An Roinn Comhshaoil,
Aeráide agus Cumarsáide
Department of the Environment,
Climate and Communications

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

APPROPRIATE ASSESSMENT (AA) SCREENING DECISION

I. ***Project Proposal***

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

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

On the 17th September 2020, Vermillion Exploration and Production Ireland Ltd (VEPIL) (hereafter referred to as **Vermillion**), submitted an application within the Corrib Petroleum Lease to the then Department of Communications, Climate Action and Environment (DCCAE) now the Department of the Environment, Climate and Communications **(DECC)** for approval to carry out remedial works involving the replacement of 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) a*nd two ROVS from a UK port to the Corrib Field10;
- 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.

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.

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II. ***DECC Assessment Process***

The Environment Advisory Unit (**EAU**), a functionally separate and independent unit of DECC is responsible for carrying out environmental screening and any environmental assessments determined as being required following screening, in accordance with the requirements set out in Directive 2011/92/EU, as amended by Directive 2014/52/EU (**EIA Directive**) and Directive 92/43/EEC, as amended, (**Habitats Directive**), in the context of applications, such as the within application, seeking 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.

Habitats – The European Communities (Birds and Natural Habitats) Regulations 2011 – 15 (S.I. 477 of 2011, as amended) (**Birds and Natural Habitats Regulations**) give effect to the Habitats Directive as a matter of Irish law and require, inter alia, that a public authority carry out screening for Appropriate Assessment of a plan or project for which an application for consent is received. Where a public authority determines that an Appropriate Assessment is required, the Birds and Natural Habitats Regulations require that the assessment carried out by a public authority include a

determination pursuant to Article 6(3) of the Habitats Directive as to whether or not the plan or project would adversely affect the integrity of a European site. The EAU is responsible for carrying out Stage 1 AA screening assessments, and any Stage 2 Appropriate Assessment determined as being required following screening, in accordance with the Birds and Natural Habitats Regulations, in respect of applications, such as the within application.

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

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

III. ***Independent Expert Advisors***

DECC has further engaged Ramboll UK Limited (herein referred to as **Ramboll**) as independent expert environmental advisors to provide advice to the EAU with regard to the carrying out of statutory environmental assessments of applications (such as the within application) within an existing petroleum lease for permission to carry out replacement of an existing flexible flowline connecting an existing subsea wellhead with the central manifold for an existing gas pipeline .

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

IV. ***AA Screening Legislative Background***

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

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

- Article 6.3 states: *"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after*

having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

- Article 6.4 states: *"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

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

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

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

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

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

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

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

V. ***Vermillion Application Assessment Process***

Vermillion submitted the following documents with the application submitted in 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. *Notified Bodies*

The following bodies were notified of the original application submitted by Vermillion 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 as follows: Maritime Safety Policy Division, Irish Maritime Administration, Department of Transport, Tourism and Sport; and Maritime Services Division, Department of Transport, Tourism and Sport.

Two responses were received in relation to the revised application made in September 2020 as follows: Maritime Safety Policy Division, Department of Transport; and the Sea Fisheries Protection Authority.

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

VII. *Public Consultations on Original Application*

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, and in keeping with the spirit of the Directive and 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 assessment of the resubmitted application. The following observations were received during the public consultations on the originally submitted application:

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

VIII. ***Public Consultation on Resubmitted Vermillion Application (resubmitted 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 18th September 2020 and the public invited to make submissions thereon during a 30 day public consultation period ending on 18th October 2020.

One response was received to this consultation and the points raised have been considered as part of the AA Screening process:

- Response from Irish Whale and Dolphin Group dated 16th October 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.

IX. ***AA Screening Assessment and Determination***

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

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

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

- Documents provided by the Applicant:
    - Application Letter to Conduct an Offshore Survey
    - 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
    - Corrib Field P6 flexible flowline Method Statement, dated August 2020.

