



CORRIB FIELD: APPLICATION FOR APPROVAL TO CONDUCT SITE CLEARANCE SURVEYS – KINSALE HEAD SEVEN HEADS GAS FIELDS

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING DETERMINATION

I. Project Proposal

On 14th February, 2022 PSE Kinsale Energy Limited (hereafter referred to as PSE) submitted an application to the Minister for the Environment, Climate and Communications seeking Ministerial approval to undertake a number of site surveys in 2022 using geophysical techniques in the Kinsale Head (including South West Kinsale and Ballycotton) and Seven Gasfields. The surveys are required to confirm seabed status on various sites following completion of decommissioning of subsea wells and associated facilities.

The objective of proposed survey programme is:-

- To inform debris clearance around each of the former well sites and platforms to identify any materials which could be hazardous to other sea users and in particular fishing activities

All of the survey equipment is non-intrusive and there will be no seabed interaction associated with the survey works.

Data collection will be using multibeam echo sounder (MBES) and side scan sonar (SSS), though other equipment including standard vessel echo sounder, and ultra-short baseline acoustic positioning (USBL) either will, or may, be used to assist in the positioning of the vessel and equipment such as a remotely operated vehicle (ROV) deployed from it (see applicant report for full details).

The vessel is not known at present and will be identified once a survey contractor has been appointed. A representative vessel has been assumed such as the RV Celtic Explorer in the applicant assessment.

It is estimated that the clearance survey will take approximately 14 days and is planned for Q3/Q4 2022 following the completion of various subsea intervention works. However, the survey could slip to between Q2 and Q3 2023 due to the potential for delays.

II. DECC Assessment Process

The Environment Assessment 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 Ministerial approval to conduct a survey and inspection of an existing offshore gas pipeline and associated infrastructure.

EIA – In Ireland, environmental assessments of such applications are carried out by the EAU in accordance with the 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 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 (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, following screening, 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 this one, to carry out a survey and inspection relating to the existing offshore gas pipeline and associated infrastructure.

On receipt of an application, the Geoscience Regulation Office (**GSRO**) previously the Petroleum Affairs Division in the Department of the Environment, Climate and Communications (**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 environmental 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 the subject of the application.

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 for permission to carry out works within an existing petroleum lease, such as the present application by PSE.

Ramboll has conducted an independent assessment of the information provided by PSE, by reference to the relevant selection criteria specified in Annex III of the EIA Directive. The expert report prepared by Ramboll, having carried out an external review of the EIA Screening and Environmental Risk Assessment Report that was by PSE, is shown at Appendix 1 ("**Ramboll Report**").

IV. Environmental Impact Assessment Screening: Legislative Background

The EIA Directive requires that projects that are likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location are made subject to an environmental impact assessment.

Under Article 4 of the EIA Directive, projects listed under Annex I are automatically subject to an environmental impact assessment and for projects listed in Annex II, Member States shall determine whether the project shall be subject to an assessment and can make the determination through either one of both (a) case by case examination or (b) thresholds set by the Member State.

Article 4(4) of the Directive requires, in respect of projects listed in Annex II, that the developer provide information on the characteristics of the project and its likely significant effects on the environment. The list of information to be provided is set out at Annex IIA; namely:

1. A description of the project, including in particular:

(a) a description of the physical characteristics of the whole project and, where relevant, of demolition works;

(b) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

2. A description of the aspects of the environment likely to be significantly affected by the project.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the project on the environment resulting from:

(a) the expected residues and emissions and the production of waste, where relevant;

(b) the use of natural resources, in particular soil, land, water and biodiversity.

Annex IIA further provides that the criteria listed in Annex III of the Directive shall be taken into account, where relevant, when compiling the information required in 1 – 3 above.

Article 4(4) further provides that the developer may also provide a description of any features of the project and/or measures designed to avoid or prevent what might otherwise have been significant adverse effects on the environment.

The EIA Directive requires that when carrying out an EIA Screening Assessment, the relevant selection criteria as set out in Annex III shall be taken into account.

Article 4(6) of the EIA Directive requires that an EIA Screening Decision must be made as soon as possible and within a period not exceeding 90 days from the date on which the developer has submitted all the information required.

