoal Extension Project Dudgeon Extension Project	Kittiwake	Consented with the requirement for compensation, to be delivered through: • Modifying existing kittiwake ANS towers at Saltmeadows, Gateshead, through installing two new north facing faces, and removing the south face which has been highlighted as 'unsatisfactory'.	Gateshead Kittiwake Tower Modification- Quantification of Productivity Benefits Technical Note (Equinor, 2023).
Rampion 2	Kittiwake	Proposed as a without prejudice compensation measure, delivered through: • Monetary contribution to strategic compensation through the Marine Recovery Fund (MRF); or Collaborating with another OW project (e.g. Dogger Bank South OW) to provide additional nesting spaces for kittiwake through a purpose-built ANS.	Habitats Regulations Assessment (Without Prejudice) Derogation Case (Rampion 2, 2024b); Kittiwake Implementation and Monitoring Plan (Rampion 2, 2024a).
North Falls	Kittiwake	Proposed as a without prejudice compensation measure, delivered through: • Monetary contribution for the projects share of the ANS ('Kittiwakery') near Gateshead for at least three	Kittiwake Compensation Implementation and Monitoring Plan (Royal HaskoningDHV, 2025).

Project	Compensation Species	Current Status	Documentation
		breeding season, in collaboration with Dogger Bank South.	
Outer Dowsing	Kittiwake Guillemot Razorbill	ANS proposed as a compensation measure for kittiwake and as a without prejudice compensation measure for guillemot and razorbill. The project will deliver compensation through the construction of two offshore ANS providing 2,500 to 5,500 kittiwake nesting spaces. For auks, the project predicts that other proposed measures will deliver sufficient compensation, progression of ANS measure for auks will be dependent on the Secretary of State judgement on the final compensation quanta.	Offshore Artificial Nesting Structures Evidence Base and Roadmap (Outer Dowsing, 2025).
Dogger Bank South	Kittiwake	ANS proposed as a without prejudice compensation measure. Although still in the pre-consent phase, Dogger Bank South took a proactive approach and constructed an onshore ANS near Gateshead in 2023, adjacent to the existing Saltmeadows Tower. The structure can accommodate up to 200 kittiwake nests. However, noting Natural England advice on the lack of certainty regarding the effectiveness of further onshore ANS, the above structure is proposed as a supporting or adaptive	Project-Level Kittiwake Compensation Plan (RWE, 2025).

Project	Compensation Species	Current Status	Documentation
		management measure rather than a primary compensatory measure. The project proposed the following ANS options to deliver compensation: • The construction of two offshore ANS; • The construction of an additional two tiers (500 to 1,500 nesting spaces) to Ørsted's Hornsea Four offshore kittiwake ANS, and the construction of one additional standalone offshore ANS; • An additional two tiers to Hornsea Four's ANS, and the construction of one standalone offshore ANS as adaptive management; or • An additional two tiers to Hornsea Four's offshore kittiwake ANS, and one onshore ANS.	
Five Estuaries	Kittiwake	Proposed as a without prejudice compensation measure, delivered through: • Using the onshore ANS constructed by Dogger Bank South in Gateshead; or • An alternative compensation measure delivered by Five Estuaries; or • Department for Environment, Food and Rural Affairs (Defra) strategic compensation via the MRF.	Kittiwake Compensation – Evidence, Site Selection and Roadmap (Five Estuaries, 2025a); Kittiwake Implementation and Monitoring Plan (Five Estuaries, 2025b).

2.2 Repurposing of Offshore Structures

In addition to the creation of purpose-built ANS, the repurposing of offshore structures as ANS for OW compensation has been explored by OW developers. The repurposing of offshore structures was proposed within the Hornsea Four Application, with Hornsea Four considering the repurposing of the Wenlock oil and gas platform, located in the North Sea (Ørsted, 2024). Surveys of seabird presence on offshore structures have been carried out (for various purposes) through boat-based and aerial surveys by Hornsea Four, and boat-based surveys by Outer Dowsing (discussed in further detail in Section 2.3).

Repurposing platforms that are due to be decommissioned in the near future as ANS for OW compensation could provide win-win opportunities, by retaining key nesting locations (i.e. where seabirds are already nesting), re-utilising existing infrastructure (such as the foundation) avoiding significant disruption and potentially saving valuable time and resources to ultimately speed up the consenting and deployment of OW. In this way, helping the UK to deliver its 43 – 50 GW of OW Clean Power 2030 target and net zero targets by 2050.

As set out in Section 1, the SCS project, of which this document forms a part, is currently looking into the potential for repurposing of oil and gas/ other offshore infrastructure as offshore ANS for the provision of strategic compensation.

2.3 Seabird Nesting Evidence on Offshore Structures

Several seabird species in the UK have been recorded nesting on man-made structures both onshore and offshore, including buildings, piers and offshore oil and gas platforms (Brown and Grice, 2005; Coulson, 2011, Ørsted, 2021a). This section provides species-specific summaries of evidence of seabirds nesting on offshore structures, focusing on kittiwake, guillemot, razorbill and gannet. Much of this evidence has been amalgamated from research completed by OW developers for compensation case development, including offshore surveys conducted by Hornsea Project Four and Outer Dowsing.

It is important to note that monitoring offshore platform colonies remains a significant evidence gap in understanding seabird population sizes and dynamics. Closing this gap will be important for assessing the long-term viability of repurposed structures as ANS. However, delivering comprehensive

monitoring is challenging, as it would require coordinated data sharing and access to platforms, alongside significant investment in surveys.

A data sharing initiative has been proposed through the Offshore Nesting Bird Census (ONBC), which is a collaborative initiative by Offshore Energies UK (OEUK) and Xodus Group. The ONCB was launched in 2024 to improve understanding of how seabirds use oil and gas platforms, and to gain insight into the geographic distribution (OEUK, 2024a). However, at the time of writing of this report, no findings had yet been published.

2.3.1 Kittiwake

Kittiwake are small gulls that are widespread throughout the UK (JNCC, 2021). While kittiwake spend the winter offshore, they return to the coast to breed between March and August (Furness, 2015). Kittiwake form nests along steep sea cliffs (Coulson, 2011). Kittiwake demonstrate a strong preference for sheltered ledges which can reduce exposure to adverse weather conditions for growing chicks (Coulson, 2011; Newell *et al.*, 2015; Christensen-Dalsgaard *et al.*, 2018). Their deep nests are formed using vegetation that is placed on top of a mud base (Coulson, 2011). This formation allows for the nest to adhere to the narrow, horizontal ledges upon which kittiwake breed (Coulson, 2011). Kittiwake have low rates of natal philopatry (i.e. many birds breed outside of their colony of birth), but the species show high breeding philopatry, meaning they will typically return to the same nest site each year to breed (Coulson and Coulson, 2007; Coulson, 2011). Higher rates of return to the same nesting site are often associated with the availability of sheltered nest sites (Ponchon *et al.*, 2015).

During the early 1990s, kittiwake were first documented nesting on man-made structures in the Norwegian Sea, and there has since been 26 confirmed offshore sites supporting breeding kittiwake across north-west Europe (Christensen-Dalsgaard *et al.,* 2019; Ørsted, 2021a). Kittiwake breeding has been recorded at structures located 28 km to 263 km offshore across the Netherlands, Norway, and the UK, with colony sizes ranging from one to 674 Apparently Occupied Nests (AONs) (Ørsted, 2021a). The first recorded instance of kittiwake breeding successfully on offshore structures in the UK took place at Morecambe Gas Platform in the Irish Sea in 1998 (Unwin, 1999; Ørsted, 2021a).

A study in Norway documented kittiwake breeding on six oil rigs on the Norwegian Shelf, with a total offshore breeding population of 1,164 pairs (Christensen-Dalsgaard *et al.,* 2019; Ørsted, 2021a). This study also showed

that kittiwakes breeding on offshore structures had a higher productivity rate than those at natural breeding sites, the structures acting as a refuge for the species (Christensen-Dalsgaard *et al.,* 2019). Overall, the population of kittiwake nesting offshore in the Norwegian region of the North Sea was estimated to be 1.3% of the Norwegian kittiwake population (Christensen-Dalsgaard *et al.,* 2019).

In addition, 1,394 breeding pairs of kittiwake have been recorded on oil platforms in the UK southern North Sea (Ørsted, 2021a). Hornsea Four commissioned boat-based and aerial surveys to assess the number of breeding kittiwake on offshore structures within the southern North Sea (Ørsted, 2021a). Of the 158 offshore oil and gas platforms in the southern North Sea, 50 installations were surveyed (32% survey coverage), and breeding kittiwake were present on 26% of these platforms (Ørsted, 2021a). The estimated mean kittiwake productivity at offshore platforms was 0.95 chicks per pair, which is higher than the national average productivity for kittiwake (0.69 chicks per pair; Horswill and Robinson, 2015; Ørsted, 2021a).