- Appropriate Assessment Screening Review for Corrib Field P6 Flexible Flowline Installation Report prepared by Ramboll (included at Appendix 1);

- Submissions received during the public consultation processes including those on the withdrawn application;

- Responses received from notified bodies on the original application from Maritime Services Division, Department of Transport, Tourism and Sport; and Maritime Safety Policy Division, Irish Maritime Administration, Department of Transport, Tourism and Sport; and

- Responses received from notified bodies on the resubmitted application from Maritime Safety Policy Division, Irish Maritime Administration, Department of Transport; and the Sea Fisheries Protection Authority

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

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

Based on careful consideration of the documentation highlighted above, I agree with and adopt the conclusions reached in the Ramboll Report (at Appendix 1 to this Determination) regarding the adequacy of the information provided by the applicant and am satisfied that the applicant has provided sufficient information to enable an AA Screening Assessment of the proposed 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 (as set out in section 2.3.1 of the Ramboll Report) and the Ramboll responses to the general observations and project specific observations received during the public consultation processes (as set out in section 2.3.3 and section 2.3.4 of the Ramboll Report). 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 corresponds in the Irish language with the individual concerned.

The applicant's screening report identified the following sources of potential impact for further consideration in the determination of likely significant effects (LSE):-

- Physical presence of the ROV support vessels, ROVs and equipment;
- As-Found and As-Left acoustic geophysical surveys and associated general vessel activity;
- Routine emissions and discharges during vessel operations;

- Direct and indirect impacts resulting from the P6 flowline replacement works activities themselves;
- Accidental events.

Having considered the above impact sources, the applicant has, in their AA screening assessment, concluded that the proposed activities taken either individually or when in combination with other plans or projects, are not likely to have a significant effect on any European site, however the potential for impacts on qualifying features as a result of underwater noise generated from the As Found / As Left Surveys cannot be ruled out in spite of the unlikelihood of such an occurrence. Furthermore, the applicant prepared and submitted a Natura Impact Statement (NIS) with their application.

In carrying out an independent AA Screening Assessment of the proposed works involved in the Vermillion application, Ramboll comprehensively examined the AA screening assessment carried out by the applicant and the conclusions reached in the NIS submitted by the applicant. In the Ramboll Report (Appendix 1) they agree that the potential for impacts on qualifying features as a result of underwater noise cannot be ruled out in spite of the unlikelihood of such an occurrence. Accordingly, Ramboll conclude that it is not possible as a matter of scientific certainty to rule out likely significant effects (without mitigation) and, as such a Stage 2 Appropriate Assessment is required.

I agree with and adopt the AA Screening Assessment carried out by Ramboll in respect of the Vermillion application and the conclusions reached in the Ramboll Report (at Appendix 1 to this Determination) and consider it is not possible as a matter of scientific certainty to rule out likely significant effects (without mitigation), on a European site.

Accordingly, I am satisfied and have decided that the application by Vermillion for the proposed installation of a new flexible flowline and decoupling and preservation of the existing flowline at the Corrib offshore gas field between the P6 wellhead and the Corrib central manifold will require Appropriate Assessment as the possibility of significant effect on the European sites concerned cannot be excluded on the basis of objective scientific information.

X. ***Public Consultation for Stage 2 Appropriate Assessment***

Vermillion submitted a Natura Impact Statement with their application.

The Ramboll Report (at Appendix 1) examines the Natura Impact Statement submitted by Vermillion and concludes that the information contained therein is sufficient to enable the carrying out of a Stage 2 Appropriate Assessment of the proposed works involved in the Vermillion application.

I agree with and adopt the conclusions reached in the Ramboll Report as regards the adequacy of the information provided in the applicant NIS and I am satisfied that no further information is required from Vermillion to carry out a Stage 2 Appropriate Assessment in respect of the proposed works.

The application will now proceed to Stage 2 Appropriate Assessment. That process will commence with a further public consultation on the application for the purposes of the Stage 2 Appropriate Assessment. Any observations received will be taken into account for the purposes that assessment.

Jean Clarke, 17th December, 2020

Environment Advisory Unit
Department of the Environment, Climate and Communications

Judicial Review

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