North Sea Transition Authority

Response to the consultation on proposed regulations for the disclosure of carbon storage information and samples

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Contents

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General information

Purpose of this consultation

This document sets out the North Sea Transition Authority's ('**NSTA**')[1] response to the consultation on the planned regulations relating to the public disclosure of carbon storage information and samples. This consultation ran from 14 February to 12 April 2024.

This response issued:

30 October 2025

Territorial extent:

United Kingdom and United Kingdom Continental Shelf ('**UKCS**').

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Quality assurance

This consultation has been carried out in principle with the government's consultation principles.

If you have any complaints about the consultation process (as opposed to comments about the issues which are the subject of the consultation) please address them to:

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[1] The North Sea Transition Authority is a business name of the Oil and Gas Authority ('**OGA**') and any references to the NSTA should be read as a reference to the OGA, and vice versa.

Part 1 – Introduction and background

1. Information and samples play a significant role in the development of the UK carbon storage industry and access to high quality data by the NSTA, industry, academia and the public will help to deliver more effective and efficient ways to reach the UK's net zero target. This data includes, amongst others, long-term monitoring data, which will enable close observation of carbon dioxide migration and containment in the subsurface. Disclosure of the types of carbon storage related information and samples will help build confidence in the nascent carbon storage industry, and as such led to the associated consultation.

Regulatory background

2. The Energy Act 2008 ('**the 2008 Act**') established a licensing framework for the storage of carbon dioxide, with the NSTA as the licensing authority, including in respect of an 'offshore UK-controlled place'. The Energy Act 2023 ('**the 2023 Act**') gives the NSTA the power to issue notices under section 112 of the Act ('**Section 112 Notice**'). This requires holders of licences granted under section 18(1) of the 2008 Act[2] to report to it, information and samples acquired or created by or on behalf of the licensee, in the course of carrying out activities under the licence ('**information and samples**').

3. The 2023 Act also allows for two sets of regulations to be made by the Secretary of State, one for the retention of information and samples[3] which came into force in May 2025 and another for their disclosure. Schedule 7, paragraph 4 of the 2023 Act sets out provisions with regards to the creation of regulations for the disclosure of information and samples.

Disclosure

4. Section 113 of the 2023 Act prohibits the NSTA from disclosing information and samples it has obtained under a Section 112 Notice or its sanction powers ('**protected material**'), except in certain defined circumstances. **Disclosure**, as discussed in this document and the associated consultation, relates to Schedule 7, paragraph 4 of the 2023 Act.

5. In making these regulations, the Secretary of State[4] must have regard to the following factors:

   a. whether the specified time will allow owners of protected material a reasonable period of time to satisfy the main purpose for which they acquired or created the material.

   b. any potential benefits to the carbon storage industry of protected material being published or made available at the specified time.

[2] Section 18(1) permits the licensing authority to grant licences in respect of the activities listed in Section 17(2) which includes the exploration, conversion and use of a controlled place for the storage of carbon dioxide.
[3] https://www.legislation.gov.uk/uksi/2025/498/made
[4] The Secretary of State, the Department for Energy Security and Net Zero (DESNZ), has the power to make regulations. These regulations have been made on behalf of

c. any potential risk that the specified time may discourage persons from acquiring or creating carbon storage information or carbon storage samples.

d. any other factors the Secretary of State considers relevant.

Consultation on proposed regulations

6. The consultation on proposed regulations for the disclosure of carbon storage information and samples set out the NSTA's proposals for:

   (i) **what** information and samples the NSTA (or a subsequent holder) may be able to disclose, and

   (ii) the **time period** after which the NSTA **may**, at its discretion, disclose to the public, these information and samples.

7. For the purposes of these regulations, the information and samples in scope are those created or acquired by or on behalf of a licensee in the course of carrying out activities under the licensee's carbon storage licence[5].

8. The consultation on proposed disclosure regulations was conducted between 14 February to 12 April 2024 and asked 22 questions.

9. As part of the consultation, the NSTA ran public engagement workshops on the 7 and 20 of March 2024 to outline and discuss the proposals. These workshops were attended by approximately 20 industry representatives and other interested parties.

10. The NSTA received eleven responses to the consultation from: three industry representative bodies, three government organisations, and five individual companies. The list of respondents can be found at Annex A.

11. A summary of the feedback received and the NSTA's response to the issues raised and revisions to the proposed regulations, can be found in Part 2 of this document.

