



**CORRIB FIELD: APPLICATION FOR APPROVAL TO CONDUCT AN INSPECTION AND MAINTENANCE
SURVEY PROGRAMME OF THE CORRIB OFFSHORE GAS PIPELINE**

APPROPRIATE ASSESSMENT (AA) SCREENING DECISION

I. Project Proposal

Further to the petroleum lease granted to the Corrib Gas Partners pursuant to Section 13 of the Petroleum Act 1960 (**Corrib Petroleum Lease**), a number of additional consents have been granted in respect of the Corrib Gas Field development, the details of which can be found on the DECC website. The consents granted in respect of the Corrib Gas Field development include a consent to operate the Corrib Gas Pipeline, granted in December 2015 pursuant to Section 40 of the Gas Act 1976, which is subject to a number of conditions, including the following:-

20. *'Subsea facilities and flowlines will be subject to annual inspection to ensure that protection measures remain effective and any remedial measures necessary to provide additional protection will be undertaken as soon as practically possible. The first such inspection will be undertaken within the first month from the start of commercial gas production, when the flowlines are at maximum operating pressure and temperature'.*

On the 18th November 2020, Vermillion Exploration and Production Ireland Ltd (VEPIL) (hereafter referred to as **Vermillion**) submitted an application within the Corrib Petroleum Lease to the Department of the Environment, Climate and Communications (**DECC**) seeking Ministerial approval to conduct a geophysical and visual survey programme of the Corrib offshore gas pipeline, sections of the umbilical, Bellanaboy Bridge Gas Terminal (BBGT) treated surface water outfall pipeline, and infield flowlines and umbilicals between the Corrib Field manifold and the landfall at Glengad, northwest Co. Mayo, between the months of May and September 2021. In addition to the survey works a limited programme of maintenance works is also proposed to be undertaken to ensure seabed stability and, as a consequence, ensuring integrity of the pipeline and other infrastructure.

The proposed 2021 survey programme will include geophysical and visual inspection of the bulk of the Corrib subsea marine infrastructure between the Corrib Field and the landfall at Glengad and associated repair and maintenance activities.

The proposed work scope will comprise two main components:

- Offshore pipeline and subsea structure inspection and associated repair / maintenance work from the construction / ROV vessel *Edda Sun*. This vessel will be responsible for the survey and maintenance works covering the area of the Corrib offshore field assets as well as seabed infrastructure as far inshore as Broadhaven Bay. Some limited maintenance works will be undertaken where necessary to ensure pipeline integrity and stability on the seabed. This may include localised areas of seabed sediment dredging (using a mini dredge tool) as well as the placement of rock filter bags onto the pipeline.

- Nearshore pipeline inspection using the survey vessel *Leah-C*. This vessel will be responsible for the survey covering the area primarily within Broadhaven Bay as far as the inshore limit of safe navigation.

The offshore and nearshore elements of the work programme will investigate features such as free-spanning and scouring, pipeline burial depth and integrity, as well as cathodic protection measures. The survey will be carried out using a combination of acoustic survey techniques (e.g. multibeam echo sounder, sub-bottom profiler, side-scan sonar). In addition, a visual survey using underwater video / camera imagery and ROV will be undertaken.

It is anticipated that the overall programme will be approximately 20 days in duration (dependent on weather conditions) with operations taking place for both vessels from the summer to autumn months of 2021 (between May and September). It is likely that the offshore and inshore elements will overlap during this time period. During data acquisition, the vessels will follow a pre-determined survey programme that may be subject to change depending on the prevailing current and wind conditions.

II. DECC Assessment Process

The Environment Advisory Unit (EAU), a functionally separate and independent unit of DECC is responsible for carrying out environmental screening and any environmental assessments determined as being required following screening, in accordance with the requirements set out in Directive 2011/92/EU, as amended by Directive 2014/52/EU (**EIA Directive**) and Directive 92/43/EEC, as amended, (**Habitats Directive**), in the context of applications (such as this one) within an existing petroleum lease and which seek approval to conduct a geophysical and visual survey programme of an existing gas pipeline, sections of umbilical, water outfall pipeline, and infield flowlines and umbilicals, to include repair and maintenance work as necessary.

