



**CORRIB FIELD: APPLICATION TO INSTALL A NEW FLEXIBLE FLOWLINE CONNECTING CORRIB WELL  
P6 WITH THE CORRIB CENTRAL MANIFOLD**

**APPROPRIATE ASSESSMENT DETERMINATION AND ANNEX IV SPECIES ASSESSMENT**

**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 17<sup>th</sup> September 2020, Vermillion Exploration and Production Ireland Ltd (VEPIL) (hereafter referred to as **Vermillion**), submitted an application to the then Department of Communications, Climate Action and Environment (DCCAE) now the Department of the Environment, Climate and Communications (**DECC**) for approval to replace the existing flexible flowline connecting the P6 subsea wellhead with the Corrib central manifold, leaving the decommissioned flowline in situ in a preserved state on the seabed. The new flexible flowline will be shorter in length (158 m) than the existing flowline (1,560 m) and will significantly reduce the unnecessary flow restrictions between the P6 wellhead and the Corrib central manifold.

The proposed works involved in the installation of the new flexible flowline at the P6 well location will consist of the following elements:-

- Mobilisation of the ROV support vessel (*Siem Spearfish*) and two ROVS from a UK port to the Corrib Field<sup>10</sup>;
- Trials and verification of dynamic positioning (DP) system and ultra-short baseline system (USBL) to be undertaken prior to arrival within the Corrib Field exclusion zone;
- Completion of an As-Found Survey at the P6 work site, including underwater video / stills, acoustic geophysical survey and any seabed preparation works required prior to commencement;
- Depressurisation and isolation of the existing flowline from the central manifold and P6 wellhead (gas displaced into subsea process system);
- Disconnection of existing flowline from central manifold and P6 wellhead (existing flowline will be left in situ on the seabed);
- Preparation of laydown area and lay route for new flexible flowline;

- Deployment of the new flexible flowline from the support vessel and connection to central manifold and P6 wellhead using ROVs and the remotely operated ICARUS tie-in tool;
- Pressure testing and pre-commissioning activities for new flowline;
- Installation of protective concrete mattresses along length of new flexible flowline and in places along disconnected flowline to provide stability;
- Reinstatement of the worksite and completion of an As-Left Survey including underwater video / stills and geophysical survey;
- Demobilisation of the support vessel and ROVs back to UK port.
- The existing flowline will be capped and preserved in situ on the seabed for future use. (Any future use of the existing flowline left capped on the seabed will be subject to its own consenting procedure).

The As Found / As Left surveys will be carried out by the ROVs using a combination of survey techniques (e.g. multibeam echo sounder and underwater video / camera imagery). A range of other sensors may also be used as part of the survey / ROV operations (e.g. sound velocity probes, navigation / positioning sensors including: an ultra-short baseline beacon system, obstacle avoidance sonar, an altimeter, motion reference unit, inertial navigation system and doppler velocity log).

An application to carry out these works was originally submitted in January 2020, but was subsequently withdrawn in July due to the works not proceeding in 2020.

Vermillion resubmitted the application in September 2020, with revised dates for progressing the replacement works on the Corrib Field P6 Flexible Flowline between May and October in either 2021 or 2022. Planned duration of the activities is approximately 6 days.

## 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 within an existing petroleum lease, such as the within application that seeks approval to carry out replacement of an existing flexible flowline connecting an existing subsea wellhead with the central manifold for an existing gas pipeline, leaving the decommissioned flowline in situ in a preserved state on the seabed.

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.

AA / Habitats Assessments – 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 public 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 **GSRO** 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 assistance with regard to the carrying out of statutory assessment of applications for permission to carry out works within an existing petroleum lease, such as the present application by Vermillion.

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 (September 2020) and the assessment of impacts on Annex IV species presented in the EIA screening and environmental risk assessment report (September 2020), both of which were prepared by RSK on behalf of Vermillion, is shown at Appendix 1 (hereafter referred to as the **Ramboll Report**).

### **IV. Legislative Background: Appropriate Assessment Process**

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. 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.

- 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.”*

### Stage 1: AA Screening

The first step in the AA process is that 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.