In July 2022, Outer Dowsing commissioned boat-based surveys of 19 offshore oil and gas platforms in the southern North Sea. This study recorded the presence of kittiwake on 15 of the structures, and breeding was recorded on at least six of the structures (Outer Dowsing, 2023). Kittiwake counts on the surveyed offshore structures included over 664 individuals and 186 AONs (Outer Dowsing, 2023). Further surveys were undertaken in June 2023, and six of the structures contained breeding kittiwake sites (Outer Dowsing, 2025). In 2023, the number of AONs increased to 836, potentially due to better survey visibility (Outer Dowsing, 2025).

Furthermore, monitoring took place at Walney Two OWF in April, July, and August 2023, as kittiwake have been observed to be nesting on the offshore substation (Peyton-Jones and Rounce, 2023). 409 individual kittiwake were recorded, along with 192 nests (Peyton-Jones and Rounce, 2023). Productivity was also observed to be higher for the kittiwake nesting at Walney Two offshore substation than the kittiwake breeding at the closest natural nesting site at St Bees Head (Peyton-Jones and Rounce, 2023).

A 2023-2026 study carried out in the Norwegian Sea by Equinor is monitoring kittiwake breeding on offshore oil installations (Christensen-Dalsgaard *et al.*, 2025). Preliminary results from June 2024 indicated that 551 AONs were found on the Heidrun oil field installation. Nest contents, location, and exposure are being recorded as part of the study (Christensen-Dalsgaard *et al.*, 2025). The

number of kittiwake breeding at that platform has more than doubled compared to the 2019 study, where 252 pairs were recorded to have bred (Christensen-Dalsgaard *et al.,* 2019; Christensen-Dalsgaard *et al.,* 2025).

Delahay *et al.* (2025) provide further evidence of kittiwake utilising offshore oil and gas infrastructure, indicating that it is a yet under-recognised component of the kittiwake population. Nesting kittiwake were found on 28% (14) of the total number of surveyed offshore platforms (50), with estimated colony sizes of 16-554 AON per occupied platform.

There have been several examples of purpose-built offshore ANS for kittiwake, and these structures have been able to attract nesting birds (Ørsted, 2025) (see Section 2.1).

The evidence demonstrates that kittiwake not only utilise offshore structures for breeding, but can do so at large scales, with thousands of pairs recorded across oil and gas platforms and offshore substations in the North Sea and Norwegian Sea. Productivity rates on these structures have shown to exceed those at natural sites, indicating that offshore environments can provide suitable and even advantageous conditions for breeding. Combined with the detailed knowledge of kittiwake nesting preference, such as the need for sheltered and secure substrates, and the successful precedent of purpose-built ANS, there is clear potential for delivering meaningful compensation. Ongoing research including long-term monitoring and design trails, continues to refine the best practice, ensuring that ANS can be adapted to maximise success and contribute substantially to population support.

2.3.2 Guillemot

Guillemot are part of the auk family (*Alcidae*) and breed in large colonies around much of the UK coastline. Their breeding season takes place between March and July, and they forage close to the coast during this period (Furness, 2015). Guillemot spend the non-breeding season offshore (Buckingham *et al.*, 2022). Guillemot nest in high densities on steep sea cliffs, sea stacks, or low-lying flat islands (Birkhead, 1977). They lay their egg directly on ledges, platforms, and among boulders on the cliff face (Plumb, 1965; Hipfner and Dussereault, 2001; Harris *et al.*, 1996). Guillemot nest sites may occur at locations that include an overhang to help protect against avian predation (Christensen-Dalsgaard *et al.*, 2025). Guillemot have a high degree of natal and breeding philopatry (Harris *et al.,* 1996).

Evidence of guillemot nesting on artificial structures was first identified in 2009 on Stora Karlsö off the coast of Gotland, Sweden (Hentati-Sundberg *et*

al., 2012). The purpose-built "Karlsö Murre Lab" was constructed in 2008 on a cliff edge in the middle of the existing guillemot colony to allow for undisturbed observation of the colony. The ledges were constructed and covered in limestone to mimic the cliff face. Between 2000 and 2012, there have been over 19,000 chicks ringed on the beach after fledging from the whole colony (Hentati-Sundberg *et al.,* 2012). It was noted that in 2020 around 75 pairs of guillemot were recorded as breeding on ledges attached to a cliffside building, even while natural nesting spaces remained available (Stockholm Resilience Centre, 2020).

Until recent years, little was known on breeding of guillemot on offshore structures. In 2021, Ørsted (Hornsea Four) commissioned surveys of 16 offshore structures in the southern North Sea (Ørsted, 2021a). The surveys recorded ~100 guillemots potentially nesting on one of the structures and some platforms showed further bird loafing on lower sections of the structure (Ørsted, 2021a).

In July 2022, Outer Dowsing commissioned boat-based surveys of 19 offshore oil and gas platforms in the southern North Sea. Guillemot were recorded on structures [numbers not specified], though evidence of breeding was not confirmed (Outer Dowsing, 2023). Outer Dowsing subsequently commissioned a second year of surveys in June 2023 on 17 platforms which recorded a total of 458 guillemot on two structures (Outer Dowsing, 2025). Although evidence of nesting was not confirmed within the offshore surveys, a photograph was provided within the Outer Dowsing evidence review of guillemot attending eggs on an offshore platform (Outer Dowsing, 2025;Figure 2.1).

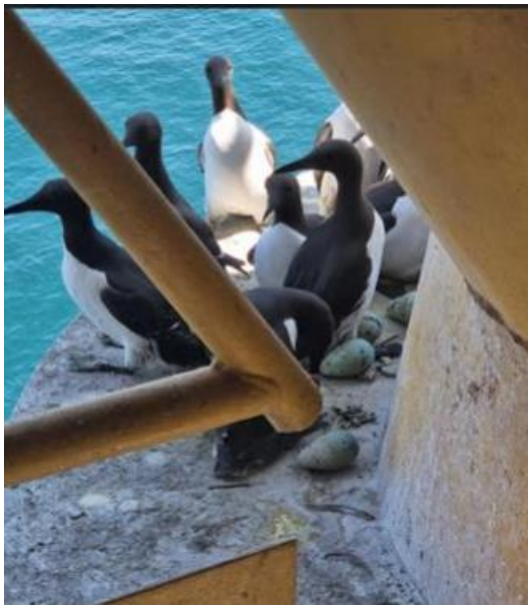

Figure 2.1: Guillemot nesting on an offshore structure. Image extracted from ODOW (2025).

Although guillemot exhibit strong natal and breeding philopatry, evidence shows they can successfully utilise artificial structures when suitable conditions are provided. The Karlsö Murre Lab and subsequent observations on artificial structures demonstrate their adaptability to manmade nesting habitat, while recent surveys in the southern North Sea confirm presence and even breeding on offshore platforms. With confirmed offshore breeding there is clear potential for delivering compensation through purpose-built ANS. Existing knowledge of guillemot nesting preferences, such as the need for stable ledges and protective overhangs, combined with ongoing research and design trials provides a strong foundation for developing effective offshore solutions that maximise success.

2.3.3 Razorbill

Like guillemot, razorbill are part of the auk family (*Alcidae*) and breed in large colonies around the UK coastline. Their breeding season takes place between March and July, and they forage close to the coast during this period (Furness, 2015). Razorbill spend the non-breeding season offshore (Buckingham *et al.*, 2022). Razorbill nest in low densities on sea cliffs (Hipfner and Dussereault, 2001; Harris and Wanless, 1989). They lay their egg on ledges or in enclosed crevices at the top of the cliffs (Harris and Wanless, 1989). Low quantities of nesting material are used in the construction of razorbill nests (Outer Dowsing, 2023). High rates of natal and breeding philopatry have been recorded for razorbill (Lavers and Jones, 2007).

Similarly to guillemot, razorbill have been recorded to be breeding at the Karlsö Murre Lab (Hentati-Sundberg *et al.,* 2012), with around ten pairs of razorbill recorded (Stockholm Resilience Centre, 2020).

In 2021, 16 offshore structures in the southern North Sea were surveyed by Ørsted (Hornsea Four), which recorded 13 razorbills nesting on one of the structures, with some platforms showing further bird loafing on lower sections of the structure (Ørsted, 2021a). Although evidence of nesting was not confirmed within the offshore surveys, a photograph was provided within the Hornsea Four artificial nesting roadmap of a razorbill attending an egg on an offshore platform (Ørsted, 2022;Figure 2.2)

Figure 2.2: Razorbill nesting on an offshore structure. Image extracted from Ørsted (2022).