V. PSE Application: Assessment Process

PSE submitted the following documents with the application submitted on 14th February 2022 (along with a cover letter):-

- (i) Kinsale Area Installations – Site Clearance Surveys, Application to Conduct Site Survey;
- (ii) Kinsale Area Installations – Site Clearance Surveys, Environmental Impact Assessment Screening/Environmental Risk Report February, 2022;
- (iii) Kinsale Area Installations – Site Clearance Surveys, Screening for Appropriate Assessment and Article 12 Assessment February 2022;

- (iv) Kinsale Area Installations – Site Clearance Surveys, Pre-survey Fisheries Assessment Report, February 2022.

VI. Notified Bodies

The following bodies were notified of the application submitted by PSE:-

Commissioners of Irish Lights;
Department of Defence;
Development Applications Unit, National Parks and Wildlife Service (part of Department of Housing, Local Government and Heritage);
Irish Coast Guard (& National Maritime Operations Centre), Department of Transport,
Irish Maritime Administration, Department of Transport;
Marine Institute, Marine Environment and Food Safety Services;
Mission Support Facility, Irish Air Corps;
Naval Headquarters;
Sea Fisheries Policy Division, Department of Agriculture, Food and the Marine;
Sea Fisheries Protection Authority; and
Ship Source Pollution Prevention Unit, Irish Maritime Administration, Department of Transport;

Five observations were received from Commissioners of Irish Lights, Ship Source Pollution Prevention Unit, Irish Maritime Administration (Department of Transport), Development Applications Unit Department of Housing, Local Government and Heritage, Sea Fisheries Protection Agency and a nil observation from Department of Transport, Maritime Safety Policy Division.

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

VII. Initial Public Consultation on PSE Application

The application and accompanying documents were published on the Department website on 4th March 2022 for a 30 day consultation period (with some additional time to allow for Easter). No responses were received from the public by the date of the ending of the consultation period, being the 20th April 2022, in response to this application.

Viii Further Information Received and Supplemental Consultation

Having reviewed the PSE application and accompanying documents, Ramboll recommended that further information be obtained from PSE in relation to their application on the basis that insufficient information had been provided with the application to enable an EIA Screening Assessment and Determination be made in respect of the proposed site clearance works. Adopting that recommendation, additional clarification was sought from the applicant on 9th May, 2022 by the EAU. The Department website was updated to reflect the position and the bodies who submitted observations following the initial consultation were notified of the decision to request further information.

On 26th May, 2022, the Applicant responded to the queries, and the adequacy of the applicant responses were assessed in conjunction with Ramboll and on 30th May, 2022, the supplemental information received from the applicant was posted on the Department website for public consultation by 15th June, 2022. A further clarification was made with the applicant on 11th July and

following consultation with Ramboll the response was posted on the website for public consultation by the 4th August, 2022.

One response was received from Irish Lights with nil observations in response to this consultation.

IX PSE Application: EIA Screening Assessment and Determination

In carrying out the EIA Screening Assessment of the PSE application in accordance with the Annex III criteria, I have carefully considered the information contained in the following documents:-

- Documents provided by the Applicant:
 - Application Letter to conduct Site Clearance Surveys
 - Application to Conduct Site Clearance Surveys
 - Kinsale Area Installations – Site Clearance Surveys, Environmental Impact Assessment Screening/Environmental Risk Report February, 2022 ;
 - Kinsale Area Installations – Site Clearance Surveys, Screening for Appropriate Assessment and Article 12 Assessment February 2022 ;
 - Kinsale Area Installations – Site Clearance Surveys, Pre-survey Fisheries Assessment Report, February 2022.
- EIA Screening Determination for PSE Site Clearance prepared by Ramboll (the Ramboll Report, included at Appendix 1);
- Responses from the applicant to additional clarification requests;
- Responses received from notified bodies; Commissioners of Irish Lights, Ship Source Pollution Prevention Unit, Irish Maritime Administration, Department of Transport., Development Applications Unit Department of Housing, Local Government, Heritage and Sea Fisheries Protection Agency.