12. Following consideration of the feedback, the NSTA will recommend the Department for Energy Security and Net Zero ('**DESNZ**') introduces legislation for the consultation proposals, with amendment or clarification, as appropriate, set out in this response. We expect that the new legislation will take effect no later than February 2026.

the NSTA based on its recommendations to DESNZ following this consultation.

[5] See section 107(4) and (5) of the Energy Act 2023 ("the 2023 Act") for the meaning of "carbon storage information" and of "carbon storage samples".

Part 2 – Summary of responses received

13. Set out below is a summary of the responses received and the NSTA's response.

General comments

14. Overall, the consultation had a positive reception, with more than half of all proposals endorsed by the respondents. This shows that clear regulations that set out the applicable time periods before disclosure of carbon storage information and samples are generally welcomed. The respondents echoed the positive reaction that the NSTA received in response to the 2023 consultation[6] on the introduction of carbon storage data powers.

15. Some of the proposals in the consultation received a more mixed response and the NSTA appreciates the detailed comments that were provided to illustrate respondents' views.

Terminology and notes

16. Some respondents asked for clarification on some of the terminology used in the consultation document.

Determination of a carbon storage licence

17. The term "determination of a CS licence" means any of the following events:

    a. a surrender of rights in relation to part or all of the licensed area by all licensees,

    b. the expiry of a carbon storage licence,

    c. the termination of a carbon storage licence,

    d. the revocation of a carbon storage licence in respect to all of the licensees, or

    e. revocation of the storage permit.

Operational Term

18. The Operational Term is a phase of a CS Licence that starts when a storage permit is granted and ends with the date on which the storage site is closed.This has already been set out in the NSTA's Guidance on the application for a Carbon Dioxide Appraisal and Storage Licence[7] and the Guidance on Applications for a Carbon Storage Permit[8].

[6] Consultation response on proposals on new carbon storage data powers
[7] Guidance on the application for a Carbon Dioxide Appraisal and Storage Licence (nstauthority.co.uk)
[8] Guidance on Applications for a Carbon Storage Permit Operations Guidance on Applications for a Carbon Storage Permit (nstauthority.co.uk)

Representation before disclosure

19. In relation to disclosure of petroleum related information and samples, the NSTA's current process is that relevant persons have the opportunity to make any representations to the NSTA before the disclosure of protected material, either in respect of a delay to or withholding disclosure[9]. While some respondents raised the possibility for making representations for the CS geophysical survey information, the NSTA intends for this opportunity to be available to the licensees for all types of information it has consulted on. Further details on the minimum representation periods will be communicated in guidance.

Exercise of the NSTA's discretion with regards to disclosure

20. The disclosure of some carbon storage information and samples was raised during the consultation to be particularly commercially sensitive in certain circumstances. This could be down to particulars of the project in question (e.g. limited emitter profile at the start of the project) or down to the timing of disclosure and how this may interact with project decision making (e.g. disclosure of information or samples during a time when contracts with emitters are being actively negotiated).

21. The NSTA would like to emphasise that while the proposed regulations provide the NSTA with the ability to disclose information and samples they do not create an obligation to disclose them. The NSTA is interested in fostering a transparent culture within the carbon storage industry which allows both extant and prospective CS licensees to benefit from lessons learned on active projects. However, the NSTA does appreciate that there may be circumstances where the disclosure of information or samples may be particularly commercially sensitive, and it invites any representations to this effect.

*The public register ('**CS register**')*

22. Section 29 of the 2008 Act provides that the Secretary of State must maintain a register containing prescribed information relating to CS licences. Regulation 9 of the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010[10] ('**the 2010 Regulations**') sets out that prescribed information in further detail. Some respondents have asked for clarity whether there is potential for protected material to be disclosable through the CS register. The NSTA intends for the disclosure of protected material to be made through the disclosure regulations it has consulted on.

[9] Reporting and disclosure of Information and Samples Guidance, page 47, table 14 'Summary table of disclosure periods (with minimum representation period)'
[10] The Storage of Carbon Dioxide (Licensing etc.) Regulations 2010

Well information

Q1. Do you agree that well information may be disclosed two years following the date on which the well information was due to be reported to the NSTA?

Summary of responses received

23. Nine respondents supported the proposal to disclose well information two years following the date on which it is due to be reported to the NSTA. One respondent commented that two years was an appropriate period to satisfy the purpose for which the well information was acquired. One respondent suggested shortening the period before disclosure to as short as six months.