In giving effect to the above as a matter of Irish law, the **Birds and Natural 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 consenting for a plan or project is given, or a decision to undertake or adopt a plan or project is taken”.*

Furthermore the regulations provide under Regulation 42 (6) and 42 (7) that:-

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.’*

## Stage 2: Appropriate Assessment

Where it has been determined, following screening, that an Appropriate Assessment is required, Regulation 42(11) provides as follows in relation to the carrying out of an Appropriate Assessment:

*(11) An Appropriate Assessment carried out under this Regulation shall include a determination by the public authority under this Regulation pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would adversely affect the integrity of a European site and the assessment shall be carried out by the public authority before a decision is taken to approve, undertake or adopt a plan or project, as the case may be.*

Regulation 42(12) sets out the matters required to be taken into consideration by a public authority in carrying out an Appropriate Assessment:

*(12) In carrying out an Appropriate Assessment under paragraph (11) the public authority shall take into account each of the following matters—*

- a) the Natura Impact Statement,*
- b) any other plans or projects that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site,*
- c) any supplemental information furnished in relation to any such report or statement,*
- d) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Statement,*
- e) any information or advice obtained by the public authority,*
- f) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project,*
- g) any other relevant information.*

## **V. Vermillion Application: Assessment Process**

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

- (i) Application to Conduct an Offshore Survey and Works;
- (ii) Corrib P6 Flexible flowline Installation EIA Screening and Environmental Risk Assessment, dated September 2020, prepared by RSK on behalf of Vermillion;
- (iii) Corrib P6 Flexible flowline Natura Impact Statement, dated September 2020, prepared by RSK on behalf of Vermillion;
- (iv) Corrib P6 Flexible flowline Method Statement, dated August 2020.

## **VI. Stage 1 AA Screening Assessment**

### ***VI.1 Notified Bodies***

The following bodies were notified of the original application submitted by Vermillion to carry out these works in January 2020 and of the revised application submitted in September 2020:

- National Parks and Wildlife Service;
- Irish Maritime Administration, then Department of Transport, Tourism and Sport, now the Department of Transport;
- Ship Source Pollution Prevention Unit, Irish Maritime Administration, then Department of Transport, Tourism and Sport, now the Department of Transport;

- Irish Coast Guard (& National Maritime Operations Centre), then Department of Transport, Tourism and Sport, now the Department of Transport;
- Sea Fisheries Protection Authority;
- Sea Fisheries Policy Division, then Department of Transport, Tourism and Sport, now the Department of Transport;
- Department of Defence;
- Mission Support Facility, Irish Air Corps;
- Naval Headquarters;
- Marine Institute;
- Commissioners of Irish Lights

Two responses were received in relation to the original application made in January 2020 from the Maritime Safety Policy Division, Irish Maritime Administration, Department of Transport, Tourism and Sport; and the Maritime Services Division, Department of Transport, Tourism and Sport.

Two responses were received in relation to the revised application made in September 2020 from the Maritime Safety Policy Division, Irish Maritime Administration, Department of Transport; and Killybegs Port Office, the Sea Fisheries Protection Authority.

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

## ***VI.II Public Consultation on Application made in January 2020***

Public consultations were carried out on the originally submitted (and subsequently withdrawn) application to carry out the proposed flexible flowline replacement works at the P6 wellhead, between January and July 2020. A number of responses were received from members of the public during these consultation processes which are relevant to the assessment of the current application, in circumstances where the works proposed to be carried out are the same.

Accordingly, in keeping with the objective of public participation, the observations received from members of the public during the public consultation processes in respect of the originally submitted (and subsequently withdrawn) application by Vermillion to carry out the proposed flexible flowline replacement works at the P6 wellhead have been taken into account as part of the assessments of the resubmitted application. The following observations were received during public consultations for the purposes of habitats assessments on the originally submitted application:

- Response from a private individual (name withheld for privacy) dated 28<sup>th</sup> February 2020
- Response from a private individual (name withheld for privacy) dated 26<sup>th</sup> May 2020;
- Response from a private individual (name withheld for privacy) dated 29<sup>th</sup> May 2020 (accepted although received outside the time period for public consultation owing to technical difficulties); and
- Response from Wild Ireland Defence CLG dated 28<sup>th</sup> May 2020.

The consultation responses received (including the project specific observations) are shown at sections 2.3.2 – 2.3.4 of the Ramboll Report at Appendix 1.