EIA – In Ireland, environmental assessments of such applications are carried out by the EAU in accordance with Directive 2011/92/EU, as amended by Directive 2014/52/EU (EIA Directive). Where the activities the subject of the application fall outside the projects listed in Annex I of the EIA Directive, an EIA Screening Assessment and Determination is required to be carried out by the EAU in the first instance, as to whether the activities the subject of the application would, or would not be likely to have, significant effects on the environment by virtue, *inter alia*, of their nature size and location. Where it has been determined, following screening, that the activities the subject of the application, are likely to have significant effects on the environment, an environmental impact assessment is required.

Habitats – The European Communities (Birds and Natural Habitats) Regulations 2011 – 15 (S.I. 477 of 2011, as amended) (**Birds and Natural Habitats Regulations**) give effect to the Habitats Directive as a matter of Irish law and require, *inter alia*, that a public authority carry out screening for Appropriate Assessment of a plan or project for which an application for consent is received. Where a public authority determines that an Appropriate Assessment is required, the Birds and Natural Habitats Regulations require that the assessment carried out by a public authority include a determination pursuant to Article 6(3) of the Habitats Directive as to whether or not the plan or project would adversely affect the integrity of a European site. The EAU is responsible for carrying out Stage 1 AA screening assessments, and any Stage 2 Appropriate Assessment determined as being required following screening, in accordance with the Birds and Natural Habitats Regulations, in respect of applications, such as the within application.

On receipt of an application, the Geoscience Regulation Office (**GSRO**) (previously the Petroleum Affairs Division) in DECC places the application on the DECC website for consultation and refers the application, and any associated responses to the consultation, to the EAU for the purposes of carrying out its assessments.

On the completion of all environmental assessments by the EAU and after incorporating any suggested conditions which may be recommended by the EAU, the application will then be evaluated by the Geoscience Regulation Office in the Department who will make a recommendation to the Minister regarding whether consent should be given for the activities applied for.

III. **Independent Expert Advisors**

DECC has further engaged Ramboll UK Limited (herein referred to as **Ramboll**) as independent expert environmental advisors to provide advice to the EAU with regard to the carrying out of statutory environmental assessments of applications (such as the within application) within an existing petroleum lease.

Ramboll has conducted an independent assessment of the information provided by Vermillion, having regard to the Habitats Directive, the Birds Directive, the Birds and Natural Habitats Regulations and relevant jurisprudence of the EU and Irish courts. The expert report prepared by Ramboll, having carried out an external review of the Appropriate Assessment Screening and Natura Impact Statement Report, prepared by RSK on behalf of Vermillion, is shown at Appendix 1.

IV. **AA Screening Legislative Background**

The Appropriate Assessment process (AA) is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European Site. The focus of AA is targeted specifically on Natura 2000 sites and their conservation objectives.

Articles 6(3) and 6(4) of the **Habitats Directive** place strict legal obligations on Member States regulating the conditions under which development that has the potential to impact on European Sites can be implemented and requiring that an Appropriate Assessment be carried out of plans or projects, not directly connected with or necessary to the management of a site as a European Site, but which are likely to have a significant effect thereon, either individually or in combination with other plans or projects. An AA Screening assessment is carried out to determine whether a plan or project is likely to have a significant effect on a European Site.

- Article 6.3 states: *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*
- Article 6.4 states: *“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the*

overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

In giving effect to the above as a matter of Irish law, the **Birds and Habitats Regulations** provide, *inter alia*, as follows in relation to screening for Appropriate Assessment:-

Regulation 42(1) of the Birds and Habitats Regulations provides: "A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site".

Regulation 42(2) provides that: "A public authority shall carry out screening for Appropriate Assessment under paragraph (1) before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken".