In July 2022, Outer Dowsing commissioned boat-based surveys of 19 offshore oil and gas platforms in the southern North Sea. Razorbill were recorded on one structure, though evidence of breeding was not confirmed (Outer Dowsing, 2023). Outer Dowsing subsequently commissioned a second year of surveys in June 2023 on 17 platforms which recorded a total of 13 razorbill on three structures (Outer Dowsing, 2025).

Razorbill, like guillemot, show strong site fidelity but can utilise artificial structures under suitable conditions. While offshore breeding records were scarce until recently, surveys in the southern North Sea and confirmed nesting on one platform indicate growing evidence of offshore use. Further research, including the upcoming offshore nesting census, will help solidify this understanding and inform the design of effective artificial nesting solutions.

2.3.4 Gannet

Northern gannet is a large seabird that is found across the UK, with the majority of the world's gannetries found in the eastern North Atlantic (Nelson, 1978). Gannet nest in dense colonies on islands, sea cliffs, and sea stacks to avoid predators and return to their breeding colonies from April and build deep nests using vegetation and other soft materials (Nelson, 1978). Gannet have high rates of natal philopatry and high nest-site fidelity, returning to the same nest sites each year (Nelson, 1978; Coulson, 2016). Although gannet exhibit strong natal and breeding philopatry, evidence demonstrates that colony fidelity is flexible when suitable habitat is provided (Pyk, *et al.,* 2013).

Australasian gannet (*Morus serrator*) is the only species of gannet which have been recorded as colonising offshore structures (Pyk, *et al.,* 2013). Between 100 and 200 nests were present on a decommissioned lighthouse 8 km offshore of Cape Jaffa, Australia (Pyk, *et al.,* 2013). There are also records of Australasian gannet colonisation of six offshore structures in Port Phillip Bay, Victoria, Australia (Norman *et al.*, 1998; Pyk, *et al.,* 2013).

While no records of colonisation of offshore structures have been recorded for northern gannet in the UK, this species has been recorded colonising artificial structures in French coastal areas, including boats and jetties (Renaud *et al.*, 2006). Successful breeding attempts have occurred on these structures (Renaud *et al.*, 2006; Deideri *et al.*, 2014). Furthermore, a successful breeding attempt was recorded in Italy for two gannet breeding on a boat deck or cover (Giagnoni *et al.,* 2015). Gannet have also been recorded as returning over several years to nests built in onshore artificial structures including a harbour quay (Denmark) and a house chimney (England; Ørsted, 2021a).

Northern gannet show strong natal and nest-site fidelity, yet records from France, Italy, and other regions demonstrate flexibility when suitable artificial habitat is available. While no offshore colonisation has been documented in the UK, Australasian gannets have successfully bred on offshore structures, indicating potential for similar adaptation. Further research and monitoring will be essential to confirm offshore breeding viability and guide the design of effective artificial nesting solutions.

2.3.5 Other Seabird Species

In addition to the species discussed above, lesser black-backed gull, herring gull, and great black-backed gull were recorded on the offshore structures within the 2021 surveys undertaken by Hornsea Four, however there was no

evidence of breeding present (Ørsted, 2021a). Additionally, during surveys of the Culzean Platform in the North Sea (July 2023), great black-backed gull were found to be present on the structure, although no nesting birds were identified (Xodus Group, 2023).

3 An Introduction to Offshore Decommissioning

As offshore assets (including oil and gas platforms and renewable energy) approach the end of their operational lifespan, operators are required to undertake a series of complex and highly regulated processes to ensure the safe dismantling and removal of installations, plugging of wells, and restoration of the marine environment (formally referred to as decommissioning). Decommissioning is an increasingly prominent topic within the OW sector, with substantial work underway to establish best practice and ensure lessons are learnt from other offshore industries. As the scale of OW deployment grows, and the first generation of OWFs approach end-of-life, industry bodies such as OEUK and RenewableUK have initiated guidance development to address technical, environmental, and regulatory challenges associated with dismantling and removal (OEUK, 2024b; RenewableUK, 2024).

Currently under OSPAR Decision 98/3 (adopted under the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention)), it is prohibited to leave any disused offshore installations (platforms) at sea (noting this does not include any part of an offshore installation which is located below the surface of the seabed) (OPRED, 2018). The default expectation is thus the complete removal of platform installations once they reach the end of their operational life. Exceptions (known as "derogations") can be considered whereby the full removal of structures is not reasonably feasible, for example due to technical infeasibility, safety risks or environmental impacts. There have however been recent calls and discussions to take a more science-led approach to decommissioning, citing the environmental benefits to marine life of leaving structures in place (INSITE, 2025; Knights *et al.,* 2004).

Pipelines (unlike platform installations) are not currently part of OSPAR Decision 98/3, with the UK regulating pipeline decommissioning through a comparative assessment process (OPRED, 2018). While the baseline expectation is full removal to achieve a clear seabed, decisions are made on

a case-by-case basis, taking into account safety, environmental impacts, technical feasibility and other marine users (OPRED, 2018).

It is, however, noted that the for the subsea cable industry, environmental considerations for decommissioning often favour leaving cables in situ to minimise disturbance to benthic habitats and avoid unnecessary environmental impacts (Taormina *et al.,* 2018; Clare *et al.,* 2025).

As discussed in Section2.2, the repurposing of offshore assets (specifically oil and gas platforms) has been proposed as a potential compensatory measure for seabirds. However, given the current default requirement to fully remove installations, there are a number regulatory and practical obstacles that need to be overcome in order to facilitate this. See Section 4.1 for further details.

3.1 Oil and Gas Decommissioning

Within the UK (specifically the United Kingdom Continental Shelf (UKCS)), offshore oil and gas decommissioning is controlled through the Petroleum Act 1998[1] (PA1998). The Offshore Petroleum Regulator for Environment and Decommissioning (OPRED), part of the Department for Energy Security and Net Zero (DESNZ), oversees the environmental and regulatory aspects of offshore decommissioning (Gov.uk, 2013).

PA1998 establishes the legal requirement for operators to submit and implement a decommissioning programme (DP) for any offshore installation or pipeline that has reached the end of its operational lifespan. The DP is a detailed plan which is required to be approved by OPRED. It sets out exactly how the operator will remove or make safe all infrastructure, including platforms, subsea equipment, pipelines, and wells.

The Decommissioning of Offshore Oil and Gas Installations and Pipelines guidance, first published by OPRED in 2018[2], provides guidance on the regulatory requirements for decommissioning offshore oil and gas

[1] Petroleum Act 1998: https://www.legislation.gov.uk/ukpga/1998/17/contents [Accessed October 2025]
[2] Guidance Note: Decommissioning of Offshore Oil and Gas Installations and Pipelines: https://assets.publishing.service.gov.uk/media/5c00f3f3e5274a0fdaaaa0f7/Decom_Guidance_Notes_November_2018.pdf [Accessed November 2025].

installations and pipelines. Section 12 of the guidance note provides a framework for assessing environmental impacts, and it is noted that OPRED have since consulted on revisions to the guidance to align with OSPAR Decision 98/3, with final guidance expected in spring 2026[3]. The draft guidance highlights a strengthened framework for assessing derogation requests through introducing new methodology which requires an initial assessment against five defined criteria of whether full removal is reasonably achievable.

4 Key Obstacles and Pathway to Repurposing

Despite the ecological and environmental potential for the repurposing of offshore structures (in particular oil and gas platforms) to be utilised as a compensatory measure (Section 2), several regulatory and practical obstacles may present a barrier to repurposing:

- **OSPAR Decision 98/3:** Prohibits leaving disused structures in situ, requiring the removal of infrastructure, unless a derogation permit is granted. See Section 4.1 below.
- **Regulatory Transition:** Shifting the regulatory control over, and legal liabilities for the offshore structure, from the oil and gas regime to the offshore renewable energy installation regime, requires navigating the PA1998, Energy Act 2004 (EA2004), and marine licensing frameworks. See Section 4.2 below.
- **Ownership and Liability:** There are legal and commercial complexities around asset transfer, residual liability, and insurance. See Section 4.3 below.
- **Stakeholder Coordination:** Requires engagement with OPRED, NSTA, , The Crown Estate, and the proposed owner of ther ANS. See Section 4.4 below.
- **Competing Priorities:** Potential reduced availability of structures to repurpose as ANS. See Section 4.5 below.

[3] Derogation methodology under OSPAR Decision 98/3, and associated policy changes: consultation: https://www.gov.uk/government/consultations/decommissioning-offshore-installations-guidance-and-associated-policy-proposals/derogation-methodology-under-ospar-decision-983-and-associated-policy-changes-consultation-accessible-webpage [Accessed November 2025]

- **Ecological Data Gaps:** Uncertainties due to lack of robust data on seabird use of offshore structures. See Section 4.6 below.