In carrying out an EIA Screening Assessment of the PSE application to determine whether the proposal to undertake a number of site surveys in 2022 or 2023 using geophysical techniques in the Kinsale Head (including South West Kinsale and Ballycotton) and Seven Heads Gasfields would, or would not, be likely to have significant effects on the environment, it is necessary to have regard to, *inter alia*, the relevant selection criteria as outlined in Annex III of the EIA Directive.

As evidenced in the Ramboll Report, when carrying out their assessment of the proposed survey and inspection described in the PSE application, Ramboll considered the different project elements by reference to the Annex III criteria.

In this context the following elements were considered:

- **Characteristics of the Project [section 4.3.2 Ramboll Report]**, with particular regard to size and design of the whole development, cumulation with other existing or approved developments, use of natural resources (particularly land, soil, water and biodiversity), production of waste, pollution and nuisances, risk of major accidents and/or disasters relevant to the project including climate change, risks to human health.
- **Location of the Project [section 4.3.3 Ramboll Report]**, with particular regard to: existing and approved land use, relative abundance, availability and regenerative capacity of natural resources in the area and its underground, absorption capacity of wetlands, riparian areas

and river mouths, absorption capacity of the natural environment (paying particular attention to coastal zones and marine areas, mountain and forest areas, nature reserves and parks, areas classified or protected under national legislation, areas where there has been a failure to meet environmental quality standards or in which it is considered there is such a failure), densely populated areas, landscapes and sites of historical, cultural or archaeological significance).

- **Types and characteristics of potential impact [section 4.3.4 Ramboll Report]**, of the proposed inspection and maintenance surveys with regard to the impact on the factors specified in Article 3(1) of the EIA Directive, taking into account: the magnitude and spatial extent of the impact, the nature of the impact, the transboundary nature of the impact, the intensity and complexity of the impact, the probability of the impact, the expected onset, duration, frequency and reversibility of the impact, the cumulation of the impact with the impact of other existing and/or approved developments and the possibility of effectively reducing the impact.

Based on careful consideration of the above referenced documentation by reference to the Annex III criteria:

- I agree with and adopt the conclusions reached in the Ramboll Report (at Appendix 1) regarding the adequacy of the information provided by the Applicant and accordingly am satisfied that PSE has provided sufficient information to enable an EIA Screening Assessment of the proposal to undertake a number of site surveys in 2022 or 2023 using geophysical techniques in the Kinsale Head (including South West Kinsale and Ballycotton) and Seven Gasfields.
- I further agree with and adopt the Ramboll responses to:
 - the submissions received from Notified Bodies: Commissioners of Irish Lights, Ship Source Pollution Prevention Unit, Irish Maritime Administration, Development Applications Unit Department of Housing, Local Government and Heritage, Sea Fisheries Protection Agency and nil observation from Department of Transport, and Maritime Safety Policy Division.
- Having considered the EIA Screening and Environmental Risk Assessment Report for Annex IV Species provided by PSE in respect of the proposed site clearance surveys the subject of the PSE application, I note that the Applicant Report reaches an overall conclusion that the proposed surveys, will not require Environmental Impact Assessment. I further note that the applicant states that no mitigation measures are proposed as no residual effects are predicted to occur. However, environmental management commitments are made by the applicant which are included in Table 1 alongside the mitigation measures considered necessary.
- I agree with and adopt the EIA Screening Assessment carried out by Ramboll in respect of the proposed survey the subject of the PSE application. Having assessed the information provided by PSE by reference to the Annex III criteria, section 5 of the Ramboll Report goes on to set out the mitigation and environmental management commitments made or required by PSE to avoid or reduce any potential impacts on the environment. The Ramboll Report, section 6, agrees with the EIA Screening Assessment carried out by PSE and concludes that, given the nature, size and location of the proposed activities and the environmental management commitments made by the applicant, likely significant effects

are not likely to occur on the environment either from this project alone or in combination with other plans or projects.

