

Ms. Morgan

Mr. Nugent

Rúnaí Aire

Decision Sought:

That the Minister:

- **Grant approval for PSE Kinsale Energy Limited (PSE), to undertake an end of operations seabed survey of the Kinsale Area gas fields, comprising the Kinsale Head (including Southwest Kinsale), Ballycotton and Seven Heads gas fields to confirm seabed status on various sites following completion of decommissioning activities.**

Background:

The Kinsale Area gas fields, which comprises the Kinsale Head (including Southwest Kinsale), Ballycotton and Seven Heads gas fields are located in the Celtic Sea approximately 50km off the Cork coast. The Kinsale Head gas fields (Kinsale Head & Ballycotton) are operated by PSE Kinsale Energy Ltd under the Offshore Petroleum Lease No. 1 (OPL1) and the Seven Heads gas field is operated by PSE Seven Heads Ltd, a subsidiary of PSE Kinsale Energy Ltd., under the Seven Heads Petroleum Lease. The Seven Heads Petroleum Lease expired on 12 November 2022, however the remaining decommissioning operations under the Seven Heads Petroleum Lease will be completed under surviving clauses of the Lease.

The entire decommissioning scope of work for the both the Kinsale Head gas fields and the Seven Heads gas field is referred to in this submission as the Kinsale Area Decommissioning Plan (“KADP”).

On 26th April 2019, Ministerial consent was granted to the “Phase 1” application works, namely the plugging and abandoning of wells and the removal of subsea infrastructure associated with the Kinsale Head gas fields and the Seven Heads gas field, and the removal topside structures from the two offshore platforms (Alpha and Bravo) located in the Kinsale Head gas field.

On 26th February 2020, Ministerial Consent was granted to the “Phase 2” application works, namely the removal of the Alpha and Bravo platforms jackets (legs) located in the Kinsale Head gas field.

On 16 December 2022, Ministerial consent was granted to the “PHASE 3” application works, namely the leaving in situ of all pipelines and umbilicals, the filling of the onshore section of the 24” export pipeline with grout and the use of engineering materials (rock placement) to protect the pipelines and umbilicals in situ.

In accordance with the provisions of the Department’s Rules and Procedures Manual for Offshore Petroleum Production Operations, a Cessation of Operations application was submitted by PSE on 26th June, 2019 and was subsequently approved by the then Minister of State on 28th November, 2019. Cessation of production operations occurred on 5th July 2020, after which decommissioning operations commenced. Decommissioning activities associated with the Phase1 works have largely been completed and Phase 2 works were completed in 2022.

Ireland is a Contracting Party to the Convention for the Protection of the Marine Environment of the North-East Atlantic ('OSPAR Convention'). The objective of the proposed seabed survey is to comply with the end of operations monitoring condition of the Permits for the Use and Discharge of Added Chemicals (PUDACs) that were granted for various completed elements of the KADP Phase 1 and Phase 2 works, which states:

“In line with OSPAR Agreement 17-02, a monitoring study must be carried out by the Operator to assess the impact of the operations on the seabed. The design of this study must be submitted in advance to the GSRO for its approval.”

Application:

1. An application for consent to conduct an end of operations seabed sampling survey of the Kinsale Area gas fields was initially received by the Geoscience Regulation Office (GSRO), from PSE on 9th November 2022 with additional documentation received on 14th November 2022. The following documents (**Tab A1 – A5**) were received as part of the application:
 - PSE Kinsale Energy Limited Sediment Sampling Survey Application Cover Letter (**Tab A1**).
 - PSE Kinsale Energy Limited Application to Conduct End of Operations Seabed Survey (**Tab A2**).
 - PSE Kinsale Energy Limited Kinsale End of Operations Seabed Survey – Environmental Impact Assessment (EIA) Screening Report (**Tab A3**).

- PSE Kinsale Energy Limited Kinsale End of Operations Seabed Survey – Screening for Appropriate Assessment (AA) and Article 12 Assessment (**Tab A4**).
- PSE Kinsale Energy Limited Kinsale End of Operations Seabed Survey – pre-survey fisheries assessment report (**Tab A5**).