The regulations go on to provide as follows at Regulation 42 (6) and 42 (7):-

6. *The public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.*

7. *The public authority shall determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it can be excluded on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.'*

V. Vermillion Application Assessment Process

Vermillion submitted the following documents with the application submitted in November 2020 (along with a cover letter):-

- (i) Application to Conduct an Offshore Survey;
- (ii) Corrib Subsea Infrastructure - Inspection and Maintenance Surveys EIA Screening and Environmental Risk Assessment for Annex IV species, dated November 2020, prepared by RSK on behalf of Vermillion;
- (iii) Corrib Subsea Infrastructure - Inspection and Maintenance Surveys 2021 Natura Impact Statement, dated November 2020, prepared by RSK on behalf of Vermillion;
- (iv) Corrib Field Subsea - Inspection and Maintenance Works 2021 Method Statement, dated November 2020
- (v) Notification of Application to Conduct Corrib Gas Field Offshore Works 2021.

VI. Notified Bodies

The following bodies were notified of the application submitted by Vermillion in November 2020:

- National Parks and Wildlife Service;
- Irish Maritime Administration, Department of Transport;
- Ship Source Pollution Prevention Unit, Irish Maritime Administration, Department of Transport;
- Irish Coast Guard (& National Maritime Operations Centre), Department of Transport;
- Sea Fisheries Protection Authority;
- Sea Fisheries Policy Division, Department of Transport;
- Department of Defence;
- Mission Support Facility, Irish Air Corps;
- Naval Headquarters;
- Marine Institute;
- Commissioners of Irish Lights

Two responses were received as follows: Maritime Safety Policy Division, Irish Maritime Administration, Department of Transport; and Aviation and Maritime Unit, Executive Branch of the Department of Defence.

The responses received are shown in Section 2.3.1 of the Ramboll Report, referenced above and included at Appendix 1.

VII. Public Consultation on Vermillion Application

The application and accompanying documents were published on the Department website on 20th November 2020 and the public invited to make submissions thereon during a 30 day public consultation period ending on 20th December 2020. No responses were received from the public in response to this application.

VIII. AA Screening Assessment and Determination

The AA screening process has been conducted in accordance with Articles 6.3 and 6.4 of the Habitats Directive (92/43/EEC), the Birds and Habitats Regulations and the principles established in case law, interpreting the Directive and Regulations, which provide the decision making framework and tests for carrying out screening for appropriate assessment.

Per Regulation 42(6) of the Birds and Habitats Regulations, an Appropriate Assessment of a plan or project is required where it cannot be excluded, on the basis of objective scientific information following screening, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European Site.

I have carefully considered the following documents in carrying out the AA Screening Assessment of the application made by Vermillion ('the applicant'):-

- Documents provided by the Applicant:
 - Cover Letter and Application to Conduct an Offshore Survey

- Corrib Subsea Infrastructure - Inspection and Maintenance Surveys EIA Screening and Environmental Risk Assessment for Annex IV species, dated November 2020, prepared by RSK on behalf of Vermillion;
 - Corrib Subsea Infrastructure - Inspection and Maintenance Surveys 2021 Natura Impact Statement, dated November 2020, prepared by RSK on behalf of Vermillion
 - Corrib Field Subsea - Inspection and Maintenance Works 2021 Method Statement, dated November 2020.
 - Notification of Application to conduct Corrib Gas Field Offshore Work 2021.
- Statutory Environmental Assessment: Appropriate Assessment Screening Determination for Vermillion Inspection / Maintenance of Pipeline and Subsea Structures 2021 (Report prepared by External Consultants Ramboll; Ramboll Report, included at Appendix 1);
 - Observations received from Maritime Services Division, Department of Transport and Aviation and Maritime Unit, Executive Branch of the Department of Defence (as Notified Bodies);

In carrying out the AA screening process I considered the different project elements that are likely to give rise to impacts on the conservation objectives and or qualifying features of a Natura site. In this context the following elements were considered:

- Project Description including the spatial extent, supporting infrastructure, transportation requirements, physical changes that will result from the project, emissions and waste, resource requirements and duration of each phase;
- Effects of the proposed development in combination with other plans or projects;
- Identification of relevant European sites and species;
- Assessment of likely significant effects (LSE).