24. Two respondents opposed the proposal.

25. While respondents were generally in favour of disclosing well information two years following the date on which the well information was due to be reported to the NSTA during the Operational Term, they opposed disclosure during the Initial/Appraisal Term of a CS Licence, citing the commercial sensitivity of the well information. One respondent suggested that the commercial sensitivity of well information may vary from type to type.

NSTA response

26. The NSTA will recommend to DESNZ that it introduces regulations to the effect that well information may be disclosed two years after the information was due to be reported to the NSTA or at determination of the CS licence, whichever is earlier. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

27. The Oil and Gas Authority (Offshore Petroleum) (Disclosure of Protected Material after Specified Period) Regulations 2018[11] ('**the 2018 Regulations**') set out established practice when it comes to disclosure of well information regardless of the licence term. The NSTA considers two years to be a sufficient period of exclusivity for well information during any term of a CS Licence. Introducing separate periods before disclosure for different kinds of well information would complicate the regulations unnecessarily. Further, the type of well information that is considered to be particularly commercially sensitive may vary from licence to licence and a uniform approach is therefore preferable.

[11] The Oil and Gas Authority (Offshore Petroleum) (Disclosure of Protected Material after Specified Period) Regulations 2018

Summary well information

Q2. Do you agree that summary well information may be disclosed immediately after it has been obtained by the NSTA?

Summary of responses received

28. All respondents supported the proposal, with five remarking that immediate disclosure is reasonable and sensible. The fact that the proposal replicates the timeline for summary well information disclosure provided for in the 2018 Regulations was seen as positive.

NSTA response

29. The NSTA intends to implement the presented timeline in the planned regulations.

Well samples

Q3. Do you agree with the proposal above that samples may be disclosed two years following the date on which they were due to be reported?

Summary of responses received

30. Seven respondents agreed that samples may be disclosed two years following the date on which they were due to be reported

31. Two respondents disagreed with the proposal and suggested that samples should not be disclosed prior to the Operational Term of the CS Licence. Disclosure during the Appraisal (Initial) Term of the CS Licence was commented on as potentially impacting commercial interests and the introduction of a commercial decision gate for sample disclosure was suggested. The respondents reasoned that this would better reflect the differences in work programmes and milestones between the individual CS Licences.

NSTA response

32. The NSTA will recommend to DESNZ that it introduces regulations to the effect that well samples may be disclosed two years after they were due to be reported to the NSTA or at determination of the CS licence, whichever is earlier. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

33. We appreciate that the Appraisal (Initial) Term of a CS Licence is a time when commercial agreements are potentially negotiated. However, a period before disclosure of two years should provide the CS Licensee with suitable exclusivity of access to the samples to incorporate findings into their appraisal of the prospective storage formation, associated seals, and other formations of interest.

Geophysical survey information acquired under a CS licence

Q4. Do you agree that all geophysical survey information acquired under a CS Licence may be disclosed five years after the date the acquisition is complete as stated during the summary information submission process?

Summary of responses received

34. Seven respondents supported this proposal commenting that a period before disclosure of five years gives the licensees a reasonable amount of time to make use of the acquired information. Four respondents opposed this proposal and suggested some alternatives:

- Disclosure to be limited to survey information acquired under licences which have reached the Operational Term.
- No disclosure during Appraisal (Initial) Term due to commercial sensitivity during this time.
- Disclosure only after the date of first injection.
- The trigger date for the time period before disclosure should be the date that processing was complete.
- Clarity was also sought on how the time period before disclosure would be correctly determined where a CS Licence and an Exploration Licence are used for acquisition.

NSTA response

35. The NSTA will recommend to DESNZ that it introduces regulations to the effect that survey information acquired under a CS Licence may be disclosed five years from the end of acquisition or at determination of the CS licence, whichever is earlier. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

36. Setting the starting point to the end of acquisition makes the disclosure trigger point clearly identifiable and is not impacted by individual licensees' workflows. The NSTA appreciates that the intended period before disclosure may mean that some surveys may be subject to disclosure during the Appraisal (Initial) Term of a CS Licence and therefore before injection has started. Considering the lengths of the Appraisal (Initial) Term of approximately six years and the common timing of survey acquisition in the first or second year of the Appraisal (Initial) Term, the majority of surveys would not be subject to disclosure before the relevant CS Licence moves into the Operational Term.