- Accordingly, having adopted the Ramboll Report and the conclusions reached in that report, I am satisfied and have decided that the application by PSE to undertake a number of site surveys in 2022 or 2023 using geophysical techniques in the Kinsale Head (including South West Kinsale and Ballycotton) and Seven Heads Gasfields is not likely to have a significant effect on the environment and, consequently, an Environmental Impact Assessment is not required in respect of the proposed surveys and inspection the subject of the PSE application, 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 of this Determination (below). This decision is contingent on the inclusion of these mitigation measures in any consent that may be granted in respect of this application.

Further, as the vessel to be used is not yet known PSE must seek approval from the Department prior to commencement of the proposed activities. In this event, confirmation will be required that the survey equipment and methodology on the vessel(s) are equivalent to that described in the EIA Screening Report (appendix 1) and that the description of the development used to inform the Environmental Risk Assessment is still valid. Accordingly, this decision is further contingent on this requirement also being included as a condition of any consent granted in respect of this application.

The Applicant can be informed of this EIA Screening Determination and the public will also be informed with the Determination being published on the Department's website and notice thereof being published in a national newspaper.

Jean Clarke



Environment Assessment Unit, 25th August, 2022
Department of the Environment, Climate and Communications

Judicial Review

Please note that the validity of this EIA 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).

Table 1: Mitigation measures required to be specified in any Consent that may be granted

Discipline	Mitigation Measure Proposed	Industry Standard	Project Specific
Physical Presence / Interactions with Other Sea Users	The vessel will display navigational lighting and awareness of the survey will be communicated through Notices to Mariners.	X	
Discharges to the Sea	The vessel used for the survey will meet MARPOL requirements (e.g. in relation to Annex I and Annex IV on the prevention of pollution by oil and sewage from ships respectively, under the Sea Pollution Act 1991 as amended). Similarly, the vessel will meet MARPOL Annex V requirements. This includes the implementation of a Garbage Management Plan (under the Sea Pollution Act 1991 as amended and the Sea Pollution (Prevention of Pollution by Garbage from Ships) Regulations 2012 as amended) which details specific waste management procedures, documents the segregation and safe handling and storage of waste and waste reduction measures.	X	
	The vessel will operate to MARPOL requirements for a Special Area, requiring oily water separation and monitoring prior to discharge. Discharges must be 15ppm or less, recorded in the Oil Record Book and only be made when underway.	X	
	The vessel will implement a Shipboard Oil Pollution Emergency Plan (SOPEP) in accordance with guidelines issued by the Marine Environment Protection Committee of the International Maritime Organisation. Kinsale will ensure that such plans are in place prior to any work taking place as part of standard contractor management	X	
Physical disturbance: sensitive seabed features.	<p>The surveys should be licenced under the National Monuments Acts 1930-2014.</p> <p>The proposed marine geophysical surveys shall be carried out in compliance with the Department's guidelines "General Requirements for a Geophysical Survey for Archaeological Purposes".</p> <p>The geophysical data for all proposed works areas should be assessed by a suitably qualified archaeologist to ensure that the proposed works do not negatively impact on locations where there is known or potential archaeology.</p> <p>A report summarising the assessment of the geophysical data should be forwarded to this office for review prior to the works taking place.</p>		X

Discipline	Mitigation Measure Proposed	Industry Standard	Project Specific
	Where archaeological material/features are shown to be present, preservation in situ, avoidance, preservation by record (archaeological excavation) or archaeological monitoring may be required. The applicant shall be prepared to be advised by the Department of Housing, Local Government and Heritage in this regard.		
General	Wastes including litter will be retained on the vessel and disposed of at a suitable reception facility on return to onshore. Kinsale will ensure that such plans are in place as part of standard contractor management	X	
	Kinsale Energy will maintain a dialogue with the developers of both wind farms, and further proposals in relation to the Barryroe field, to ensure that activities do not proceed in a manner which could lead to cumulative impacts.		X
	The applicant must seek prior Department approval for the vessel(s) and survey equipment to be used prior to commencement of the proposed activities. In this event confirmation will be required that the survey equipment and methodology on the vessel(s) are equivalent to that described in the EIA/AA Screening Reports and that the description of the development used to inform the Environmental Risk Assessment is still valid.	X	