



ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCREENING DETERMINATION

Project Proposal

On 21 February 2019, Exola DAC, a wholly owned subsidiary of Providence Resources Plc. (hereafter referred to as 'Exola') submitted an application to the Minister for Communications, Climate Action and Environment under Regulation 3(1) of the *European Union (Environmental Impact Assessment) (Petroleum Exploration) Regulations 2013* (S.I. 134 of 2013), as amended by the *European Union (Environmental Impact Assessment) (Petroleum Exploration) (Amendment) Regulations 2019* (S.I. 124 of 2019) ('**EIA Petroleum Exploration Regulations**') for permission to conduct a site survey within the Barryroe licence area (SEL 1/11), situated in the North Celtic sea Basin approximately 43 kilometres south east of the closest coastline at Ballymacshoneen, Butlerstown North, County Cork on the south coast of Ireland.

The site survey will comprise a seabed and shallow geophysical survey and an environmental baseline and habitat assessment survey to be conducted over three survey areas, encompassing four potential well locations, within two separate survey vessel activity areas at Barryroe, together with a single environmental control point approximately 10 km to the east-south east. The two survey vessel activity areas cover a total area of approximately 99 km² (25 km² and 74 km² respectively) and allow for a 1 km buffer around the survey areas within which the survey vessels may manoeuvre during line turns and during equipment deployment and recovery.

The key aims of the survey are to:

- Accurately determine water depths and provide information on the depth of sediments overlying bedrock and to map any chalk exposures;
- Provide information on seabed and sub-seabed conditions to ensure the safe emplacement and operation of a semi-submersible drilling rig at four proposed well locations (drilling does not form part of this application);
- Provide information on the cultural potential of the survey area, including the location of any shipwrecks or other underwater cultural heritage features;
- Assess the survey area for the presence of any Annex 1 habitats (as defined in the EC Habitats Directive 92/43/EC); and
- Obtain environmental baseline samples across the survey area to establish a benchmark for ongoing environmental monitoring as per OSPAR guidelines.

The following documents were submitted with the Exola application:

- Application for approval to Conduct a Seabed Debris Clearance, Environmental Baseline and Habitat Assessment Site Survey;
- Barryroe Site Survey Environmental Impact Assessment Screening Report;
- Pre-Survey Fishery Assessment at Barryroe (SEL 1/11); and
- Combined Appropriate Assessment Screening and Natura Impact Statement.

Assessment Process

The Environment Advisory Unit (EAU), a functionally separate and independent unit of the Department (**DCCA**E) 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 respect of applications made to the Minister for permission to undertake “activities” under an exploration licence or petroleum prospecting licence.

EIA – In Ireland, the *European Union (Environmental Impact Assessment) (Petroleum Exploration) Regulations 2013* (S.I. 134 of 2013), as amended by the *European Union (Environmental Impact Assessment) (Petroleum Exploration) (Amendment) Regulations 2019* (S.I. 124 of 2019) provide (at Regulation 3(1B)) that the EAU shall carry out an EIA Screening Assessment and make a Determination 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.

Habitats – The European Communities (Birds and Natural Habitats) Regulations 2011 – 15, 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 required Stage 2 Appropriate Assessment) in accordance with the Birds and Natural Habitats Regulations, in respect of applications to the Minister for permission to undertake “activities” under an exploration licence or petroleum prospecting licence.

On receipt of an application, the Petroleum Affairs Division in DCCA E (“**PAD**”) places the application on the DCCA E 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 of State regarding whether consent should be given for the ‘activities’ applied for.

Independent Expert Advisors

DCCA E has further engaged Ramboll Environment and Health UK Limited (**Ramboll**) to provide advice with regard to the carrying out of statutory environmental assessments of applications for permission to carry out “activities” under a petroleum exploration or prospecting licence.

Ramboll conducted an independent assessment of the information provided by the Applicant by reference to the relevant selection criteria set out in Annex III of the EIA Directive and their Report entitled “Statutory Environmental Assessment EIA Screening Determination for Barryroe Site Survey” (**Ramboll Report**) is shown at Appendix 1.