37. Where geophysical survey information is acquired under an Exploration Licence rather than a CS Licence but is done so in pursuit of activities carried out under a CS Licence, it is the NSTA's intention that information will fall within the scope of this proposal and would be subject to disclosure five years after the end of acquisition.

Geophysical survey information acquired under an Exploration licence

Q5. Do you agree with the proposal that geophysical survey information acquired under an exploration licence be subject to the time periods set out above?

Summary of responses received

38. Ten respondents supported this proposal welcoming it being modelled on the 2018 Regulations and associated guidance. Respondents emphasised that mirroring the 2018 Regulations would provide a straightforward and clear approach to disclosure of geophysical survey information acquired under an Exploration Licence. They also suggested that the timelines set out in this proposal should only be used where the information acquired under an Exploration Licence is used for commercial licensing.

39. One respondent opposed the proposal and suggested that the time period before disclosure should be reduced to support data availability for a rapid scale up of carbon storage in the UK.

NSTA response

40. The NSTA considers that survey information acquired under an Exploration Licence will be disclosable under Regulation 7 of the 2018 Petroleum Disclosure Regulations. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

Summary geophysical survey information

Q6. Do you agree that summary geophysical survey information may be disclosed immediately after the NSTA has obtained the information?

Summary of responses received

41. All respondents agreed with the proposal on the disclosure of summary geophysical survey information. It was noted by the respondents that this summary information is important for multiple stakeholders in the UK offshore space and therefore its proposed timely disclosure is seen as a welcome and useful step.

NSTA response

42. The NSTA will recommend to DESNZ that it introduces regulations to the effect that summary geophysical survey information may be disclosed immediately after it has been obtained by the NSTA.

Injection information (time period before disclosure)

Q7. Do you agree with the proposal that, prior to the end of the Operational Term, injection information may be disclosed after two months from the end of the month to which the injection information relates?

Summary of responses received

43. Eight respondents supported this proposal, with some noting that the proposed disclosure period is similar to that of petroleum production data introduced in the 2018 Regulations. Injection information was noted to be important to instil public confidence and illustrate the progress to net zero.

44. One respondent opposed this proposal. They noted that injection information can be seen as a metric for both store performance and for emitter performance, especially where a single emitter is linked to a project and is therefore commercially sensitive. They suggested a longer period before disclosure of at least three months and argued that exemptions or deferrals to disclosure should be possible where emitter performance may be inferred from injection information.

45. One respondent who supported the proposal also suggested considering possible exemptions or deferrals as the proposal may allow an insight into emitter performance.

NSTA response

46. The NSTA will recommend to DESNZ that it introduces regulations to the effect that injection information may be disclosed during the Operational Term after two months from the end of the month to which the information relates. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

47. Extending this period by a month, as suggested in one of the responses, would not substantially benefit CS Licensees and would negatively impact the timeliness of the availability of injection information. The points raised regarding a potential inferred insight into emitter performance is covered in the NSTA's response to question 8 below.

Injection information (granularity)

Q8. Do you agree with the proposal that, prior to the end of the Operational Term injection information should be disclosed at a high granularity (e.g. by total per day and per wellbore)?

Summary of responses received

48. Five respondents supported this proposal and four opposed. Two respondents commented that disclosure during the Operational Term should be limited to injection information consolidated by total per month and per storage site instead of by total per day and per wellbore. The possibility of inferring emitter performance from injection information, as presented in the answer to question 7, was reiterated by three of those respondents who opposed the proposal.

NSTA response

49. Disclosure of injection information per well rather than per site will provide important insight into the regional and local pressure budget. The impact that injection might have on neighbouring projects would only be possible to be determined at this granularity. The NSTA intends to recommend to DESNZ that the original proposal be amended and that it introduces regulations to the effect that injection information during the Operational Term may be disclosed per well per month. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available. To note, this information will be reported to the NSTA per well per day and may be disclosed at this granularity following the end of the Operational Term (see NSTA's response to question 9 below). Further details will be provided in guidance.

Injection information (disclosure after the Operational Term)

Q9. Do you agree that, after the end of the Operational Term of a CS Licence, injection information of any granularity may be disclosed at any time?

Summary of responses received

50. Nine respondents agreed with the proposal. The respondents noted that, after the Operational Term, injection information would no longer be commercially sensitive and could indeed help the wider understanding of carbon dioxide injection in the subsurface.