### **VI.III Public Consultation on Resubmitted Application (September 2020)**

The Vermillion application to carry out the proposed flexible flowline replacement works at the P6 wellhead was resubmitted in September 2020. The resubmitted application and accompanying documents were published on the Department website on 18<sup>th</sup> September 2020 and the public invited to make submissions thereon during a 30 day public consultation period ending on 18<sup>th</sup> October 2020.

One response was received to this consultation as follows:

- Response from Irish Whale and Dolphin Group dated 16<sup>th</sup> October 2020.

The observations contained in this response (including the project specific observations) are shown at sections 2.3.2 – 2.3.4 of the Ramboll Report at Appendix 1.

### **VI.IV AA Screening Determination**

On 17 December 2020, an AA Screening Determination was made pursuant to Regulation 42 of the Birds and Natural Habitats Regulations that a Stage 2 Appropriate Assessment was required in respect of the proposed Vermillion works to replace the existing flexible flowline connecting the P6 subsea wellhead with the Corrib central manifold, leaving the decommissioned flowline in situ in a preserved state on the seabed, as it could not be excluded on the basis of objective scientific information that the proposed works, either individually or in combination with other plans or projects, would have a significant effect on a European Site.

## **VII. Stage 2 Appropriate Assessment: Public Consultation Process and Ramboll NIS Review**

Following the AA Screening Determination, the notified bodies were informed that a Stage 2 Appropriate Assessment was being carried out on the Vermillion application and a public consultation was carried out on the application for the purposes of conducting the Stage 2 Appropriate Assessment (per Regulation 42(13) of the Birds and Natural Habitats Regulations), which concluded on 16 January.

### **VII.I Observations from Notified Bodies**

Three responses were received from notified bodies for the purposes of the Stage 2 Appropriate Assessment of the Vermillion application as follows:

- Sea Fisheries Protection Authority dated 18 December 2020;
- National Parks and Wildlife Service dated 13 January 2021; and
- Commissioners of Irish Lights dated 15 January 2021.

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

### **VII.II Public Consultation for the purposes of Stage 2 Appropriate Assessment**

No additional public consultation responses were received.

### **VII.III Ramboll NIS Review Report**

A Natura Impact Statement (NIS) is a scientifically robust examination of a proposed plan or project which is used to characterise any possible implications of the project individually or in combination with other plans or projects on the conservation objectives of any relevant European site(s).

Ramboll carried out a review of the NIS submitted by Vermillion in respect of the proposed Vermillion works to replace the existing flexible flowline connecting the P6 subsea wellhead with the Corrib central manifold, leaving the decommissioned flowline in situ in a preserved state on the seabed, as contained in:

- Corrib P6 Flexible flowline Natura Impact Statement, dated September 2020, prepared by RSK (submitted with the application in September 2020);

along with the associated application documents. The Ramboll NIS review and assessment considered the following aspects in the context of European sites:-

- Conservation status of relevant habitats and species listed under Annex II of the Habitats Directive and Annex I of the Birds Directive;
- Baseline conditions and conservation objectives and qualifying features of any relevant European site(s);
- Any management plans associated with relevant European site(s);
- Details on each species and habitat type for which relevant European site(s) are designated and spatial mapping of the distribution and temporal mapping, including lifestyle stages;
- Information on population profile of the species and their conservation status (e.g. size, population structure etc.);
- Ecosystem structure and functioning of the site and its overall conservation state;
- The role of the site within the ecosystem region and the Natura 2000 network;
- Any other aspects of the site or its wildlife that is likely to have an influence on its conservation status and objectives (e.g. current management activities, other developments etc.)

Furthermore the NIS was also assessed in the context of the following:-

- A description of size, scale and objectives of the proposed plan or project;
- A description of the pressures of the proposed plan or project, and its likely impacts on the conservation objectives and local site characteristics;
- Identification of all European sites located within the zone of influence of the proposed plan or project, together with qualifying interests and conservation objectives;



- Methodologies, analysis and data sources utilised to demonstrate use of best scientific knowledge;
- A scientific assessment, analysis and statement of the significant effects including direct, indirect, cumulative and in combination effects of the relevant European site(s) and/or species which are expected to occur as a result of the development;
- Details of any appropriate mitigation measures undertaken, or proposed to be undertaken by the applicant to mitigate any significant effects on the environment or on the European site(s) and/or species, and the period within which any such measures shall be carried out by the developer;
- An assessment of the scope and scale of residual effects after mitigation (including direct, indirect, cumulative and in combination effects);
- A conclusion in relation to whether or not the project would adversely affect the integrity of any European site (either individually or in combination with other existing or consented developments).