Legislative Background

The EIA Directive (Directive 2011/92/EU, as amended by Directive 2014/52/EU) 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. 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.

In Ireland, the European Union (Environmental Impact Assessment) (Petroleum Exploration) Regulations 2013 (S.I. No 134/2013), as amended by the European Union (Environmental Impact Assessment) (Petroleum Exploration) (Amendment) Regulations 2019 (S.I. 124 of 2019) give effect to the EIA Directive in the context of applications to the Minister for permission to conduct petroleum exploration / prospecting “*activities*” under a petroleum exploration licence or a petroleum prospecting licence (the ‘**EIA Petroleum Exploration Regulations**’).

“Activities” are defined in Regulation 2 of the EIA Petroleum Exploration Regulations as meaning:

(a) searching for petroleum within the meaning of section 8(7) of the Petroleum Act 1960 under an exploration licence, or

(b) doing anything referred to in section 9(5) of the Petroleum Act 1960 under a petroleum prospecting licence,

and includes deep drillings.

Section 8(7) of the 1960 Act provides that “*searching for petroleum*” means:

“searching for petroleum” means the doing by the licensee under an exploration licence of all such things as are in his opinion necessary or desirable for the purpose of ascertaining the character, extent or value of the petroleum in the area to which the licence extends and, in particular and without prejudice to the generality of the foregoing power, includes exploring for petroleum by using geological, geophysical, geochemical and topographic examination, making borings, sinking pits,

removing water from old workings and taking and removing reasonable quantities of petroleum and other minerals for analysis, test, trial or experiment.'

Section 9(5) of the 1960 Act provides as follows:

'Every petroleum prospecting licence shall be expressed and operate to authorise the licensee, during the currency of such period as is specified in the licence, to enter on the land specified in the licence and there do all such things as the licensee considers necessary or desirable for the purpose of ascertaining the character, extent or value of the petroleum under such land and, in particular and without prejudice to the generality of the foregoing power, for the purpose aforesaid, to make geological, geophysical, geochemical and topographic examinations and to make borings, sink pits, remove water from old workings and take and remove reasonable quantities of petroleum and other minerals for the purpose of analysis, test, trial or experiment.'

Applications for geophysical examinations (including site surveys) by holders of exploration or prospecting licences come within the above definitions and are therefore subject to the requirements of the EIA Petroleum Exploration Regulations in relation to EIA Screening.

Regulation 3(1B) of the EIA Petroleum Exploration Regulations provides that where the holder of an exploration licence or petroleum prospecting licence makes an application to the Minister under Regulation 3(1) for permission to undertake activities under the licence, the Environment Advisory Unit of the Department ('**EAU**'): *"shall make a determination, having taken account of the matters specified in paragraph (2A), 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"*.

Regulation 3(2A) refers to: (a) the criteria specified in Annex III of the EIA Directive and (b) where relevant, the results of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation (other than the Directive).

Regulation 3(2B) provides that where a determination is made that the proposed activities would be likely to have significant effects on the environment, the EAU shall specify, with reference to the relevant criteria listed in Annex III, the main reasons for the determination.

Regulation 3(2C) provides that where a determination is made that the proposed activities would not be likely to have significant effects on the environment, the EAU shall specify:-

- (a) with reference to the relevant criteria listed in Annex III, the main reasons for that determination,
- (b) any features (proposed by the applicant) of the proposed activities which would avoid or prevent what would otherwise be significant adverse effects on the environment, and
- (c) any measures proposed by the applicant to avoid or prevent what would otherwise be significant adverse effects on the environment.

Regulation 3(2) provides that, where the EAU makes a determination that the activities would be likely to have significant effects on the environment: *“the Unit shall require the applicant to submit an environmental impact statement in respect of the activities the subject of the application.”*

Public Consultation and Process

On 27th February 2019, the Exola Application and accompanying documents were posted on the Department website and the public invited to make submissions thereon during a 30 day consultation period ending on the 1st April 2019. The following responses were received and the points raised have been considered as part of the EIA screening assessment process.