NSTA response

51. The NSTA will recommend to DESNZ that it introduces regulations to that effect. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

Summary storage site information

Q10. Do you agree that the above summary storage site information may be disclosed immediately?

Summary of responses received

52. Eight respondents supported the proposal, with some noting that summary storage site information is not commercially sensitive and its disclosure would support the development of the carbon storage industry.

NSTA response

53. The NSTA considers that this information is not commercially sensitive and will recommend to DESNZ that it introduces regulations to the effect that summary storage site information may be disclosed immediately after it has been received.

Total storage resources information during the licence lifecycle

Q11. Do you agree with the proposal that total storage resources information should be disclosed upon granting of a Storage Permit, at the end of the Operational Term, and at the end of the Post-Closure Period of a CS Licence?

Summary of responses received

54. Three respondents supported this proposal, with one respondent suggesting to also disclose the methodology and inputs used for the calculation of the total storage resources information.

55. Six respondents opposed the proposal and commented that total storage resources and the associated probability ranges were deemed as commercially sensitive to be disclosed at any stage during the licence lifecycle.

56. Instead, they suggested the disclosure of permitted volumes and stored volumes instead of total storage resources and associated probability ranges, with disclosure of permitted volumes at the start of the Operational Term and disclosure of stored volumes at the end of the Operational Term and/or at the end of the Post-Closure Period.

57. One of the six respondents who opposed the proposal called for a more frequent disclosure than that proposed, for example every ten years during the Operational Term of a CS Licence, to inform policy and to monitor storage performance against carbon budgets.

NSTA response

58. The NSTA will recommend to DESNZ that it introduces regulations to the effect that total storage resource information may be disclosed following the end of the Operational Term or determination of the licence (see the NSTA response to question 12 below). As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

59. While the consultation feedback emphasised the commercial impact of disclosing this information during the Operational Term, disclosure of total storage resources information is essential for supporting the development of the CS industry as a whole.

60. Permitted volumes are currently disclosable as part of the publication of the storage permits through the CS register and stored volumes may be indirectly reached through the disclosure of injection information.

Total storage resources information upon determination of the licence

Q12. Do you agree with the proposal that total storage resources information should be disclosed upon determination of the licence?

Summary of responses received

61. Four respondents agreed with this proposal. Five respondents opposed the proposal and reiterated their feedback to question 11 that stored volumes should be disclosed instead of the proposed total storage resources and associated probability ranges upon determination of the licence.

NSTA response

62. The NSTA will recommend to DESNZ that it introduces regulations to the effect that total storage resource information may be disclosed at the end of the Operational Term or determination of the CS licence (see the NSTA response to question 11 above). The NSTA considers disclosure of this information to be similar to that of any other information generated under the CS licence that may be disclosed at determination and within scope. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

Geotechnical information contained in Storage Permit Applications

Q13. Do you agree that geotechnical information contained within Storage Permit Applications may be disclosed five years after the date of first injection?

Summary of responses received

63. Five respondents supported this proposal, with some noting that a time period before disclosure of five years can be considered as reasonable. The redaction of financial and commercial information was welcomed by respondents.

64. Three respondents opposed this proposal, stating that more information on the content of a storage permit application is needed prior to discussing its potential disclosure. Respondents queried which information may be redacted from the document prior to publication and how amendments and addenda to the application would be treated. It was also argued that information contained in storage permit applications could be seen as storage formation information (question 14) which was proposed to be disclosable after determination of the licence.

65. One respondent neither supported nor opposed the proposal but commented that more information on the content of a storage permit application was needed before its disclosure could be meaningfully discussed.

NSTA response

66. The NSTA will recommend to DESNZ that it introduces regulations to the effect that the geotechnical information contained within the Storage Permit Applications may be disclosed five years after the date of first injection or at determination of the CS licence. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

67. The NSTA appreciates that the Storage Permit Application was a new document at the time of this consultation, and respondents may not have had the time to review the guidance[12] prior to sending their consultation response.

68. It is noted that similar information contained in a field development plan currently may be disclosed five years after first production occurs under a production licence under Regulation 14 of the 2018 Regulations.

69. Information contained within a Storage Permit Application will not be disclosed if the NSTA considers it would prejudice a licensees' commercial interests. Any information from the Storage Permit Application that is contained in the storage permit once it is granted would be disclosed as part of the storage permit. To note, this proposal is intended to cover information in applications that have been approved by the NSTA, not initial submissions or drafts. Information contained in an application to amend an existing storage permit would fall within the respective disclosure proposals.