The location covers the Kinsale Area gas fields and facilities (incorporating the Kinsale Head gas fields and facilities and the Seven Heads gas field and facilities), which have come to the end of their productive life.

The objective of the end of operations seabed survey is to assess the impact of the decommissioning operations on the seabed by characterising seabed fauna, sediment type and chemistry (metals and hydrocarbons) and comparing results with pre-decommissioning surveys undertaken in 2017.

Regulatory Context:

2. The **(Kinsale Head) Petroleum Lease No. 1 (OPL 1) and the Seven Heads Petroleum Lease** were granted under Section 13(1) of the Petroleum and Other Minerals Development Act 1960 ('POMD') which provides that every Lease shall be granted upon such terms and conditions as the Minister thinks fit and specifies therein. The Seven Heads Petroleum Lease expired on 12 November 2022. The remaining decommissioning operations under the Seven Heads Petroleum Lease will be completed under surviving clauses of the Lease.
3. The application has been considered in accordance with the above legislation, terms, the Department's Rules and Procedures Manual for Offshore Petroleum Exploration and Appraisal Operations and the Department's Rules and Procedures Manual for Offshore Petroleum Production Operations ("Rules and Procedures"), and also in accordance with the following European and Irish legislation:

Environmental Impact Assessment

- Directive on the assessment of the effects of certain public and private projects on the environment (Directive 2011/92/EU) as amended by Directive 2014/52/EU ('the EIA Directive')
- The POMD Act, 1960, as amended.

Appropriate Assessment

- Directive 2009/147/EC on the conservation of wild birds (commonly referred to as the Birds Directive);
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (commonly referred to as the Habitats Directives);
- The European Communities (Birds and Natural Habitats) Regulations 2011-15 as amended.

Ministerial considerations in assessing the application:

4. The Department’s Environment Advisory Unit ('EAU') made an Environmental Impact Assessment (EIA) Screening Determination (**Tab B**) on 10th February 2023, which concluded 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. The EIA Screening determination is contingent on the mitigation measures (as set out in Table 1) being included as conditions in any consent that may be granted by the Minister in respect of the Application.
5. On the 14th February 2023, the EAU made an Appropriate Assessment (AA) Screening Determination, following screening under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011), as amended, that an Appropriate Assessment is not required in respect of the proposed end of operations seabed surveys, as it can be excluded, on the basis of objective scientific information, following screening that the proposed surveys, individually or in combination with other plans or projects, will have a significant effect on a European Site.. No likely significant effects on European Sites have been identified, following screening, having had regard to the potential connectivity with sites, relevant conservation objectives and the potential for in combination effects. (**Tab C**).

It was also concluded that an assessment of impacts (potential impacts and in combination impacts) on Annex IV species, in accordance with Article 12 of the Habitats Directive, which was carried out by PSE, is of an acceptable standard and that the proposed end of operations seabed surveys will not adversely affect the favourable

conservation status of any Annex IV species that may be present in the investigation area, should approval be granted in respect of the PSE application.

6. The technical assessment (**Tab D**) of the application, which was undertaken by the Geoscience Regulation Office, concluded that the scope and design of the seabed sampling survey is acceptable to the Department and will comply with the monitoring condition of the PUDACs that were granted for various elements of the Kinsale Area Decommissioning Project (KADP), consistent with OSPAR Agreement 2017-02. The locations of the sampling stations will allow comparison of seabed sample analysis pre and post the KADP and an assessment of the impact of the completed decommissioning operations on the seabed. From a technical perspective it is therefore recommended that consent be granted to the application by PSE to undertake the end of operations seabed survey.