- Submission received Harrington & Co. Solicitors on behalf of An Taisce dated 1st April, 2019
- Department of Culture, Heritage and the Gaeltacht dated 4th April, 2019

Having reviewed the Exola Application and accompanying documents, the responses received to the public consultation, Ramboll recommended that further information be obtained from Exola 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 project. Adopting that recommendation, additional information was sought from the Applicant on 18th April 2019. 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.

The Applicant submitted the following additional information on the 8th May 2019¹:

- Updated Environmental Impact Assessment (EIA) Screening Report; and
- Updated Pre-Survey Fishery Assessment Report.

On 9 May, the supplemental information received from the applicant was posted on the Department website for comment by 23rd May 2019. No further responses were received.

The consultation responses received (including the project specific observations) during the public consultations in respect of the Application are shown in the Ramboll Report at Appendix 1, and formed part of the external review of the Applicant’s EIA Screening Assessment and Report undertaken by Ramboll.

EIA Screening Assessment and Determination

Further to Regulation 3(1A) of the EIA Petroleum Exploration Regulations, the EIA Screening Assessment of the Exola DAC Application is carried out based on information provided by the Applicant on the characteristics of the activity and its likely effect on the environment as specified in Annex IIA of the EIA Directive and any description provided by the applicant of the features of the proposed activities and the measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

¹ Letter dated 7th May 2019.

In accordance with Regulation 3(1B) and (2A), in carrying out an EIA Screening Assessment of the Application to determine whether the activities the subject of the Application would or would not be likely to have significant effects on the environment, it is necessary to have regard to the relevant selection criteria as outlined in Annex III of the EIA Directive.

In carrying out the EIA Screening assessment of the Application made by Exola in accordance with these criteria, I have carefully considered the following documents:-

- Documents provided by the Applicant –
 - Updated Barryroe Site Survey Environmental Impact Assessment (EIA) Screening Report;
 - Updated Pre-Survey Fishery Assessment Report;
 - Application for Approval to Conduct a Seabed Debris Clearance, Environmental Baseline and Habitat Assessment Site Survey;
 - Letter from Exola dated 7th May submitted with revised documents.
- External review of the applicant’s EIA Screening Assessment / Report carried out by Ramboll (Ramboll Report entitled “Statutory Environmental Assessment EIA Screening Determination for Barryroe Site Survey” is at Appendix 1)
- Submissions received during the public consultation processes

The EIA screening assessment of the project carried out by 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 including size and design of the development, cumulation with other 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 including existing and approved land use, relative abundance, availability and regenerative capacity of natural resources in the areas and its underground, absorption capacity of wetlands, riparian areas and river mouths, absorption capacity (of coastal zones and marine areas, nature reserves and parks, areas classified or protected under national legislation, areas where there has been a failure to meet environmental quality standards, landscapes and sites of historical, cultural or archaeological significance).
- Types and characteristics of the potential impact as set out in Annex III of the EIA Directive.

Based on careful consideration of the documentation highlighted above 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 the Applicant has provided sufficient information to enable an EIA Screening Assessment of the proposed site survey.

I further agree with and adopt the responses to the project specific observations received during the public consultation process as set out in the Ramboll Report (at Appendix 1 to this Determination).

As regards the additional observations made during the public consultation process relating to the current regulatory process applicable to applications made to the Minister for permission to undertake “activities” under an exploration licence or petroleum prospecting licence, significant structural changes have occurred in the Department’s management of the environmental assessment and decision making processes in respect of such applications. As described in detail above, the Environment Advisory Unit (EAU), a functionally separate and independent unit of the Department , 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 respect of applications made to the Minister for permission to undertake “activities” under an exploration licence or petroleum prospecting licence. I further am satisfied that all appropriate process steps were followed, including as regards informing the public / public consultation.

I note the applicant’s own conclusion that the proposed Barryroe site survey is not likely to have a significant effect on the environment and that an EIA is not, therefore, required.

I further agree with and adopt the EIA Screening Assessment carried out by Ramboll in respect of the Exola application by reference to the Annex III criteria and the conclusions reached in the Ramboll EIA Screening Determination for Barryroe Site Survey Report (set out at Appendix 1 to this Determination).