[12] Guidance on the content of an offshore carbon storage permit applications

Storage formation information

Q14. Do you agree with the proposal that storage formation information may only be disclosed following the determination of the subject licence?

Summary of responses received

70. Eight respondents agreed with this proposal, stating that this information is of high value to the licensees and should therefore remain undisclosed until after the determination of the CS Licence. Clarification was sought on how this information differs from information provided as part of the Storage Permit Application (question 13).

NSTA response

71. The NSTA will recommend to DESNZ that it introduces regulations to the effect that storage formation information may be disclosed at the end of the Operational Term or determination of the CS licence. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

72. NSTA guidance on the content of a Storage Permit Application[13] provides further clarity on what specific storage formation information would be contained in the application document at that specific point in the licence lifecycle. The storage formation information this proposal intends to cover is that which may be created or acquired during the entire licence lifecycle but does not fall within the required content of the Storage Permit Application at that specific point in time.

[13] Guidance on the content of an offshore carbon storage permit applications

Computerised model information

Q15. Do you agree that the proposal that certain computerised model information should be disclosed upon entry into the Operational Term is an appropriate balance of the factors?

Summary of responses received

73. Four respondents supported this proposal noting that it would also be beneficial to disclose further information on the sources of data underlying the model. Further information on which computerised model information is required to be reported and would subsequently be disclosed was also asked for.

74. Five respondents opposed this proposal, with some noting that further information was needed on what would constitute the model inputs that were intended to be disclosed. It was also raised that models change over time with the availability of new information that can be incorporated, meaning that a model reflecting the understanding at the start of the Operational Term would not adequately represent the project as it matures. Finally, some respondents argued that computerised model information should be considered as too commercially sensitive to be disclosed.

NSTA response

75. The NSTA will recommend to DESNZ that it introduces regulations to the effect that computerised model information may be disclosed two years after it was due to be reported or at determination of the licence. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

76. Similar powers for the retention, reporting and disclosure of computerised model information in respect of petroleum information already exist in the 2018 Regulations. As they have not been regularly exercised, the NSTA appreciates the need for further clarity. Broadly, computerised model information can be understood to include the most recent version of the models, whether static or dynamic, the data sources and any other information on how they were created with more details to be communicated in guidance once these regulations have come into force.

77. This information can include multiple sources including well information, samples and monitoring information, therefore the disclosure proposal has been adjusted to align to the other proposals to allow for a practical application. Although this proposal will also apply during the Appraisal ('Initial') Term of a CS licence, this alignment will be particularly important once injection has commenced and for monitoring purposes to, for example but not limited to comparing the actual and modelled behaviour of the carbon dioxide stored in a storage site. This will also allow an overview of how a project may develop over time and may be beneficial to the CS licensees and the wider industry.

Monitoring report

Q16. Do you agree that the monitoring report should be disclosed as soon as it is obtained by the NSTA?

Summary of responses received

78. Four respondents supported this proposal, stating that disclosing the monitoring report supports the carbon storage industry and enables lessons to be learned as to the applicability of different monitoring methods.

79. Six respondents opposed this proposal. Some respondents highlighted that more information would be needed on the content of the monitoring report before they could agree to its disclosure. They further raised that disclosure of the monitoring report may impact the safety, security and reputation of a storage project.

80. One respondent did not agree or disagree with the proposal but echoed the comment brought forward by others that the content of the monitoring report is not described in guidance yet. They also raised the impact that the report's disclosure may have on safety, security and reputation of a storage project.

NSTA response

81. The NSTA intends for the monitoring report to be considered part of any other monitoring information as further provided below, with no specific provision to be set in regulations.

82. The 2010 Regulations require the NSTA to include provisions in its storage permits requesting the operator under a CS licence to send it a report for each reporting period which must include (among other information) the results of the monitoring programme carried out. Given the early stages of activity in the carbon storage industry, with the risk of potential misinterpretation of high-level information, the NSTA considers that this report should be taken into the wider context of other project-related information as expanded in the NSTA's response to question 17 below.

Monitoring information

Q17. Do you agree that all monitoring information discussed in a monitoring report should be disclosed alongside the monitoring report?

Summary of responses received

83. Four respondents supported the proposal and welcomed the opportunity for knowledge sharing on monitoring techniques that this would bring.