The following sections discuss the above challenges and identify, in outline, a potential repurposing pathway that would be applicable across multiple ownership and delivery models, including the MRF Operator, individual OW developers, and collaborative delivery models.

4.1 OSPAR Decision 98/3

The UK is a signatory to the OSPAR Convention. OSPAR Decision 98/3 (the 'Decision'), made under the OSPAR Convention, regulates the 'Disposal of Disused Offshore Installations'.

The Decision provides (at paragraph 2):

> *"The dumping, and the leaving wholly or partly in place, of disused offshore installations within the maritime area is prohibited."*

Therefore, the general rule is that, leaving disused offshore installations within the maritime area, wholly or partly, is prohibited. The Decision allows that, in exceptional circumstances, there may be reasons for leaving part, or all, of an installation in place, subject to a "derogation" process for certain categories of installations[4].

Importantly, for present purposes, a *"disused offshore installation"* for the purposes of the Decision (paragraph 1), is one which meets the following definition [underlining added]:

> *"an offshore installation, which is <u>neither</u>*
>
> *a. serving the purpose of offshore activities for which it was originally placed within the maritime area, nor*
>
> *b. <u>serving another legitimate purpose in the maritime area authorised or regulated by the competent authority of the relevant Contracting Party</u>"*[5].

[4] E.g. footings of heavy steel jackets installed before 1999, and gravity based concrete installations.

[5] "relevant Contracting Party" means the party to the OSPAR Convention with jurisdiction over the offshore installation in question.

but does not include:

c. any part of an offshore installation which is located below the surface of the sea-bed, or

d. 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".

A platform adopted for use as an ANS will no longer serve the purpose for which it was placed in the sea (oil and gas exploration) and therefore limb (a) of the definition is met (i.e. it is no longer serving the original purpose). However, from the authors legal perspective the case can reasonably be made that the use of the platform as an ANS would serve another "legitimate purpose", such that limb (b) of the definition would be met.

An ANS would serve the legitimate purpose of ensuring that the necessary compensatory measures are taken to ensure the overall coherence of the National Site Network, which is a fundamental legal requirement under the Habitats Regulations, and a legal duty of the SoS or Scottish Ministers, as applicable. Furthermore, the use of the ANS can be appropriately regulated under one or more of the marine licensing, Planning Act 2008 (Development Consent Order (DCO)) / Electricity Act 1989 (Section 36 Consent) and EA2004 (decommissioning and safety zones) regimes (see Section 4.2 below).

Therefore, a platform which has been or is acquired for use as an ANS would not, from the authors legal perspective, be a "disused offshore installation" within the scope of the prohibition in the Decision. In these circumstances, a derogation permit under the Decision would not be relevant to the transfer, ongoing regulation or decommissioning of any such platform.

4.2 Regulatory Transition

4.2.1 Removal of Application of the Petroleum Act 1998

Sections 28A – 45A of the PA1998 contain provisions to prevent abandonment of "offshore installations" and set out a process for ensuring preparation of, and compliance with, an "abandonment programme" (AP)[6], with related financial security mechanisms which the SoS can enforce. In

[6] The term "abandonment programme" has been used throughout this section as this is the wording used within the legislation. However, it is acknowledged that "decommissioning programme" can be used interchangeably and is often preferred.

effect, an offshore installation cannot be abandoned, or decommissioned, other than in accordance with an AP approved by the SoS, acting through OPRED.

An *"offshore installation"* for the purposes of the PA1998 is defined in s44 of the PA1998. S44(1) of the PA1998 states:

> *"…"offshore installation" means any installation which is or has been maintained, or is intended to be established, for the carrying on of any activity to which subsection (2) applies."*

S44(2) applies to any activity mentioned in s44(3) of the PA1998 which:

> *"is carried on from, by means of or on an installation which is maintained in the water, or on the foreshore or other land intermittently covered with water, and is not connected with dry land by a permanent structure providing access at all times and for all purposes."*

Relevant activities referred to in s44(3)(a) of the PA1998 include:

> *"the exploitation, or the exploration with a view to exploitation, of mineral resources in or under the shore or bed of relevant waters".*

In its existing state, the platform would be an "offshore installation" subject to the PA1998. For repurposing to occur, it is therefore anticipated that a necessary step would be for the existing owner of the oil and gas platform to have undertaken some partial decommissioning works, including the plugging and abandonment of wells, and making the platform hydrocarbon-free, in accordance with the approved AP under the PA1998. This is required to evidence that the platform is no longer being used and maintained for the exploitation of, or exploration for, mineral resources, but is also a likely commercial requirement of the acquirer (the proposed owner of the ANS) as a condition of asset transfer.

In terms of change of use/status of the structure, S44(6) of the PA1998 states that [underlining added]:

> *"The fact that an installation has been maintained for the carrying on of an activity falling within subsection (3) shall*

be disregarded for the purposes of this section if, since it was so maintained, the installation-

(a)…[ ], or

(b) has been maintained for the carrying on of an activity not falling within that subsection."

All economic activity at the platform relating to oil and/or gas extraction will have ceased, as evidenced by the partial decommissioning. The adaption of the platform to provide an ANS would accordingly be deemed an activity not falling within s44(3) of the PA1998. Thereafter, use of the platform as an ANS would not be an activity falling within s44(3) of the PA1998. This provides a basis to conclude that a platform, being maintained for use as an ANS, would no longer fall within the definition of an "offshore installation" under the PA1998.

Once the platform is adopted for use as an ANS, and conversely no longer used for the purposes falling within s30(1)(d) of the PA1998, the PA1998 requirement to decommission will no longer apply vis-à-vis the new owner of ANS.

At an appropriate point, it is anticipated that there would need to be a process for approval by OPRED to a revision or amendment (s34 or s34A, PA1998) to the approved AP, to expressly remove the platform[7] from its scope. This would be necessary and desirable to remove any question of future liability for the platform/ANS falling to the exiting oil and gas operator. It is anticipated that the AP would continue to apply and continue to regulate any further necessary decommissioning of, and ongoing liability for, any remaining oil and gas infrastructure (e.g. pipelines by the oil and gas operator).

From the authors legal perspective, it is considered that it would be appropriate for decommissioning of the ANS to be subject to the EA2004 decommissioning framework, on the basis of whether an ANS can be regarded as [underlining added] *"used for purposes connected with the*

[7] The term "platform" refers to the fixed platform comprising the topsides module and foundations. It is expected that other elements of the infrastructure will be decommissioned by the current owners under the PA1998 regime. The exact schedule of infrastructure to be transferred and repurposed would be the subject of commercial negotiations between the relevant parties.

production of energy from water or winds" (further discussion on the application of EA2004 for a repurposed ANS is provided within Section 4.2.2). The EA2004 decommissioning frame would be regulated by DESNZ, with DESNZ as decommissioner of 'last resort' in the event of any default. The change to the AP scope under the PA1998 would accordingly need to dovetail with a process under the decommissioning framework in the EA2004 (discussed further below). This would ensure legal certainty and clarity that only one decommissioning regime applies to the ANS going forward (under the EA2004 regime), and that the new owner of the ANS is not required to submit an AP for the platform to OPRED, with the oil and gas operator retaining responsibility for any other residual oil and gas infrastructure under the PA1998.

From the authors legal perspective, it is considered that it would not be necessary (or desirable) to transfer the relevant petroleum licences to the new owner to effect a transfer of the platform. It is anticipated that the petroleum licences would be relinquished and that there would be contractual provisions requiring that in any asset transfer agreement between the oil and gas operator and the new owner.

4.2.2 Application of Energy Act 2004 Decommissioning Regime

The EA2004, S105 – s115, regulate the decommissioning of any "renewable energy installation" (defined in s104) including OW projects. It is considered that there are good legal and practical advantages in the future decommissioning of an ANS also being subject to the EA2004 regime (instead of regulated via the Marine Licence regime). This would ensure a single main regulator, DESNZ, with scope for a holistic approach to decommissioning the OW project and related infrastructure such as the ANS, and visibility of financial security provision and decommissioning timelines. It would also mean DESNZ would hold 'last resort' liability for decommissioning both the OW project and the associated ANS.

From the authors legal perspective, it is considered that the decommissioning of an ANS could potentially be regulated within the existing framework of the EA2004 Act regime. This hinges upon whether an ANS can be properly regarded as within the scope of the existing definition of "renewable energy installation" under s104 of the EA2004. For the reasons below, it is considered that the existing provisions could be applicable to an ANS, though it is a matter of legal interpretation that is recommended is discussed with DESNZ as the regulator of the regime.