Accordingly, I am satisfied and have decided that the proposed site survey within the Barryroe licence area (SEL 1/11), situated in the North Celtic sea Basin approximately 43 kilometres south east of the closest coastline at Ballymacshoneen, Butlerstown North, County Cork on the south coast of Ireland is not likely to have a significant effect on the environment and, consequently, an Environmental Impact Assessment is not required in respect of the application, subject to the implementation of the mitigation measures referred to and adopted below.

I note the mitigation and management measures committed to by Exola and the requirements by Department of Culture, Heritage and the Gaeltacht in the submission made as part of the public consultation and the recommendation by Ramboll in their Report that all measures should be included in any consent granted in respect of the Exola application. Accordingly I adopt all the mitigation measures as outlined in Table 1 (below) and this decision is contingent on the inclusion of these mitigation measures in any consent granted in respect of this application.

The Applicant can be informed of this EIA Screening Determination and, in accordance with Regulation 3(2E) of the EIA Petroleum Exploration Regulations, the public will also be informed of this EIA Screening Determination, with the Determination being published on the Department’s website and notice thereof being published in a national newspaper.

Jean Clarke



Environment Advisory Unit, 23rd July, 2019

Department of Communications, Climate Action and Environment

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

Discipline	Mitigation Measure Proposed	Industry Standard	Project Specific Condition Recommended
Physical Presence	Risk of collision with vessels reduced through the use of positioning and automatic identification systems, notice to mariners also. Contractors with good HSE performance will be used.		X
	Benthic sample stations will be investigated prior to sampling using high-resolution video or stills photography.		X
Interactions with Other Sea Users	<p>For interactions with fishermen, the project proposes the use of a Fisheries Liaison Officer (FLO), submitting a notification to “regular runners” and Notice to Mariners.</p> <p>In the Fishery Assessment it is recommended that a French speaking person ashore with a working knowledge of both the fishing industry and offshore operations should be available if liaison with foreign vessel owners is required. It would be envisioned that this person would work in conjunction with the FLO</p>		X
Underwater Noise	<p>Exola and its survey contractor will adhere to the DAHG Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters (DAHG, 2014). Of note is that these measures apply specifically to marine mammals, however, observations shall also be undertaken for marine reptiles and the same procedures applied where possible.</p>		
	<p>Two qualified Marine Mammal Observers (MMOs) will be appointed to monitor marine mammals and log all data according to the standardised forms provided in the DAHG Guidance and provide an MMO report to the regulatory authorities.</p>	X	
	<p>Acoustic surveying will not commence if marine mammals are detected within a 500 m radius around the acoustic sources (referred to as the Monitored Zone).</p>	X	
	<p>Sound-producing survey activities will only be commenced in daylight hours where effective visual monitoring, as determined by the MMO, can be achieved.</p>	X	
	<p>For sound-producing activities, as water depths across the proposed survey area are less than 200 m, pre-start-up monitoring will be conducted by the MMO at least 30 minutes before any activity using the acoustic sources is due to commence. Sound-producing survey activity using the acoustic sound sources will not commence until at least 30 minutes have elapsed with no marine mammals detected within the Monitored Zone by the MMO. This pre-start monitoring will be followed by the soft-start procedure.</p> <p>Commencement of sound-producing survey activities will be undertaken using a ‘soft-start’ (ramp up and gradual</p>	X	