84. Seven respondents opposed this proposal noting the following concerns:

- The content of the monitoring report is not sufficiently defined.
- Disclosure alongside the monitoring report may disincentivise against inclusion of that information in the monitoring report.
- Some of the monitoring information may not have been fully evaluated at the time the monitoring report is provided to the NSTA.
- Disclosure at this time may have a negative impact on safety, security and reputation.
- Where baseline information is subject to differing time periods before disclosure these time periods should not be impacted.

NSTA response

85. The NSTA will recommend to DESNZ that it introduces regulations to the effect that monitoring information may be disclosed two years after it was due to be reported or at determination of the licence. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

86. As noted by several respondents, monitoring information may comprise of a wide range of baseline information and samples, such as but not limited to well information, samples, computerised models, geophysical surveys as well as various interpretations. The NSTA has therefore adjusted this proposal to align with the disclosure periods of other baseline types of information, ensuring in practice the opportunity to evaluate it within the wider context, including the contents of any report on monitoring. The NSTA considers this ability will be particularly valuable to advance the shared learning amongst the CS licensees and wider technical stakeholders. Where the baseline information has a different disclosure period, such as for geophysical survey information, that period will be adhered to.

Geophysical survey information as part of monitoring

Q18. Do you agree that geophysical survey information that is part of a succession of multiple surveys (4D) should be disclosed alongside the monitoring report in which it is discussed?

Summary of responses received

87. Five respondents supported this proposal, indicating that care needs to be taken to ensure that the disclosed information enables an insight into the 4D understanding of the dataset.

88. Six respondents opposed this proposal, commenting that disclosure of the original and processed 4D dataset is not necessary to provide confidence in the content of the monitoring report. They also raised the point that raw or processed geophysical survey information is of limited use to members of the public and that disclosure of the information alongside the monitoring report that it is discussed in may limit the options for acquisition of this information, incentivizing acquisition of the information under a CS Licence (under a "proprietary" business model). Some comments put forward in response to question 17 were reiterated, asking for more information to be supplied on the content of the monitoring report.

NSTA response

89. The NSTA will recommend to DESNZ that it introduces regulations to the effect that geophysical survey information subsequent to that covered by the proposal in question 4 (baseline surveys) carried out for monitoring purposes may be disclosed two years after acquisition is complete or at determination of the licence. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

90. In the NSTA's responses to questions 16 and 17 it has emphasised that any report on monitoring will be considered part of any other monitoring information. This period aligns with other interlinked, baseline information required for monitoring purposes and the NSTA considers that this will allow the opportunity to evaluate the data within the wider context. Disclosure of two rather than five years after acquisition for monitoring purposes will also allow for essential knowledge sharing between the CS licensees and wider stakeholders.

Summary information on offshore installations

Q19. Do you agree that the above summary information on offshore installations may be disclosed immediately?

Summary of responses received

91. Nine respondents agreed with the proposal, commenting that the immediate disclosure of summary information on offshore installations will further the safety of other users of the offshore space and that the proposed information is not commercially sensitive.

NSTA response

92. The NSTA will recommend to DESNZ that it introduces in regulations to implement this proposal.

Other information on offshore installations

Q20. Do you agree that the proposal that any more detailed information about offshore installations may only be disclosed after decommissioning is an appropriate balance of the factors?

Summary of responses received

93. Eight respondents agreed with this proposal, commenting that disclosure of other information on offshore installations after decommissioning is a reasonable approach.

94. One respondent disagreed with the proposal, commenting that disclosure of this information during the Operational Term would support the effective planning of decommissioning activities.

NSTA response

95. The NSTA will recommend to DESNZ that it introduce regulations to the effect that detailed installation information may be disclosed at the end of the Operational Term or at determination of the licence. The NSTA agrees with the beneficial impact raised by the respondent on decommissioning activity planning sooner and has amended its initial proposal of disclosure after decommissioning of the installation. As provided in the 'Terminology and notes' section above, the opportunity to make representation prior to disclosure will be available.

General disclosure of information and samples after licence determination

Q21. Do you agree that the proposal that any licence information or sample be able to be disclosed immediately after any of the licence events listed above is an appropriate balance of the factors?

Summary of responses received

96. Nine respondents supported this proposal, commenting that no commercial disadvantage would be created by disclosing any carbon storage information and samples at this stage.

