



**CORRIB FIELD: APPLICATION TO CONDUCT SURVEY AND INSPECTION/ MAINTENANCE
PROGRAMME OF THE PIPELINE AND OFFSHORE FACILITIES, AND REMEDIAL MAINTENANCE WORK**

APPROPRIATE ASSESSMENT (AA) SCREENING DECISION

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 DCCAIE 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 15th April, 2019, Vermillion Exploration and Production Ireland Ltd (Vermillion), submitted an application to the Department of Communications, Climate Action and Environment (**DCCAIE**) for approval to conduct an offshore pipeline survey and inspection/maintenance programme of the offshore facilities in the Corrib field, along with remedial work on the P3 well.

The proposed survey programme and repair work will consist of the following elements:-

- A subsea inspection and maintenance and infrastructure renewal survey programme of the subsea facilities using ROV and vessel mounted equipment deployed from the Construction / ROV Survey Support Vessel *Edda Sun*. This vessel will be responsible for the survey covering the area of the Corrib offshore field assets as well as seabed infrastructure as far inshore as Broadhaven Bay.
- A subsea inspection and maintenance survey programme of the subsea infrastructure using vessel deployed equipment from the inshore survey vessel *Leah-C*. This vessel will be responsible for the inshore parts of the survey, primarily within Broadhaven Bay as far as the inshore limit of safe navigation.
- The *Edda Sun* will also undertake a repair programme to the Corrib Central Manifold P3 wellhead, which will require the opening of the wellhead protection cover and replacement of the bridging plate and hydraulic override tool on the AMV actuator at the wellhead. No use of acoustic survey equipment is planned during the repair programme at P3.

The inshore and offshore elements of the work programme will investigate features such as free-spanning and scouring, and pipeline burial depth and integrity, as well as cathodic protection

measures. The offshore elements of the survey programme will also include the P3 wellhead structure remedial works, but no use of acoustic survey equipment is planned during the repair itself. As described above, a large offshore survey support vessel will undertake the offshore parts of the survey, while an inshore survey vessel will carry out the inshore elements of the survey. Both surveys will cover the area of the Corrib Field along the full extent of the offshore pipeline route (also covering selected sections of the main control umbilical), the BBGT water outfall pipeline, and other seabed infrastructure) as far inshore as the limit of navigation close to the landfall at Glengad.

Vermillion submitted the following documents with the application, including a combined Appropriate Assessment Screening and Natura Impact Statement:-

- (i) Application to Conduct an Offshore Survey;
- (ii) Two Method Statements:
 - a. Subsea Inspection and Maintenance;
 - b. Well P3 Hydraulic Fluid Loss Permanent Repair;
- (iii) Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement, prepared by RSK on behalf of Vermillion (combined AA Screening and Natura Impact Statement)
- (iv) EIA Screening and Environmental Risk Assessment for Annex IV Species Report, prepared by RSK on behalf of Vermillion

Assessment Process

The Environment Advisory Unit (**EAU**), a functionally separate and independent unit of DCCAE 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 undertake a survey programme comprising an offshore pipeline and subsea structure inspection (to include repair and maintenance work as necessary), inshore pipeline inspection/maintenance, as well as a programme of repair works in relation to an existing wellhead.

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 DCCA (‘**PAD**’) places the application on the DCCA 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 has further engaged Ramboll Environment and Health UK Limited (**Ramboll**) to provide assistance to the EAU with regard to the carrying out of statutory environmental assessments of applications (such as the within application) seeking permission to carry out a survey programme comprising an offshore pipeline and subsea structure inspection (to include repair and maintenance work as necessary), inshore pipeline inspection/maintenance, along with repair works.

Ramboll has conducted an independent assessment of the information provided by the Applicant, having regard to the Habitats Directive, the Birds and Natural Habitats Regulations and relevant jurisprudence of the EU and Irish courts. The Ramboll Report is shown at Appendix 1.

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 consenting for a plan or project is given, or a decision to undertake or adopt a plan or project is taken”.*

Furthermore the regulations provide under Regulation 42 (6) and 42 (7) that:-

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.’*

Public Consultation

The Vermillion application and supporting documentation were posted on the DCCAE website on 16th April 2019. During the 30 period of consultation, it came to the Department’s attention that not all the documents had been posted on the website at the same time. In order to ensure that a 30 day consultation would apply in respect of all the application documents, an extension of the 30 day consultation period was granted to Tuesday, 28th May 2019.