So far as relevant, s104(3)(a) of the EA2004 provides that a *"renewable energy installation"* includes:

> *"[a]n offshore installation used for purposes connected with the production of energy from water or winds."*

An *"offshore installation"* is defined in the EA2004 as:

> *"…an installation which is situated in waters where (a) it permanently rests on, or is permanently attached to, the bed of the waters; and (b) it is not connected with dry land by a permanent structure providing access at all times for all purposes."*

An ANS is clearly an "offshore installation". It is a matter of interpretation whether an ANS can be regarded as [underlining added] *"used <u>for purposes connected with</u> the production of energy from water or winds".*

The EA2004 sets out a non-exhaustive list of "purposes" at s104(5). These include – but are not limited to – as *"the transmission, distribution and supply of electricity generated using water or winds".* Therefore, the "purposes" that could be deemed to be connected to production of energy from wind is not fixed or limited in potential scope. There may be other legitimate purposes not expressly specified in the EA2004.

Typically, where an ANS is proposed as a compensatory measure, the DCO or Section 36 Consent would include a condition to prevent commencement of development or operation of the wind turbines (and hence production of energy from winds) until a defined period (of breeding seasons) after the ANS has been constructed/repurposed. There will also be a requirement to maintain the ANS for (at least) the duration of the operation of the OWF.

In that context, an ANS can be said to be for a "purpose" (delivering necessary compensation for the impact of an OWF) that is "connected with the production of energy from…winds", it being a necessary legal requirement of the DCO or Section 36 Consent that the ANS is in place and maintained. On this interpretation, it would be within the definition of a "renewable energy installation" per the criterion above. It is noted that this interpretation has been accepted by DESNEZ in the context of a compulsory purchase order under the Electricity Act 1989 for the ANS developed by Orsted Hornsea Project Three (UK) Limited. The enabling powers relied upon in that context were that the compulsory access rights sought to develop the ANS were for a

"purpose connected with the carrying on" of the generation of electricity and were required to enable the operation of the generating station.

If that interpretation is accepted by DESNZ in this context, the established decommissioning framework of the EA2004 could apply to regulate the ANS and future decommissioning. The new owner of the ANS would notify the SoS once it has become responsible for the platform (pre-repurposing) pursuant to s112 of the EA2004. The SoS could then require a DP for the platform to be submitted, and for security to be provided to secure compliance with the DP and its conditions (s105 and s106(4), EA2004). The security can be in the form of a deposit of money, performance bond or guarantee or letter of credit (amongst others) (s114(2), EA2004).

The Marine Licence would still be a requirement to carry out licensable activities to repurpose the structure, for which a standard condition attached to the licence would be expected, for example as follows:

> *"This licence remains in force until the authorised project has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) of the 2004 Act, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing."*

This form of condition or similar is common place in Marine Licences regulated by the MMO.

As set out above, the EA2004 decommissioning regime could apply once it is shown that the platform's gas exploitation activities have ceased, demonstrated by the cessation of gas exploitation at the platform prior and partial decommissioning (e.g. plugging and abandonment of the production wells), prior to transfer to new owner of ANS.

As set out above, engagement with DESNZ on this is recommended. If, contrary to the approach taken by DESNZ in making the Hornsea Three compulsory purchase order, DESNZ considers that in this context the use of an ANS is not a "purpose" connected to an OW project, from the authors legal perspective it is considered that there would be a case for amending the EA2004 provisions to make them applicable to any ANS. The specifics of and timescales for any such regulatory change are beyond the scope of this report.

4.2.3 Seabed Rights

In the absence of a petroleum licence, a licence or agreement with the Crown Estate would be needed conferring the necessary rights to keep the ANS installed on the seabed.

Subject to locational considerations (e.g. potential conflict with other planned seabed uses), and assuming ecological evidence supports use of the platform as an ANS, no impediment is expected from the authors legal perspective in principle to the grant of an appropriate licence or agreement by the Crown Estate as applicable.

The appropriate form, duration and commercial terms applicable to any such Crown Estate agreement are beyond the scope of this report. However, in principle, the duration would need to be equal to, or likely greater than, the duration of the OW lease, to enable long-term compliance with consenting obligations. A further consideration would be whether the "oil and gas clause"[8], typically included in OW agreements for lease/leases, is included or excluded in this context.

4.2.4 Regulation of ANS via Marine Licensing regime

The Marine Management Organisation (MMO) is responsible for Marine Licencing in inshore (England) and offshore (England and Northern Ireland) waters, a pursuant to the Marine and Coastal Access Act 2009 (MCAA) in England.

A Marine Licence is required to carry out "licensable marine activities". Marine licensable activities (s66, MCAA) include [underlining added]:

> *"To construct, alter or improve any works within the UK marine licensing area either: (a) in or over the sea, or (b) on or under the sea bed."*

It is anticipated that repurposing an oil and gas platform for use as an ANS would involve works to "alter" elements of the platform for use as an ANS. On that basis, a Marine Licence application would need to be submitted to the

[8] Under the typical terms of the Crown Estate offshore leases in the OW sector, the Crown Estate would reserve the right to determine (i.e. terminate) the lease in whole or part, following a request from the SoS, for the purposes of allowing an oil and gas development to proceed.

MMO, who would determine the application in accordance with the MCAA and relevant marine plans.

While s77(1)(a) – (d) of the MCAA disapplies the Marine Licence regime in respect of oil and gas activities, this does not necessarily preclude the application of the Marine Licence regime to an ANS. From the authors legal perspective, the works will not be done in the course of carrying out an activity which is licensed under the PA1998 and so s77(1)(a) does not apply. S77(1)(b) and (d) are not relevant as they relate to pipelines and gas/carbon storage. S77(1)(c) of the 2009 Act has to be read and construed alongside s44 of the PA1998, discussed above. For reasons set out earlier, from the authors legal perspective, it is not considered that altering the platform for use as an ANS would constitute works *"done for the purpose of establishing or maintaining an offshore installation"* for the exploitation of oil and/or gas within the meaning of Part 4 of the PA1998, meaning the restriction on grant of a Marine Licence in s77(1)(c) would also not apply to works to alter the platform to enhance its suitability as an ANS.

A Marine Licence application for the works to 'alter' (repurpose) the platform for use as an ANS could, from the authors legal perspective, be made in the normal way, accompanied by any necessary environmental assessments under the applicable Environmental Impact Assessment (EIA) Regulations and/or Habitats Regulations.

If a Marine Licence is granted, the MMO could also, if appropriate, attach conditions to the licence to regulate the duration of the Marine Licence and to control decommissioning in due course. S71(3)(d) and (e) of the MCAA provide that Marine Licence conditions can include conditions:

> *"(d) for the removal, at the end of a specified period, of any object or works to which the licence relates;*
>
> *(e) for the carrying out, at the end of a specified period, of such works as may be specified for the remediation of the site or of any object or works to which the licence relates"*

The MMO would also have the ability to require security for decommissioning costs as a condition of the Marine Licence via the scope of its broad "incidental powers" as provided for in s31 of the MCAA. Moreover, conditions could be included on asset monitoring to ensure feasibility for full removal remains.

As such, provided that a clear delineation between the platform's gas exploitation activities and subsequent adaptation to an ANS is shown, there is a competent authority (the MMO) and a functioning regime which could authorise and regulate repurposing works, and maintenance of the ANS. Subject to the discussion in the following section, the MMO could also potentially regulate any future decommissioning of the ANS.

4.2.5 Transfer of Decommissioning Liability from oil and gas regime

The specific sequencing and timing of these steps will need to be subject to further discussion and consultation with key stakeholders (DESNZ, OPRED, North Sea Transition Authority (NSTA), the Crown Estate, Defra, MMO) and is contingent upon their agreement with the legal interpretation set out in preceding sections.

Subject to that, it is considered, provisionally, that the following steps would likely be required, and would be feasible as a pathway, to effect the transfer of the platform, and transition regulatory control, from the oil and gas regime under the PA1998, to the regimes applicable to OW projects.

a) Negotiation and entry into a conditional sale and purchase agreement for the sale of the platform, and transfer of ownership to the new ANS owner. This is discussed further in Section 4.3 below.
b) A process of partial decommissioning by the oil and gas operator, including plugging and abandonment of wells and making the oil and gas platform hydrocarbon-free in accordance with the approved AP under the PA1998. This would (a) evidence the necessary requirement that the platform is no longer being maintained for the exploitation of, or exploration for, mineral resources and (b) be a commercial requirement of the new ANS owner, so as to not inherit responsibility for liabilities that ought to sit with the oil and gas operator.
c) Approval by OPRED to a revision or amendment to the existing approved AP under the PA1998, to remove the platform from that statutory decommissioning framework.
d) Negotiation of and entry into an appropriate licence or agreement with the Crown Estate in respect of the area of seabed on which the platform is located.
e) EA2004 s112 notification by proposed owner of the repurposed ANS, to DESNZ, of assumption of ownership and use of a "relevant object" which should be subject to the decommissioning obligations in the

EA2004, including the requirement to provide a DP and security to the SoS on request (as with the other wind farm structures e.g. turbines).

f) Application to the MMO for a Marine Licence to authorise 'alteration' of the platform for use as an ANS. It is anticipated that, if granted, this licence would attach the standard condition as to decommissioning noted above.
g) The new ANS owner prepares and submits DP in respect of the ANS to DESNZ for approval, to secure future liability for decommissioning the ANS.