Discipline	Mitigation Measure Proposed	Industry Standard	Project Specific Condition Recommended
	<p>increase in energy/noise source) procedure for any equipment where the output peak SPL exceeds 170 dB re 1µPa at 1 metre. The build-up of acoustic energy output will occur in consistent stages to provide a steady gradual increase in power (over a period of 20 minutes). Where the power of acoustic noise sources cannot be increased gradually due to operational parameters of the device, the device will be switched on and off in a consistent sequential manner for a period of 20 minutes prior to commencement of the full necessary output.</p> <p>Where a soft-start procedure has commenced, there is no requirement to halt or discontinue the procedure at night or in poor weather or visibility conditions or if marine mammals are sighted within the Monitored Zone.</p> <p>Where there is a break in sound output (e.g. in the event of equipment failure, shut-down etc.) from the acoustic sources for more than 30 minutes, all soft-start procedures must be undertaken before activity can recommence.</p> <p>If a break in sound output occurs during the hours of darkness, the survey will be suspended until daylight when effective visual monitoring, as determined by the MMO, can be completed before start up.</p> <p>Full reporting on MMO operations and mitigation measures undertaken must be provided to the relevant regulatory authorities.</p>		<p>X</p> <p>X</p> <p>X</p> <p>X</p>
Atmospheric Emissions	<p>Compliance with the Merchant Shipping (Prevention of Air Pollution from Ship) (Amendment) Regulations 2014 and the MAPROL Convention 73/78 Appendix VI on atmospheric emissions.</p> <p>Operations will be planned to minimise duration, and vessel movements, and ensure efficient operations.</p>	<p>X</p> <p>X</p>	
Discharges to the Sea	<p>Solid waste stored onboard and handled with the Waste Management Hierarchy, MARPOL and the Sea Pollution (Prevention of Pollution by Garbage from Ships). Garbage Management Plan will be developed. Contractors must use authorised waste contractors.</p> <p>Adherence to IMO and Irish Regulations and guidance on ballast water management.</p> <p>All discharges will be treated and discharged according to the MARPOL Convention and any additional IMO requirements.</p> <p>Survey vessel will have a SOPEP in place in accordance with Annex I of MARPOL.</p> <p>Spill kits on board the vessel deck to clean-up spills of utilities hydrocarbons or chemicals before they can enter the sea.</p> <p>Refuelling of the survey vessel to be undertaken in port, thus reducing potential for collision or spillage at sea</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	

Discipline	Mitigation Measure Proposed	Industry Standard	Project Specific Condition Recommended
Archaeology	<p>Using geophysical data to ensure no marine archaeology sites are disturbed.</p> <p>Investigation of benthic grab sample sites using video/photosThe services of a suitably qualified and suitably experienced maritime archaeologist, to include experience in the interpretation of marine geophysical data, shall be engaged in advance of any such survey to undertake the UAIA so as to inform on the cultural potential of the area and advise on the known or potential location of any shipwrecks or other UCH within the specified survey area. This is particularly relevant where grab samples, etc. are being carried out.</p> <p>The Underwater Archaeological Impact Assessment (UAIA) should comprise detailed desktop study and archaeo-geophysical interpretation of all geophysical survey results as well as assessment of the results of all sampling.</p> <p>The UAIA shall be licensed by the Department of Culture, Heritage and the Gaeltacht and a detailed method statement shall accompany the licence application by the archaeologist.</p> <p>Ideally the archaeologist would be on board the survey vessel to view the geophysical data in real time and identify known or potential UCH as it is encountered. If this is not possible the results of all marine geophysical survey undertaken shall be made available to the archaeologist for assessment and interpretation, and to inform on any potential submerged cultural heritage or submerged palaeo-landscape evidence.</p> <p>The UAIA report shall be forwarded to the Underwater Archaeology Unit of the Department of Culture, Heritage and the Gaeltacht for consideration and further comment in advance of any site investigation/sampling works taking place.</p>		<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>

Discipline	Mitigation Measure Proposed	Industry Standard	Project Specific Condition Recommended
General	<p>Should the applicant change the survey vessel or equipment they should be required to seek approval from DCCAE and that as part of that process DCCAE should expect to see evidence that the vessel, equipment and methodology proposed are not materially different from the assumptions used to inform the applicant's assessment of potential effects.</p> <p>Appropriate steps will be taken regarding the use and handling of substances that could be harmful to human health or the environment, in accordance with Regulations and best practice.</p> <p>Solid waste will be stored appropriately on the vessel and returned to shore for handling in accordance with the Sea Pollution (Prevention of Pollution by Garbage from Ships) Regulations 2012.</p> <p>Garbage Management Plan will be in place in accordance with MARPOL Annex V.</p>	<p>X</p> <p>X</p> <p>X</p>	<p>X</p>

