

Notice of the Requirement to Prepare a Natura Impact Statement (NIS)

CNOOC Petroleum Europe – Application to drill a single exploration well in the lolar prospect under Frontier Exploration Licence (FEL) 3/18 in the Porcupine Basin offshore of the south west of Ireland.

Having considered

- (i) the Natura Impact (Appropriate Assessment (AA) Stage 1) Screening Statement submitted by the applicant
- (ii) the screening assessment conducted by the Department’s independent consultants Ramboll
- (iii) submissions received to date following consultation with stakeholders and publication of the application on the Department’s website

have come to a decision with respect of the above application on the 25th March, 2019, that in the absence of the mitigation measures proposed by the applicant, the possibility of a likely significant effect on the site concerned cannot be excluded on the basis of objective scientific information, an Appropriate Assessment within the meaning of Article 6(3) of Directive (92/43/EEC) (as amended; the ‘Habitats Directive’) and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011) (as amended; the ‘Birds and Habitats Regulations’), is required.

A Natura Impact Statement (NIS) will be required to progress the Appropriate Assessment of the proposed development. Regulation 2(1) of the Birds and Habitats Regulations provides the following definition for Natura Impact Statement:

“Natura Impact Statement” means a report comprising the scientific examination of a plan or project and the relevant European Site or European Sites, to identify and characterise any possible implications of the plan or project individually or in combination with other plans or projects in view of the conservation objectives of the site or sites, and any further information including, but not limited to, any plans, maps or drawings, scientific information or data required to enable the carrying out of an Appropriate Assessment.

Regulation 42(3) of the Birds and Habitats Regulations provides as follows in relation to the furnishing of a Natura Impact Statement and additional information to a public authority:

5(b) Where appropriate, a Natura Impact Statement shall include, in addition—

- (i) the alternative solutions that have been considered and the reasons why they have not been adopted,*
- (ii) the imperative reasons of overriding public interest that are being relied upon to indicate that the plan or project should proceed notwithstanding that it may adversely affect the integrity of a European site,*
- (iii) the compensatory measures that are being proposed*

The NIS should be conducted in the context of article 6.3 and 6.4 of the Habitats Directive and appropriate guidance and is a statement of the likely and possible impacts of your proposed development on a Natura 2000 site.

The NIS provided must include further information on the following:

- Provision of maximum sound levels from the Vertical Seismic Profiling (VSP)
- Confirmation if there are any other projects further inshore or elsewhere off the other coasts of Ireland that may interact to give rise to LSE in combination with the proposed project.
- Confirm that the entirety of habitat types and species for which a site is protected have been considered
- Identify the implications of the proposed project for the species present on that site and for which that site has not been listed – as well as the implications for habitat types and species outside the boundaries of that site, insofar as those implications are liable to affect the conservation objectives of the site.

Jean Clarke

A handwritten signature in black ink that reads "Jean Clarke". The signature is written in a cursive style and is positioned above the printed name.

Senior Advisor