Some or all of steps (b) – (g) could potentially be set out as conditions in the sale and purchase agreement for the sale of the platform to the new ANS owner.

4.3 Ownership and Liability

As discussed above, the transfer of the platform will need to be subject to a sale and purchase agreement governing the transfer of ownership to the new ANS owner. From the authors legal perspective, it is anticipated the process would comprise the following main steps:

a) Exclusivity Agreement, to provide a period of exclusivity to new owner of the ANS within which to seek agreement of commercial terms.
b) Negotiation of key 'Heads of Terms'.
c) Due diligence (DD) – as with any asset transfer, a pre-contract period of DD to assets inter alia the existing condition of the platform, structural integrity, any historic environmental issues, existing contracts etc.
d) Negotiation and entry into sale and transfer agreement.

Any sale and transfer agreement would be subject to commercial negotiation and specifics would differ case to case, depending upon the specifics of the platform and parties involved. However, provisionally, from the authors legal perspective it is considered it would likely need to address the following broad aspects:

a) ***Parties*** – is it a bilateral agreement between the proposed owner of the repurposed ANS, and oil and gas operator (or Joint Venture)
b) ***Partial decommissioning*** – depending on timing of entry, potentially obligations for the oil and gas operator to undertake partial decommissioning works, including the plugging and abandonment of

wells, and making the platform hydrocarbon-free, in accordance with the approved AP under the PA1998.

c) ***Demarcation of the asset*** – identification of what is included (e.g. platform topside, foundations) and what physical infrastructure is excluded from the transfer of ownership (e.g. pipelines) and whether there is need for "wrong pocket" provision (e.g. if an asset that is not transferred subsequently needs to be).
d) ***Price*** – consideration of appropriate valuation of the platform, in context of use and future liabilities (e.g. decommissioning).
e) ***Timing of consideration*** - extent of any up-front versus deferred consideration. This would be a matter for negotiation case to case. Considerations include the extent to which there is deferred consideration linked to when the necessary regulatory approvals are in place and uncertainty around the ability to implement the transfer has been removed.
f) ***Conditionality and interim period operations*** – it is anticipated that the completion and transfer of ownership would likely be linked in some way to grant of all necessary regulatory approvals (see Section 4.2.5). This raises issues around the interim period of retained ownership/control of the platform.
g) ***Regulatory approvals*** – extent of obligations in respect of each party seeking and obtaining the necessary regulatory approvals under the PA1998, MCAA and EA2004, and requirements to co-operate in the obtaining of such approvals.
h) ***Taxation and insurance***.
i) ***Existing contracts*** – consideration of treatment of any existing contractual arrangements relating to use of the platform (e.g. novated to the proposed owner of the repurposed ANS or retained by oil and gas operator, or terminated).
j) ***Future working protocols*** - provisions relating to co-ordination and safeguards for any remaining oil and gas asset decommissioning works in the vicinity of the platform.
k) ***Warranties and Indemnities***.
l) ***Termination*** – in what circumstances could one or other party terminate the agreement (e.g. if regulatory approvals for repurposing are not forthcoming).

4.4 Stakeholder Coordination

It is evident from the preceding sections that repurposing an oil and gas platform for use as an ANS is a complicated legal, commercial and practical process, with various inter-dependencies. It will require actions by multiple regulators and stakeholders, listed below in Table 4.1.

Table 4.1: List of stakeholders and their responsibilities regarding repurposing of ANS.

Stakeholder(s)	Responsibility
Proposed owner of repurposed ANS	Identification of a suitable candidate platform for repurposing, with supporting ecological evidence.
OPRED/NTSA	The removal of the platform from the scope of the oil and gas operator's decommissioning responsibility under the AP and relinquishment of the petroleum licences.
DESNZ	Application of the EA2004 decommissioning framework of the ANS.
The Crown Estate	Seabed rights for the ANS.
MMO	The determination and regulation of a Marine Licence for the ANS.

Given inter-dependencies, it will require certain actions by regulators and stakeholders to be carried out in a coordinated and timely fashion. To foster joint understanding and certainty for stakeholders, it may therefore be helpful to develop a "play-book" of steps via guidance, potentially supported by an inter-departmental Memorandum of Understanding (MoU) setting out process, roles, responsibility, information requirements, expected timescales etc.

4.5 Competing Priorities

Consideration must also be given to competing priorities for the reuse of current offshore structures for alternative purposes. Carbon capture and storage (CCS) deployment aims to reuse existing offshore infrastructure and pipelines for carbon dioxide transport and injection. Additionally, INTOG (Innovation and Targeted Oil & Gas) leasing rounds leasing rounds encourage innovative reuse of oil and gas infrastructure for low-carbon projects, which may overlap with platforms identified for ANS repurposing.

Competing priorities for infrastructure reuse creates uncertainty over the long-term availability of suitable platforms for ANS repurposing. Early

engagement with regulators and stakeholders is therefore encouraged to help identify platforms that would be suitable for the development of ANS that are unlikely to be developed as part of as part of other innitiatives.

4.6 Ecological Data Gaps

A further barrier is the lack of robust data on seabird presence and colony size on offshore oil and gas platforms. Existing evidence is fragmented and often anecdotal, with few comprehensive studies quantifying species abundance or breeding success at scale (see Section 2.3). Even where seabird presence is confirmed, there is little comprehensive data on breeding success, chick survival, and long-term productivity on offshore structures. This evidence gap provides uncertainty in implementing offshore ANS as a strategic compensation measure as well as the potential benefits the measure can deliver.

Commissioning new surveys would involve significant cost and logistical complexity, particularly given the number and distribution of platforms across the UKCS. It is therefore suggest to target platforms identified as "high-priority" for repurposing.

5 Process Mapping

This section outlines the steps required to enable the repurposing an offshore structure (specifically an oil and gas platform) as a strategic compensation measure. Six phases have been identified, and are discussed individually in the subsections below (see Figure 5.1 for a visual flow chart):

- **Phase 1**: Establish that the repurposing of oil and gas platforms as ANS is legally permissible under OSPAR Decision 98/3, avoiding the need for derogation.
- **Phase 2**: Verify that the platform is structurally sound for long-term use as an ANS and confirm its ecological suitability for target seabird species.
- **Phase 3**: Entry into a sale and purchase agreement for the future transfer of ownership of the platform, while clearly defining liability and ensuring compliance with regulatory frameworks.
- **Phase 4**: Transfer of decommissioning obligations from PA1998 to EA2004.

- **Phase 5**: Obtain legal seabed rights to keep the repurposed platform (ANS) installed on the seabed for the duration of its use as a compensation measure.
- **Phase 6**: Obtain a Marine Licence under the Marine and Coastal Access Act 2009 to authorise physical works required to repurpose the platform as an ANS.

In addition to the identified phases, continued engagement with DESNZ (consenting authority), OPRED (environmental regulator), NSTA (consenting authority), MMO (consenting authority), the Crown Estate (leasing rights) should be undertaken from the early stages of the development of the repurposing of oil and gas structures as a strategic compensation measure. These stakeholders should be consulted throughout the relevant phases (see the subsections below), as stakeholder input will be required for the approval of subsequent action.