Public consultation:

7. Although public participation is not required during the screening process under either the EIA Directive or Birds and Habitats Directives, the Department, mindful of the requirements of the Aarhus Convention and the public participation requirements in Article 6 of the EIA Directive, conducted a thirty-day public consultation period, on receipt of the application.
8. The application and associated environmental documentation were published on the Department's website on the gov.ie consultation page on 15th November 2022 for a 30 day consultation period, however due to Christmas the period was extended to 4th January 2023.
9. Further information considered necessary to enable an AA screening assessment to be made in respect of the PSE application was sought from the applicant. This information was published on the Department website on the 6th January 2023 and further submissions were invited to be made on the additional material until the 20th January 2023.
10. Following the EAU's EIA Screening Determination on 10th February 2023 (**Tab B**) this decision was published on the Department's website on 15th February 2023 and in the Irish Independent newspaper on 15th February 2023 (**Tab F**).

11. Following the EAU's AA Screening Determination on 14th February 2023 (**Tab C**) this decision was published on the Department's website on 15th February 2023 and in the Irish Independent newspaper on 15th February 2023 (**Tab F**).

Technical Review:

20. The application documents submitted to GSRO in respect of the application were accompanied by the following technical document:

- Application to conduct end of operations seabed survey [**Tab A2**]

The GSRO technical review of the application, dated 21st February 2023 concludes that the scope and design of the seabed sampling survey is acceptable to the Department and will comply with the monitoring condition of the PUDACs that were granted for various elements of the Kinsale Area Decommissioning Project (KADP), consistent with OSPAR Agreement 2017-02. The locations of the sampling stations will allow comparison of seabed sample analysis pre and post the KADP and an assessment of the impact of the completed decommissioning operations on the seabed. From a technical perspective it is therefore recommended that consent be granted to the application by PSE to undertake the end of operations seabed survey, subject to the conditions 1-4 set out below. (**Tab D**).

Consultation with State Bodies:

21. The following bodies have been notified of the proposed end of operations seabed sampling survey activities by PSE in accordance with the Department's *Rules and Procedures*:

- Geoscience Regulation Office, Department of the Environment, Climate and Communications
- Development Applications Unit, Department of Housing, Local Government and Heritage
- Irish Maritime Administration, Department of Transport
- Ship Source Pollution Prevention Unit Irish Maritime Administration, Department of Transport

- Irish Coast Guard (& National Maritime Operations Centre), Department of Transport
 - Sea Fisheries Protection Authority
 - Sea Fisheries Policy Division, Department of Agriculture, Food and the Marine
 - Department of Defence

22. The following bodies provided observations to the Department:

- Maritime Safety Policy Division, Irish Maritime Administration, Department of Transport

"In this regard, I wish to inform you that (prospective) licensees and their employees and contractors are reminded that they should be aware of ship-source pollution prevention provisions which are in place to protect human health and the marine environment and apply to all shipping activity. These provisions are obligatory independently of particular licence terms and conditions. Under the MARPOL Convention and EU law, as applicable in national law, ships may not cause pollution either by discharge to water or emissions to air, when at sea or when at berth in port. Ships include Floating Production, Storage and Offloading vessels (FPSOs), also called a "unit" or a "system"; and Floating Storage Units, (FSUs). Ships berthed at terminals at sea are also obliged to conform to the law.

Management of ship waste (mainly oil, hazardous and polluting substances, sewage, garbage and polluting emissions to air) and of all cargo residues must be ensured as required under international (IMO), EU and national law. Under existing provisions ships are obliged to discharge waste and cargo residues at port and ports are obliged to provide adequate facilities for their reception from ships."

- Marine Survey Office, Department of Transport

"After careful consideration the Marine Survey Office has no objection to the proposed works in the application referenced in the subject line from a navigational safety perspective.

However the following shall be noted;

- *A Marine Notice shall 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.*
- *The applicant shall be obliged to inform the United Kingdom Hydrographic Office (UKHO) detailing the location and nature of the proposed works to ensure relevant*

navigation charts and nautical publications are updated. (Fax: 0044 1823 284077, email: hdc@hdc.hydro.gov.uk). Where bathymetry data is produced this shall be forwarded to UKHO so as that relevant navigation charts can be updated."

Reasoned Recommendation:

23. A comprehensive due diligence exercise has been carried out by the Department on the application including environmental and technical assessments and the carrying out of public consultation, as described above. Taking account of all such considerations, it is recommended that the Minister grant the consent sought, subject to the applicant's compliance with the six conditions listed below, for the following reasons:

- I. As set out in detail in the EIA Screening Determination of 10th February 2023, 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 adopted and outlined in Table 1.