The Ramboll NIS Review Report is at Appendix 1 to this Determination.

#### **VIII. Appropriate Assessment Determination**

I have carefully considered the following documents in carrying out an Appropriate Assessment of the proposed Vermillion works to replace the existing flexible flowline connecting the P6 subsea wellhead with the Corrib central manifold, leaving the decommissioned flowline in situ in a preserved state on the seabed, as detailed in the Vermillion application:-

- Documents provided by the Applicant:
  - Application to Conduct an Offshore Survey and Works;
  - Corrib Field P6 Flexible flowline Installation EIA Screening and Environmental Risk Assessment, dated September 2020, prepared by RSK on behalf of Vermillion;
  - Corrib Field P6 Flexible Flowline Installation Natura Impact Statement, dated September 2020, prepared by RSK on behalf of Vermillion; and
  - Corrib Field P6 Flexible flowline Method Statement, dated August 2020.
- Appropriate Assessment Screening and NIS Review Report prepared by Ramboll (included at Appendix 1);
- Submissions received during the public consultation processes, including those on the withdrawn application;
 

Observations received from notified bodies, including those received in relation to the withdrawn application.

As set out above, the applicant submitted with their application a Natura Impact Statement (NIS), examining the possible implications of the proposed flexible flowline replacement works on relevant European Sites. The NIS examines the impacts of underwater acoustic emissions generated by the As Found / As Left Surveys on European sites' qualifying interest species and whether these impacts affect the conservation objectives / integrity of any European sites. The NIS further considers the impacts of routine emissions and discharges during vessel operations and accidental fuel oil spillages, in light of the mitigation and management commitments made in the NIS.

Based on careful consideration of the information contained in the above referenced documents:

- I agree with and adopt the conclusions reached in the Ramboll Report regarding the adequacy of the information provided by the applicant with regard to European sites and/or species that may be affected by the proposed flexible flowline replacement works and accordingly am satisfied that the applicant has provided sufficient information to enable an Appropriate Assessment of the proposed Vermillion works to replace the existing flexible flowline connecting the P6 subsea wellhead with the Corrib central manifold, leaving the decommissioned flowline in situ in a preserved state on the seabed.
- I further agree with and adopt the Ramboll responses to the observations received from Notified Bodies, set out in section 2.3.1 of the Ramboll Report. The Ramboll Report sets out appropriate mitigation and management commitments to address any issues raised in the observations of relevance to the Appropriate Assessment process.
- I also agree with the Ramboll responses to the project specific observations received during the public consultation processes, set out in section 2.3.4 of the Ramboll Report.
- As regards the additional observations received during the public consultation processes, comprising general consultation responses (set out in section 2.3.3 of the Ramboll Report), I agree that these are outside the scope of the Stage 2 Appropriate Assessment process in respect of the Vermillion P6 Survey application. By way of additional response to the general observation received during the public consultation processes in relation to Irish language participation, while the documents were provided by the applicant in English, where any submission is received in the Irish language, the Department will correspond in the Irish language with the individual concerned.
- I note the mitigation and management measures committed to by Vermillion (described in the NIS submitted as “standard best marine practice measures”), which include adherence to the requirements specified in the NPWS Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters (DAHG, 2014) and adherence to ship – source pollution prevention requirements specified in MARPOL 73/78 in respect of management of standard emissions and vessel discharges.
- I agree with and adopt the Appropriate Assessment Screening and NIS Review Report prepared by Ramboll in respect of the Vermillion P6 Flexible Flowline Replacement Works application (dated February 2021 and attached as Appendix 1 to this Determination) and the conclusions reached in that Report that the proposed works, alone or in combination with any other plan or project, will not have an adverse effect on the environment or on the integrity of any European site in view of its conservation objectives, subject to the implementation of the mitigation measures described in Section 5 of the Ramboll Report, which reflect the mitigation and management measures committed to by Vermillion in their NIS.