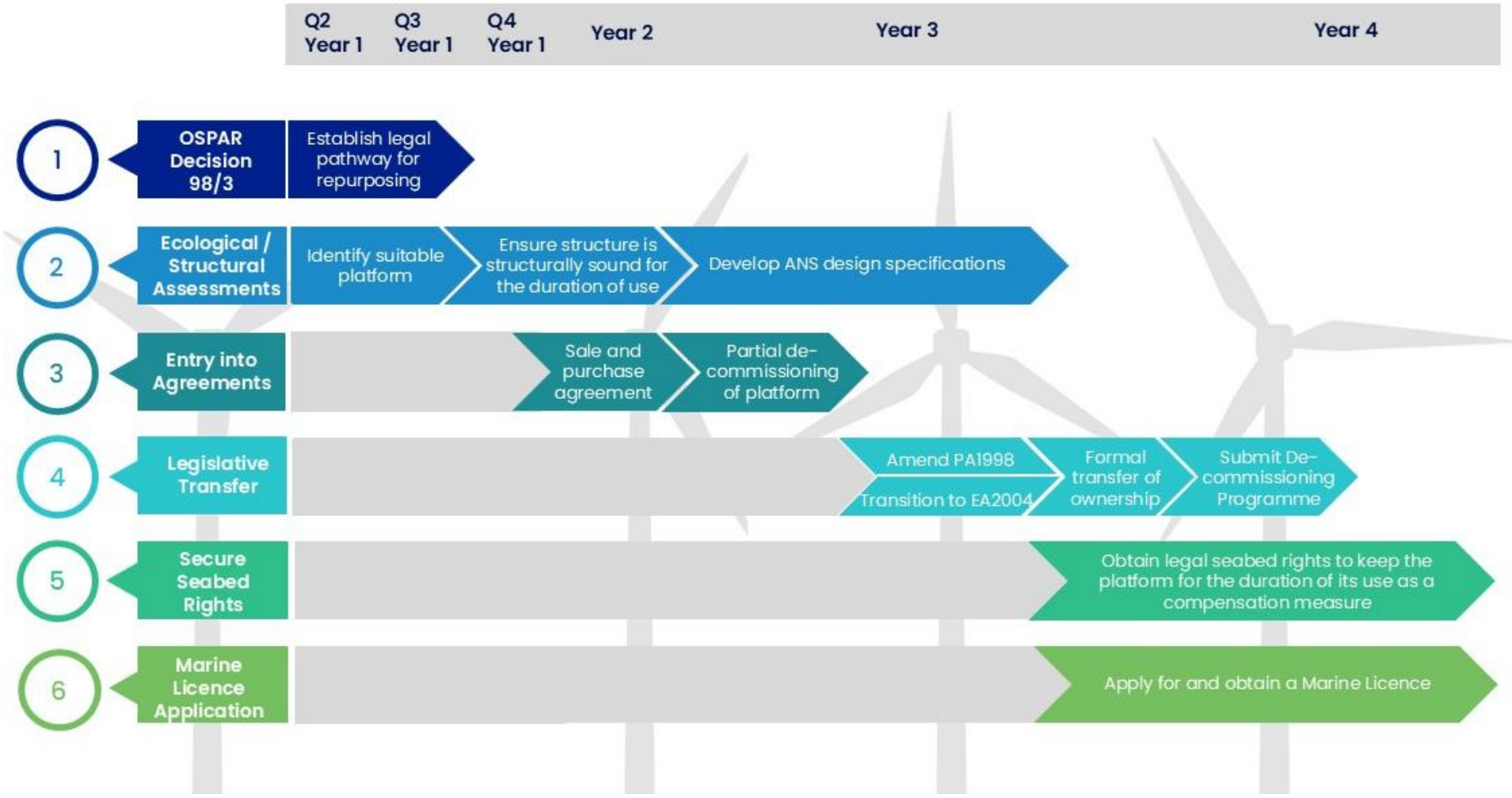

Figure 5.1: Offshore structure repurposing flowchart

5.1 Phase 1: Confirmation of OSPAR Decision 98/3

The first step is to establish a clear legal basis that repurposing oil and gas platforms as ANS is legally permissible under OSPAR Decision 98/3. As discussed in Sections 3 and 4.1, it is considered that an oil and gas structure serving another legitimate purpose in the maritime area would not be classed as a *"disused offshore installation"*, and would therefore not be subject to the decommissioning requirement in OSPAR Decision 98/3. On this basis, it would also be assumed that a derogation permit would not be required to leave the structure in place.

Phase 1 requires consultation with the relevant authorities (OPRED, NSTA and DESNZ) to validate the above interpretation of OSPAR Decision 98/3 and agree on transition steps, including:

- Confirm whether an ANS used for strategic compensation serves a "legitimate purpose", and therefore decommissioning is not required under OSPAR Decision 98/3; and
- Confirm whether a derogation permit would, or would not, be required for the transfer, ongoing regulation or decommissioning of a repurposed platform.

The above is suggested to be completed in-principle, prior to the identification of specific platforms to repurpose.

Timeframes for this stage are uncertain as this will be dependent on the availability of the relevant authorities for consultation (OPRED and DESNZ). It is therefore suggested to schedule a minimum three-month period for consultation, review and agreement of the interpretation of OSPAR Decision 98/3. However, should it be decided that a derogation permit is required, additional timescales will need to be considered, including consultation and agreement with the OSPAR Contracting Parties. It is noted that based on the authors legal position, a derogation permit is not required, therefore derogation permits have not been discussed in detail within this document.

5.2 Phase 2: Ecological and Structural Assessments

The next phase suggested to be completed is the identification of a suitable platform to be repurposed as an ANS. Identification of a suitable platform will be a combination of two aspects:

- Ecological suitability; and
- Structural integrity.

It is noted that OWIC, through the SCS Project, are concurrently undertaking environmental suitability assessments for auks. Additionally, as part of the Habitats Regulations Assessment (HRA) derogation case for the Leasing Round 4 HRA, The Crown Estate proposed a Kittiwake Strategic Compensation Plan (KSCP) to develop strategic compensation measures for kittiwake, within which was the delivery of offshore ANS (The Crown Estate and Niras, 2024). Within the KSCP, a significant site selection process was undertaken by Niras which considered ecological feasibility. Therefore ecological suitability has not been discussed in detail within this report.

As part of this phase, it will be necessary to identify and plan any design changes needed to the structure to improve ecological suitability. It is noted that design changes could include both retrofitting a purpose-designed nesting structure onto an existing jacket, or leaving the exisitng topside in-situ and modifying for the use of an ANS (for instance the addition of any nesting ledges, partitionings, or modifications to facilitate access for monitoring). It is noted that ecological suitability and potential compensation benefits should be discussed and agreed with the relevant Statutory Nature Conservation Bodies (SNCBs).

Furthermore, it is recognised that platforms identified for decommissioning are often at or near the end of their design life. Therefore, there are potential concerns raised regarding the safety and integrity of platforms continuing for another purpose. A comprehensive structural integrity assessment would therefore be required to ensure the platform can safely remain in place for the lifetime of the project. The assessment should include:

- An inspection of topsides and foundations for corrosion, fatigue, and load-bearing capacity;
- An evaluation of maintenance requirements for long-term stability;
- A review of safety systems to ensure that structural adaptations do not interfere with emergency access or navigational safety;
- Potential implications for future decommissioning.

The Health and Safety Executive (HSE) should be involved with defining the assessment required as well as reviewing the outputs. Input will likely also be required from the relevant oil and gas operators, as well as specialist consultants/engineers.

It is advisable to develop a repurposing plan in which design specifications and planned modifications for the ANS are set out.

This phase could be completed alongside Phases 1 and 3, but prior to Phase 4. The findings from these assessments can also help inform Phase 6 (Marine Licence application; Section 5.6) and help mitigate risks associated with long-term use of the platform.

The estimated timeframes for this phase are uncertain, due to logistics required with both the ecological and structural assessments. It is therefore estimated that a desk-based ecological review could take at least three months, however timeframes for this phase would be longer if undertaking offshore surveys. Timeframes for a structural assessment are estimated at requiring three to six months. However, it is noted that coordination with oil and gas operators for platform access could introduce delays, particularly where safety protocols or commercial sensitivities apply. Once the relevant information is gathered, further time will be required to identify and plan any design changes needed to the structure to improve ecological suitability (estimated around six months, dependent on consultant and stakeholder availability).

5.3 Phase 3: Entry into a Sale and Purchase Agreement

This phase focuses on entry into a sale and purchase agreement for the future transfer of ownership of the platform from the oil and gas operator to the proposed owner of the repurposed ANS while clearly defining liability and ensuring compliance with regulatory frameworks. This process must be carefully managed to ensure compliance with statutory obligations, clarity of responsibilities, and mitigation of residual risks.

Formal agreement will be required between the oil and gas operator and the proposed owner of the repurposed ANS. This agreement should define the partial decommissioning of the oil and gas platform, providing confirmation on which assets will be decommissioned, and which will be left in place. It is suggested that the topside and legs/jacket of the structure should be transitioned to the proposed owner of the repurposed ANS, with the remaining oil and gas infrastructure and pipelines remaining under the ownership of the oil and gas operator, and therefore remain within the scope of the oil and gas DP. However, this will be required to be agreed between both parties.