- II. As set out in detail in the AA Screening Determination of 14th February 2023, it can be concluded, for the purposes of Regulation 42(1) and in accordance with Regulation 42(7) of the Birds and Natural Habitats Regulations that an Appropriate Assessment is not required in respect of proposed end of operations seabed surveys, as it can be excluded, on the basis of objective scientific information, following screening that the proposed surveys, individually or in combination with other plans or projects, will have a significant effect on a European Site.. In addition, as set out in the Annex IV Species Assessment Determination in the AA Screening Determination, it was also concluded that the assessment of impacts (potential impacts and in combination impacts) on Annex IV species, in accordance with Article 12 of the Habitats Directive, which was carried out by PSE, is of an acceptable standard, such that the EAU is satisfied that the proposed end of operations seabed surveys will not adversely affect the favourable conservation status of any

Annex IV species that may be present in the investigation area, should approval be granted in respect of the PSE application.

- III. The technical elements of the proposals are acceptable and meet the Department's requirements. It is considered that the scope and design of the seabed sampling survey is acceptable to the Department and will comply with the monitoring condition of the PUDACs that were granted for various elements of the Kinsale Area Decommissioning Project (KADP), consistent with OSPAR Agreement 2017-02. The locations of the sampling stations will allow comparison of seabed sample analysis pre and post the KADP and an assessment of the impact of the completed decommissioning operations on the seabed. From a technical perspective it is therefore recommended that consent be granted to the application by PSE to undertake the end of operations seabed survey, subject to the conditions 1-4, set out below.

Approval Sought

- The Minister confirms that:
 - a) Having considered this submission, including the TABs attached to it;
 - b) Having considered the EIA Screening and AA Screening Determinations made by the EAU with conditions;
 - c) Having considered the technical review by the GSRO;
 - d) Having regard to any observations made by State Body consultees;

That the Minister:

Grant Approval for PSE Kinsale Energy Limited (PSE) to conduct an end of operations seabed survey of the Kinsale Area gas fields, which comprises the Kinsale Head (including Southwest Kinsale), Ballycotton and Seven Heads gas fields to confirm seabed status on various sites following completion of decommissioning activities, as set out in the application from PSE Kinsale Energy Limited (PSE), dated 9th November 2022.

In granting such consent it is recommended that the Minister require it to be contingent on adherence to the following conditions:

1. All operations shall be conducted in compliance with the provisions of the Rules and Procedures Manual for Offshore Petroleum Exploration and Appraisal Operations (PRM). In particular, the applicant must comply with reporting procedures of the RPM.

2. Daily reporting shall commence from the time the consented operations commence and shall continue until the consented operations are completed.
3. The Department shall be informed on the commencement and completion of the consented operations. Daily progress reports should be sent to the Department by posting to a designated secure website or by emailing GSRO@decc.gov.ie. PSE is required to make the daily reports available to the Department before noon of each day. PSE is also required to make weekly progress reports available to the Department each Thursday afternoon for the duration of the operations.
4. All final survey reports, including reports of the sample acquisition programme and the results of the analysis of the seabed samples, shall be provided to the Department within 30 days of the finalisation of the reports.
5. Compliance with the conditions outlined in the attached Table 1: Mitigation measures required to be specified in any Consent that may be granted, following the EAU's EIA Screening Determination.
6. 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 the AA Screening Report (appendix 1) and that the description of the development used to inform the Environmental Risk Assessment and the Appropriate Assessment Screening is still valid.

Emma Lanigan
Geoscience Regulation Office
27 February 2023

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	<p>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.</p>	X	
	<p>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.</p>	X	
	<p>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 (PSE) will ensure that such plans are in place prior to any work taking place as part of standard contractor management.</p>	X	

Discipline	Mitigation Measure Proposed	Industry Standard	Project Specific
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 (PSE) will ensure that such plans are in place as part of standard contractor management.	X	
	Kinsale Energy (PSE) 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