



**ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING DECISION
KINSALE AREA DECOMMISSIONING PROJECT (KADP)
KINSALE AREA INSTALLATIONS: END OF OPERATIONS SEABED SURVEY**

I. Project Proposal

On 9TH November, 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 programme of seabed sediment sampling in 2023 in the Kinsale Head (including South West Kinsale and Ballycotton) and Seven Heads Gasfields. The surveys are required to confirm seabed status on various sites following completion of decommissioning activities.

The objective of the proposed survey programme is:-

- To fulfil the monitoring requirements set out in the permits for use and discharge of added chemicals (PUDACs) which were granted for various aspects of the KADP. The sample stations have been selected to fulfil those requirements and also to revisit stations sampled in the 2017 pre-decommissioning survey.

The survey will be undertaken over approximately 2-3 days and will involve a day grab or equivalent seabed sampling equipment and a drop down camera. The grab sampler collects sediment samples with a surface area of 0.1m² for faunal analysis and sediment particle size and chemical analyses. The approach to sample collection and analysis will be consistent with OSPAR Agreement 2017-02.

It is proposed that the survey will revisit the 31 sample stations surveyed in 2017, and collect an additional two samples from stations at the former Kinsale Alpha and Bravo platform locations. Two replicates will be collected at each sample station. A drop down camera will also be used at each station to collect seabed imagery. Further details are provided in the applicant's EIA screening report.

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 Tom Crean or equivalent in the applicant assessment.

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 9th November 2022 (along with a cover letter):-

- (i) Kinsale Area Installations – End of Operations Seabed Survey, Application to Conduct End of Operations Seabed Survey;
- (ii) Kinsale Area Installations – End of Operations Seabed Survey, Screening for Appropriate Assessment and Article 12 Assessment, November 2022;
- (iii) Kinsale Area Installations - End of Operations Seabed Survey, Environmental Impact Assessment Screening/Environmental Risk Assessment Report, November 2022;
- (iv) Kinsale Area Installations – End of Operations Seabed Survey, Pre-survey Fisheries Assessment Report, November 2022.

VI. Notified Bodies

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

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

Two observations were received from the Ship Source Pollution Prevention Unit, Department of Transport and the Marine Survey Office, Department of Transport

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. Public Consultation on PSE Application

The application and accompanying documents were published on the Department website on 15th November, 2022 for a 30 day consultation period. However due to Christmas the period was extended to the 4th January, 2023. No responses were received from the public, in response to this application.

VIII. 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 End of Operations Seabed Survey;
 - Application to Conduct End of Operations Seabed Survey;
 - Kinsale Area Installations – End of Operations Seabed Survey, Environmental Impact Assessment Screening/Environmental Risk Report November, 2022;
 - Kinsale Area Installations – End of Operations Seabed Survey, Screening for Appropriate Assessment and Article 12 Assessment November 2022;

- Kinsale Area Installations – End of Operations seabed Survey, Pre-survey Fisheries Assessment Report, November 2022.
- EIA Screening Determination for End of Operations Seabed Survey of the Kinsale Area Installations prepared by Ramboll (the Ramboll Report, included at Appendix 1);

Responses received from notified bodies; the Ship Source Pollution Prevention Unit, Department of Transport and the Marine Survey Office, Department of Transport.

In carrying out an EIA Screening Assessment of the PSE application, that the proposal to undertake a programme of seabed sediment sampling in 2023 in the Kinsale Head (including South West Kinsale and Ballycotton) and Seven Heads Gasfields using grab or equivalent seabed sampling equipment and a drop down camera 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 4.3.1 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 4.3.2 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 4.3.3 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 programme of seabed sediment sampling in 2023 in the Kinsale Head (including South West Kinsale and Ballycotton) and Seven Heads Gasfields using grab or equivalent seabed sampling equipment and a drop down camera.
- I further agree with and adopt the Ramboll responses to:

the submissions received from Notified Bodies: the Ship Source Pollution Prevention Unit, Department of Transport and the Marine Survey Office, Department of Transport

- Having considered the EIA Screening and Environmental Risk Assessment Report for Annex IV Species provided by PSE in respect of the proposed end of operations seabed survey the subject of the PSE application, I note that the Applicant Report reaches an overall conclusion that the proposed survey, 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 programme of seabed sediment sampling in 2023 in the Kinsale Head (including South West Kinsale and Ballycotton) and Seven Heads Gasfields using grab or equivalent seabed sampling equipment and a drop down camera, 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 survey 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

A handwritten signature in black ink that reads "Jean Clarke". The signature is written in a cursive style with a large, stylized 'J' and 'C'.

Environment Assessment Unit, 10th February, 2023
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	<p>The vessel will display navigational lighting and a Marine Notice will be published for the information of all local maritime users detailing the works and any vessels which may be engaged in said works during the survey operation phase.</p> <p>The applicant will inform the UKHO detailing the location and nature of the proposed works to ensure relevant navigation charts and nautical publications are updated. Where bathymetry data is produced this shall be forwarded to UKHO so as that relevant navigation charts can be updated.</p>	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.	Should any wrecks and/or archaeological material/features be identified during the course of the proposed survey works, the Department of Housing, Local Government and Heritage (DHLGH) shall be notified by applicant. No survey works with potential to physically interact with wrecks or archaeological material/features will be permitted to be undertaken without prior permission from the DHLGH.		X
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	

Discipline	Mitigation Measure Proposed	Industry Standard	Project Specific
	Kinsale Energy will maintain a dialogue with developers associated with recent foreshore licence applications within Cork territorial waters, 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