NSTA response

97. The NSTA has included this in its responses to each individual question where relevant.

Feedback on disclosure of other information and samples

Q22. Are there any other pieces of information or samples that have not been discussed in this document that you think there should be provision for the NSTA to disclose?

98. Six respondents provided comments with regards to other carbon storage information and samples that may be possible to be included in the planned regulations. These suggestions included:

    (i) Special notice should be given or information should not be disclosed where hydrocarbon extraction is planned concurrent with carbon storage.

    (ii) Installation information in the proposals was perceived to only include floating structures and not infrastructure on the seabed such as pipelines or subsea installations. These were requested to be covered as well.

    (iii) More clarity was requested on how information from repurposed wells (i.e. wells drilled under a production licence for production purposes that would then be brought to a different purpose under a CS Licence) may be treated and under which regime the information would be disclosed.

    (iv) Information on access to installations (e.g. by helicopter or ship) should be added to the disclosable information.

NSTA Response

99. The NSTA response and clarifications to the points raised is below:

(i) The types of information and samples that are obtained under a petroleum production licence and under a carbon storage licence are similar to some extent (e.g. geophysical survey information, well information) but differ significantly in other areas (e.g. monitoring information). Information and samples will be subject to the disclosure regime of the licence they have been created or acquired under. If a licensee is a holder of both an extant petroleum production licence and an extant CS licence which cover the same area, the injection of carbon dioxide for the purpose of enhanced recovery under the petroleum production licence will not be considered an activity carried out in pursuit of the CS licence.

(ii) Pipeline information does not form part of the information that is proposed to be disclosed under these regulations because the persons to whom these regulations apply are not the owners of this information (unlike relevant persons who are subject to the 2018 regulations). However, other subsea installations which are maintained in pursuit of activities under the CS Licence would be part of the information that is intended to be disclosed under these regulations.

(iii) The NSTA considers the reporting and disclosure regime for well information with respect to the repurposing of a well to be clear. Any information that was created or acquired on the well while it was used for its original purpose and while the petroleum production licence was in force would fall under the 2018 Regulations. Any information that was created or acquired with regards to the same well that was created or acquired in pursuit of activities under a CS Licence would fall under the planned regulations provided for in the 2023 Act.

(iv) Access information is not part of the NSTA's remit. Information on safety zones around offshore installations are held and maintained by the UK Hydrographic Office[14].

[14] UK Hydrographic Office. More information can also be found in the Explanatory Note of The Offshore Installations (Safety Zones) (No. 2) Order 2024.

Conclusion and next steps

100. The NSTA has recommended to the Department for Energy Security and Net Zero that it lays secondary legislation in Parliament which reflects the feedback gathered during the consultation. Subject to the parliamentary process this will come into force.

Regulatory Impact Assessment

101. The set of regulations on the proposals for disclosure of carbon storage information and samples follows a similar approach to the one taken towards petroleum-related information and samples. The time periods presented are designed to allow the CS licensee to derive value from the created or acquired information and samples. The public disclosure of selected information and samples will enhance innovation and the sharing of lessons learned within industry. It will also enable academia and the public to gain an insight into carbon dioxide storage operations and work on information and samples derived from these activities.

102. The regulations are aimed to provide a balance between the need to enable knowledge sharing between the existing and prospective CS licensees, industry and wider technical stakeholders while maintaining public confidence in a nascent industry, and protecting any commercially sensitive information so far as is it is appropriate to do so.

103. The NSTA has a general duty under the Equality Act 2010 in carrying out its functions to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation,
- advance equality of opportunity between different groups; and,
- foster good relations between different groups.

104. Further details can be found at https://www.equalityhumanrights.com/en/equality-act/equality-act-2010.

105. The NSTA has considered whether the carbon storage information and samples disclosure regulations would have an adverse impact on persons with protected characteristics. Our assessment is that, given the corporate nature of specified licensees, it is not anticipated that there would be such an impact.

Annex A – list of respondents

- British Geological Survey (BGS)
- Carbon Capture and Storage Association (CCSA)
- EnerGeo Alliance
- Offshore Energies UK (OEUK)
- Orcadian Energy plc
- Scottish Government

Five respondents to the consultation requested not to be named and are therefore not included here.

North Sea Transition Authority

The North Sea Transition Authority is the business name for the Oil and Gas Authority, a limited company registered in England and Wales with registered number 09666504 and VAT registered number 249433979. Our registered office is at 50 Broadway, London, England, SW1H 0DB.