Accordingly, I am satisfied and have decided that the proposed Vermillion works to replace the existing flexible flowline connecting the P6 subsea wellhead with the Corrib central manifold, leaving the decommissioned flowline in situ in a preserved state on the seabed, alone or in combination with other plans or projects, will not adversely affect the integrity of any European sites, in view of the sites’ conservation objectives, subject to the implementation of the mitigation measures referred to in Section 5 of the Ramboll Report, which I adopt and set out in Table 1 to this Determination (below). This Determination is contingent on the inclusion of these mitigation

measures as conditions to any consent that may be granted in respect of the Vermillion P6 flexible flowline replacement works application, which are in addition to the mitigation measures already adopted in the EIA Screening Determination made in respect of the Vermillion P6 flexible flowline replacement works application on 16 December 2020 and which must also be included as conditions to any consent that may be granted in respect of this application.

#### **IX. Annex IV Species Assessment: Legislative Background**

Article 12 of the Habitats Directive provides that:

*“Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:*

- (a) all forms of deliberate capture or killing of specimens of these species in the wild;*
- (b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;*
- (c) deliberate destruction or taking of eggs from the wild;*
- (d) deterioration or destruction of breeding sites or resting places.”*

Regulation 29 of the Birds and Natural Habitats Regulations transposes Article 12 into Irish law and provides that:

*“29. (1) Where the Minister has reason to believe that any activity, either individually or in combination with other activities, plans or projects, is of a type that may—*

- (a) have a significant effect on a European Site,*
- (b) have an adverse effect on the integrity of a European Site,*
- (c) cause the deterioration of natural habitats or the habitats of species or the disturbance of the species for which the European Site may be or has been designated pursuant to the Habitats Directive or has been classified pursuant to the Birds Directive, insofar as such disturbance could be significant in relation to the objectives of the Habitats Directive,*
- (d) cause pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Birds Directive, or*
- (e) have an adverse effect on the conservation status of—*

- (i) animal species listed in Annex IV(a) to the Habitats Directive in their natural range pursuant to Article 12 of the Habitats Directive,*
- (ii) plant species listed in Annex IV(b) to the Habitats Directive pursuant to Article 13 of the Habitats Directive,*
- (iii) species of wild fauna and flora listed in Annex V to the Habitats Directive pursuant to Article 14 of the Habitats Directive,*
- (iv) naturally occurring birds in the wild state,*

*the Minister shall, by notice, subject to paragraph (2), where he or she considers appropriate, direct that the activity shall not be carried out, caused or permitted to be carried out or continue to be carried out by any person in the European Site or part thereof or at any other specified land or may restrict or regulate the activity in the European Site or part thereof or at any other specified land, and each such notice shall be accompanied by a statement of the Minister’s reasons for making the decision.”*

## **X. Annex IV Species Assessment: Determination**

Ramboll carried out an assessment of the information submitted by Vermillion for the purposes of Article 12 / Annex IV of the Habitats Directive, as detailed in the Ramboll Report.

- The Ramboll Report further concludes that the proposed works by Vermillion to replace the existing flexible flowline connecting the P6 subsea wellhead with the Corrib central manifold, leaving the decommissioned flowline in situ in a preserved state on the seabed will not cause any significant disturbance to the Annex IV species described, subject to the implementation of the mitigation measures set out in Section 5 of the Ramboll Report.

I agree with and adopt the conclusions in the Ramboll report in relation to impacts on Annex IV species. Accordingly, I am satisfied that the assessment for Annex IV Species is of an acceptable standard and am further satisfied that the proposed works by Vermillion to replace the existing flexible flowline connecting the P6 subsea wellhead with the Corrib central manifold, leaving the decommissioned flowline in situ in a preserved state on the seabed will not cause any significant disturbance to, or adverse effect on the conservation status of, any Annex IV species that may be present in the area, subject to the implementation of the mitigation measures adopted above (and outlined in Table 1 to this Determination), which must be included as conditions to any consent that may be granted in respect of the Vermillion application.

## **XI. Conclusion**

Having considered the documents submitted by Vermillion, the observations received from Notified Bodies and from the public during the various public consultations on the application, and the expert report prepared by Ramboll (having carried out a review of the information submitted by Vermillion having regard to the Habitats Directive, the Birds Directive and the Birds and Natural Habitats Regulations) and having adopted the conclusions reached in the Ramboll Report, it can be concluded, and I conclude, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposed Vermillion works to replace the existing flexible flowline connecting the P6 subsea wellhead with the Corrib central manifold, leaving the decommissioned flowline in situ in a preserved state on the seabed (either individually or in combination with any other plans or projects) will not adversely affect the integrity of any European sites, in view of the sites' conservation objectives, subject to the implementation of the mitigation measures adopted and outlined in Table 1 (below), which must be included as conditions to any consent that may be granted in respect of the Vermillion application.