Based on careful consideration of the documentation highlighted above, I agree with and adopt the conclusions reached in the Ramboll Report (at Appendix 1 to this Determination) regarding the adequacy of the information provided by the applicant and am satisfied that the applicant has provided sufficient information to enable an AA Screening Assessment of the proposed subsea inspection and maintenance survey programme (as described in the application documents).

I further agree with, and adopt the Ramboll response to the observations received from notified bodies (as set out in section 2.3.1 of the Ramboll Report).

The AA screening contained in the RSK report submitted by the applicant identified the following sources of potential impact for further consideration in the determination of likely significant effects (LSE):-

- Physical presence of the survey vessels and equipment;
- Underwater Noise from operation of geophysical equipment and survey vessels and any noise/disturbance from the operation of the pipeline mini-dredger;
- Routine emissions and discharges during vessel operations ;
- Localised disturbance to seabed sediments during operation of the pipeline mini dredger ;
- Accidental events;
- Cumulative Effects

Having considered the above impact sources, the applicant AA screening assessment concludes that the proposed survey operations either individually or when taken in combination with other plans or

projects, are not likely to have a significant effect on any European site. However, the AA Screening Conclusion goes on to acknowledge that the potential for impacts on qualifying features as a result of underwater noise sources cannot be ruled out in spite of the unlikelihood of such an occurrence, and the RSK Report submitted by the applicant includes a Natura Impact Statement (NIS) with information to undertake a Stage 2 Appropriate Assessment.

In carrying out an independent AA Screening Assessment of the proposed works involved in the Vermillion application, Ramboll comprehensively examined the AA screening assessment carried out by RSK on behalf of the applicant and the conclusions reached in the RSK Report submitted by the applicant. In the Ramboll Report (Appendix 1) they agree that the potential for impacts on qualifying features as a result of underwater noise sources on marine mammals cannot be ruled out. Accordingly, Ramboll conclude that Appropriate Assessment is required because it cannot be excluded on the basis of the information provided by the applicant that the project will have either individually or in combination with other plans or projects a likely significant effect on European sites.

I agree with and adopt the AA Screening Assessment carried out by Ramboll in respect of the Vermillion application and the conclusions reached in the Ramboll Report (at Appendix 1 to this Determination).

Accordingly, I am satisfied and have decided that the application by Vermillion to conduct a geophysical and visual survey programme of the Corrib offshore gas pipeline, sections of the umbilical, Bellanaboy Bridge Gas Terminal (BBGT) treated surface water outfall pipeline, and infield flowlines and umbilicals between the Corrib Field manifold and the landfall at Glengad, northwest Co. Mayo, to include repair and maintenance work as necessary, between the months of May and September 2021 will require Appropriate Assessment as it cannot be excluded on the basis of objective scientific information, following screening, that the proposed activities, individually or in combination with other plans or projects, will have a significant effect on a European site.

IX. Public Consultation for Stage 2 Appropriate Assessment

Further to the Appropriate Assessment Screening Determination made above, the Vermillion application will now proceed to Stage 2 Appropriate Assessment.

By separate Notice, pursuant to Regulation 42(3) of the Birds and Natural Habitats Regulations, Vermillion have been directed to provide additional information considered necessary for the purposes of carrying out a Stage 2 Appropriate Assessment of the proposed inspection and maintenance activities the subject of the application.

Once the required information has been received, it will be published on the DECC website and the Vermillion application will be the subject of a 21-day public consultation for the purposes of conducting a Stage 2 Appropriate Assessment on the application.

Jean Clarke, 3rd February, 2021



Environment Advisory Unit
Department of the Environment, Climate and Communications

Judicial Review

Please note that the validity of this AA Screening Determination may be questioned by Judicial Review under Order 84 of the Rules of the Superior Courts (S.I. No.15 of 1986), as amended. Any application for leave to apply for judicial review must be made promptly and in any event within three months from the date of the Determination. Practical information on judicial review can be obtained from the Citizens Information Board, Ground Floor, Georges Quay House, 43 Townsend Street, Dublin 2 or online (www.citizensinformation.ie) or from the Courts Website (www.courts.ie).