At this stage, the two parties should aim to enter into a sale and purchase agreement for the future transfer of ownership. This agreement should clearly define the scope of assets transferred, and set out provisions for

liability demarcation. For further information, see Sections 4.2.5 and 4.3. The sale and purchase agreement should be completed when the platform identified for repurposing is confirmed.

The oil and gas operator should then progress with partial decommissioning. Partial decommissioning should demonstrate that the platform is no longer maintained for mineral exploitation and provide assurance to proposed owner of the repurposed ANS that environmental and safety risks have been addressed. The oil and gas operator would then be required to undertake and evidence the partial decommissioning.

5.4 Phase 4: Legislative Transfer

Once phases 1 to 3 have been completed, further approval would then be necessary from OPRED to amend and remove the oil and gas platform from the ambit of the statutory AP (or "Decommissioning Programme") under the PA1998.

Under the PA1998, the current oil and gas operator would remain responsible for the full decommissioning obligations. Therefore, the PA1998 AP must be amended to remove the platform from the scope of its decommissioning obligations. The suggested amendments, as discussed in Section 5.3 above, would include the decommissioning of all oil and gas infrastructure with the exception of the topside and legs/jacket structure for which the decommissioning requirements would be transitioned to the proposed owner of the repurposed ANS.

Additionally, the structure would require a reclassification under the EA2004, changing to a 'renewable energy installation', since this will be connected to wind energy production. Phase 4 of repurposing oil and gas platforms for strategic compensation would therefore require consultation with OPRED, NSTA and DESNZ, and the following steps would need to be undertaken:

- Agreement on the suitability of the legislative transfer from PA1998 to EA2004;
- Amendment of the PA1998 AP to remove the full decommissioning obligations; and
- Confirm transition of decommissioning obligations to the EA2004 regime.

Simultaneously, the formal transfer of ownership from the oil and gas operator to the proposed owner of the repurposed ANS should be completed.

After the decommissioning obligations of the platform have transitioned from the PA1998 to the EA2004 framework and ownership transfer is complete, a DP would then need to be submitted to DESNZ. It is noted that DESNZ cannot accept the DP prior to the transfer of ownership and the transition to EA2004.

5.5 Phase 5: Secure Seabed Rights

Once petroleum licences are relinquished, seabed rights must be secured through The Crown Estate to allow the platform to remain in place as an ANS. This is essential to ensure compliance with marine planning frameworks and to provide certainty for long-term compensation obligations. These rights are typically conferred through a lease or licence agreement that specifies the location, permitted use, and duration of occupation.

Discussions during this phase should be undertaken with the proposed owner of the repurposed ANS, the NSTA, the Crown Estate and the MMO to address potential conflicts with other seabed uses and ensure compliance with marine licensing and planning frameworks. Agreements to also be made include:

- Confirmation of the duration of the lease; and
- Provisions for maintenance and eventual decommissioning of the structure.

This phase can run in parallel to Phase 4 (noting after the transition to EA2004) and Phase 6 (Marine Licence application). This phase is expected to take between six months to one year, and is dependent on engagement with the relevant bodies and the complexities of negotiations/approvals.

5.6 Phase 6: Marine Licence Application

A Marine Licence (under the Marine and Coastal Access Act 2009) is required for "licensable marine activities", including the construction, alteration, or improvement of works in or over the sea or on the seabed. A Marine Licence is required as repurposing of an oil and gas platform is an alteration to an offshore structure. This step is dependent on the completion of the structural integrity and ecological assessments (Phase 2).

The Marine Licence application should be accompanied by any necessary environmental assessments, taking account of approapriate legislation and guidance.

Early engagement with the MMO and relevant stakeholders (e.g. Natural England) to address potential concerns and streamline approvals. The MMO aim to determine Marine Licence applications with 13 weeks, however, it is noted that dependent on complexity, applications may take longer. It is therefore suggested to submit the Marine Licence application 12 months prior to the alteration works taking place, to ensure that there is sufficient time to recieve a determination from the MMO.

6 Next Steps

Repurposing offshore structures as ANS offers a strategic opportunity to deliver seabird compensation at scale, but it requires careful navigation of legal, technical, and regulatory frameworks. To progress this measure, immediate priorities include confirming the legal interpretation of OSPAR Decision 98/3 with OPRED and DESNZ, ensuring that ANS use is recognised as a legitimate purpose connected with offshore wind under the EA2004, owing to the need to provide compensation under the Habitats Regulations.

Further recommended next steps and actions are provided in Table 6.1. It is noted that the suggested timeframes are indicative only, as they are dependent on the identification of a suitable structure, and the availability of stakeholders. The timeframes set out presume that the recommended next steps begin on the finalisation of this report in early 2026.

In addition to the next steps related to the regulatory and operational barriers (Table 6.1), a number of further actions could help progress the realisation of repurposing of offshore structures (specifically oil and gas platforms). Firstly, following the completion of the OWIC environmental suitability assessments for auks (OWIC 2025, OWEC-SCS Report No. 10), a knowledge gap identification exercise may be prudent. A review of current evidence may identify outstanding ecological questions around for example attraction methods, the feasibility of gannet ANS, and optimal siting (for instance in relation to forage food availability). In addition to identifying and addressing knowledge gaps, monitoring plans to evaluate the success of the ANS need to be developed, and long-term governance plans for the structure set out.

Table 6.1: Recommended actions to repurpose offshore infrastructure as ANS compensation measure

Recommended next step	By whom	By when (indicative)	Notes
Phase 1: Confirmation of OSPAR Decision 98/3			
Set up a cross-regulator working group to agree interpretation of OSPAR Decision 98/3	OWIC	Q2 2026	Working group to include: • OPRED • NSTA • DESNZ
Confirm that decommissioning is not required under OSPAR Decision 98/3	OPRED, NSTA and DESNZ	Q3 2026	Based on the legal interpretation that the ANS will serve another "legitimate purpose", and the structure is not serving the purpose for which it was originally placed
Confirm whether a derogation permit would, or would not, be required	OPRED, NSTA and DESNZ	Q3 2026	Based on the legal interpretation that the structure would not be a "disused offshore installation"
Phase 2: Ecological and Structural Assessments			
Ecological suitability assessment	The proposed owner of the ANS	Q3 2026	Assessments to identify suitable location for ANS
Structural integrity assessment	The proposed owner of the ANS and HSE	2026/2027 (TBC, dependent on the identification of suitable structure)	A comprehensive structural integrity assessment to ensure the platform can safely remain in place for the lifetime of the project
Development of repurposing plan	The proposed owner of the ANS	2026/2027	Develop and finalise design specifications for the ANS

Recommended next step	By whom	By when (indicative)	Notes
Phase 3: Entry into a Sale and Purchase Agreement			
Sale and purchase agreement	Oil and gas operator and the proposed owner of the repurposed ANS	2027 (dependent on the identification of suitable structure)	The agreement should define the partial decommissioning of the oil and gas platform
Partial decommissioning	Oil and gas operator	2027 (dependent on the identification of suitable structure)	Partial decommissioning should demonstrate that the platform is no longer maintained for mineral exploitation
Phase 4: Decommissioning Programme			
Amend and remove the oil and gas platform from the ambit of the statutory AP	OPRED	2027/2028 (after the partial decommissioning of the structure)	PA1998 AP to be amended to remove the platform from the scope of its decommissioning obligations
Transition of decommissioning obligations to the EA2004	DESNZ	2027/2028 (dependent on the partial decommissioning of the structure)	Reclassification under the EA2004, changing to a 'renewable energy installation'
Formal transfer of ownership	Oil and gas operator and the proposed owner of the repurposed ANS	2027/2028 (to be undertaken simultaneously to transition to EA2004)	Formal transfer of ownership from the oil and gas operator the proposed owner of the repurposed ANS
Submit decommissioning programme	The proposed owner of the repurposed ANS	2028	Decommissioning programme submitted to DESNZ

Recommended next step	By whom	By when (indicative)	Notes
Phase 5: Secure Seabed Rights			
Set up a cross-regulator working group to discuss potential conflicts with other seabed uses and ensure compliance with marine licensing and planning frameworks	The proposed owner of the repurposed ANS	2027/2028	Working group to include: • The proposed owner of the repurposed ANS • NSTA • The Crown Estate • The MMO
Seabed rights secured	The proposed owner of the repurposed ANS and The Crown Estate	2028	Seabed rights must be secured through The Crown Estate
Phase 6: Marine Licence Application			
Prepare and submit a Marine Licence application	The proposed owner of the ANS	2028	A Marine Licence (under the Marine and Coastal Access Act 2009) is required for the alteration of works in or over the sea or on the seabed
Determination of the Marine Licence application	MMO	2028/2029	Advisable to submit the Marine Licence application 12 months prior to the alteration works taking place, to ensure that there is sufficient time to receive a determination from the MMO

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