I further conclude that the assessment of impacts on Annex IV species is of an acceptable standard and I am satisfied that should approval be granted for the proposed Vermillion P6 Flexible Flowline Replacement Works, the works will not cause any significant disturbance to, or adverse effect on the conservation status of, any Annex IV species that may be present in the area, subject to the implementation of all the mitigation measures adopted in Table 1 below, which must be included as conditions to any consent that may be granted in respect of this application.

The mitigation measures adopted and outlined in Table 1 (below) are additional to those set out in the EIA Screening Determination made in respect of the Vermillion P6 Flexible Flowline Replacement Works application on 16 December 2020. For the avoidance of doubt, both the mitigation measures set out in Table 1 (below) and the mitigation measures contained in Table 1 to the EIA Screening Determination made in respect of the Vermillion P6 Flexible Flowline Replacement Works application must be included as conditions to any consent that may be granted in respect of this application. Further, the requirement specified in the EIA Screening Determination that Vermillion

must seek prior Department approval in the event that an alternative vessel is proposed must also be included as a condition to any consent that may be granted in respect of this application.

Jean Clarke, 1<sup>st</sup> March, 2021



Environment Advisory Unit,  
Department of Communications, Climate Action and Environment

### **Judicial Review**

Please note that the validity of this Appropriate Assessment Determination / Annex IV Species Assessment 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](http://www.citizensinformation.ie)) or from the Courts Website ([www.courts.ie](http://www.courts.ie)).

**Table 1 Mitigation and Management Measures committed to by the Applicant.**

Discipline	Commitment proposed
<p data-bbox="188 271 587 302">Marine Mammals, Fish and Birds</p> <p data-bbox="188 342 699 479">Marine-mammal specific measures are in line with NPWS 2014 Guidance, as per observation raised by NPWS (13 January 2021)</p>	<p data-bbox="719 271 1380 443">All vessels operating on the project will follow the principles of the Vessel Operators Code of Conduct (Document No. COR-14-SH-0227, 2018) for vessels as a matter of good practice in order to minimise interactions with marine mammals.</p> <p data-bbox="719 450 1222 481">Pre soft start scans (pre-start monitoring)</p> <p data-bbox="762 488 1380 730">Sound producing activities will only commence in daylight hours where effective visual monitoring, as performed and determined by the MMO, has been achieved. Where effective visual monitoring, as determined by the MMO, is not possible, the sound producing activities shall be postponed until effective monitoring is possible.</p> <p data-bbox="762 736 1380 943">Effective visual monitoring determines the presence or absence of megafaunal species before sound-producing activities commence, and should be undertaken in good weather conditions, where the sea state is low and visibility is good (no fog, heavy rain).</p> <p data-bbox="762 949 1380 1048">MMOs should survey the area for the presence of species 30 minutes before the onset of the soft start.</p> <p data-bbox="762 1055 1380 1153">A minimum distance of 500 m is required between the centre of the sound source and the nearest species before soft start can commence.</p> <p data-bbox="762 1160 1380 1621">If species seen within 500 m of the centre of the sound source the start of the sound source(s) should be delayed until they have moved away, allowing adequate time after the last sighting for the animals to leave the area (30 minutes). If species do not leave the area it is recommended that the vessel alters course to ensure that the animals are outside the 500 m exclusion zone when soft start commences (this measure may not be implementable, as survey operations will be undertaken while the vessel is stationary with equipment deployed to the seabed in the Corrib Field).</p> <p data-bbox="762 1628 1380 1834">An agreed and clear on-site communication signal must be used between the MMO and the Works Superintendent as to whether the relevant activity may or may not proceed or resume following a break (see below). It shall only proceed on positive confirmation with the MMO.</p> <p data-bbox="762 1841 1380 1939">Soft start should commence after a 500 m area around the vessel has been confirmed clear of species for 30 minutes.</p> <p data-bbox="719 1946 1091 1977">Soft start / ramp up procedure</p> <p data-bbox="762 1984 1380 2016">In commencing an acoustic survey operation, the</p>

Discipline	Commitment proposed
	<p>following soft start (or ramp up) must be used, including during any testing of acoustic sources, where the output peak sound pressure level from any source exceeds 170 dB re: 1 <math>\mu</math>Pa @1 m:</p> <ul style="list-style-type: none"> <li>a) Where it is possible according to the operational parameters of the equipment concerned, the device's acoustic energy output shall commence from a lower energy start-up (i.e. a peak sound pressure not exceeding 170 dB re: 1 <math>\mu</math>Pa @1 m) and thereafter be allowed to gradually build up to the necessary maximum output over a period of 20 minutes.</li> <li>b) This controlled build-up of acoustic energy output shall occur in consistent stages to provide a steady and gradual increase over the ramp up period (e.g. output peak sound pressure level of 170 dB to 180 dB to 190 dB to 200 dB to 200+ dB over 20 minutes).</li> <li>c) Where the acoustic output measures outlined in steps (a) and (b) are not possible according to the operational parameters of any such equipment, the device shall be switched "on" and "off" in a consistent sequential manner over a period of 20 minutes prior to commencement of the full necessary output.</li> </ul> <p>In all cases where a ramp up procedure is employed the delay between the end of ramp-up and the necessary full output should be minimised to prevent unnecessary high-level sound introduction into the environment.</p> <p>Once the ramp up procedure commences, there is no requirement to halt or discontinue the procedure at night time, nor if weather or visibility conditions deteriorate nor if species occur within a 500 m radial distance of the sound source, i.e. within the monitored zone.</p> <p><b>Break in sound input</b></p> <p>If there is a break in sound output for a period greater than 30 minutes (e.g. due to equipment failure, shut-down, survey line or station change) then all pre-start monitoring and subsequent ramp up procedure (where appropriate following pre-start monitoring) must be undertaken.</p> <p>For higher output survey operations which have the potential to produce injurious levels of</p>

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	<p>underwater sound as informed by the associated risk assessments, there is likely to be a regulatory requirement to adopt a shorter 5-10 minute break limit after which period all pre-start monitoring and a subsequent ramp up procedure (where appropriate following pre-start monitoring) shall recommence as for start up.</p> <p>A qualified and experienced Marine Mammal Observer (MMO) will be present onboard the ROV support vessel. The MMO will have undergone marine mammal observation training (JNCC or equivalent) and have spent a minimum of six weeks of marine mammal survey experience at sea over a three year period.</p> <p>The MMO must submit a report, as outlined in the NPWS Code of Practice, within 30 days of completion of the proposed activities to the relevant Licensing Authority and copy the report to the NPWS.</p> <p>The ROV support vessel operator must provide a report (including daily log) on the operation of survey equipment that will indicate the soft starts and their duration to the MMO. This information will be made available to the NPWS.</p> <p>The MMO must use a distance measuring stick, reticle telescope or binoculars to ascertain distances to marine mammals.</p>
Emissions	Emissions minimised through regular maintenance of all engines onboard, in line with Maritime Registry of Shipping (MRS), MARPOL 73/78 Annex IV (as appropriate) and other similar requirements.
<p>Discharges</p> <p>Measures are in line with ship-source pollution prevention requirements, as per observation raised by the Maritime Safety Policy Division, Irish Maritime Administration, Department of Transport (18 September 2020)</p>	<p>Vessel discharges will also be managed in accordance with the requirements of MARPOL 73/78 as appropriate.</p> <p>The ROV support vessel will only be refuelled at a designated port, will have strict safety, navigation, operations and communications plans in place to minimise collision risk and will have maintenance, audit and inspection plans in place to identify fuel spillage risks as soon as possible. Furthermore, during works the fuel valves will be kept closed and only marine grade oil will be used.</p> <p>All deck machinery will only be refuelled within a bunded area.</p> <p>All chemicals used will be selected on the basis of their performance in the aquatic environment and chemicals will be retained within the subsea process system and transported back to the BBGT via the main gas pipeline</p>
General	Communication between operators will ensure that operations are coordinated to limit noise exposure.



<b>Discipline</b>	<b>Commitment proposed</b>
	All works undertaken as part of the Corrib offshore gas development; efforts will be made to schedule the works over different periods