Two responses were received and have been considered as part of the AA screening process.

- Submission from the Department of Culture, Heritage & Gaeltacht dated 27th May 2019; and
- Submission from a member of the public dated 28th May 2019.

Having reviewed the Vermillion application and accompanying documents, the responses received to the public consultation, Ramboll recommended that further information be obtained from Vermillion in relation to their application on the basis that insufficient information had been provided with the application to enable an AA Screening Assessment and Determination be made in respect of the proposed activities. Adopting that recommendation, additional information was sought from the Applicant on 7th June 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 an updated Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement (June 2019), which was published on the DCCAE website on the 20th June 2019, for comment by 5th July 2019.

While no submission was made during the consultation period, one response was received prior to the additional information being posted on the website that referred to more than one application and which was taken into consideration as part of the AA Screening Assessment of the application:

- Submission from a member of the public dated 14 June 2019.

Having further reviewed the Vermillion Application and accompanying documents, including the updated information received, and the unsolicited submission received prior to the commencement of the supplemental public consultation on the application, Ramboll recommended that further information be obtained from Vermillion in relation to their application on the basis that the information submitted to date remained insufficient to enable an AA Screening Assessment and Determination be made in respect of the proposed activities. Adopting that recommendation, additional information was again sought from the Applicant on 31st July 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 an updated Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement (August 2019), which was published on the DCCAE website on 21 August 2019, for comment by 5th September 2019. Two further responses were received and have been considered as part of the AA Screening Assessment:

- Submission from the Department of Culture, Heritage and the Gaeltacht dated 05 September 2019; and
- Submission from a member of the public dated 05 September 2019.

The consultation responses received (including the project specific observations) are shown in Appendix 1 as part of the external review of the applicant's Appropriate Assessment Screening Report undertaken by independent external environmental advisors commissioned by the Department (Ramboll Environment and Health UK Limited; 'Ramboll').

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 Bird 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:
 - Documents submitted with the application (as listed above);
 - Updated Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement, prepared by RSK on behalf of Vermillion (August 2019);
 - Updated EIA Screening and Environmental Risk Assessment for Annex IV Species Report, prepared by RSK on behalf of Vermillion (August 2019).
- Appropriate Assessment Screening and NIS Review Report prepared by Ramboll (included at Appendix 1);
- Submissions received during the public consultation processes and unsolicited communication received in respect of the application (also commenting on other applications), received outside the formal consultation periods.

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 survey programme, comprising an offshore pipeline and subsea structure inspection (to include repair and maintenance work as necessary), inshore pipeline inspection / maintenance, as well as a programme of repair and engineering work on the P3 well.

I further agree with, and adopt, the responses to the observations received during the public consultation process / unsolicited communication received in respect of the application (also commenting on other applications), received outside the formal consultation periods, as set out in the Ramboll Report (at Appendix 1 to this Determination).

By way of additional response to the observations received relating to the current regulatory process and structures in DCCAE, the "Assessment Process" section of this Determination describes in more detail the structural changes that have occurred in the Department's management of the environmental assessment and decision making processes in respect of applications, such as the within application.

The AA screening process 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).

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

- Physical presence of the survey vessels and equipment
- Acoustic Surveys and Associated General Vessel Emissions
- Routine Emissions and Discharges during Vessel Operations
- Accidental Fuel Oil Spillages

Having considered the above impact sources, the applicant has, in their screening assessment, concluded that the proposed survey operations either individually or when taken in combination with other plans or projects, are not likely to have a significant effect on any European site.

However the applicant has also acknowledged that there is some uncertainty regarding the specification of, and reliance upon, mitigation (or industry good practice) at the Stage 1 screening for Appropriate Assessment. Furthermore, the applicant prepared and submitted a Natura Impact Statement (NIS) with their application. As a result, 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 Appropriate Assessment Screening and NIS Review for Vermillion Site Survey Report (at Appendix 1 to this Determination) and consider it is not possible to rule out (without mitigation), as a matter of scientific certainty, that the proposed survey programme and repair work operations are either likely to have a significant effect on a European site, or that such likelihood can be ruled out.

Accordingly, I am satisfied and have decided that the application by Vermillion to conduct an offshore pipeline survey and inspection/maintenance programme of the offshore facilities in the Corrib field, along with remedial work on the P3 well 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. The application will now proceed to Stage 2 Appropriate Assessment.

Jean Clarke, 14th October, 2019



Environment Advisory Unit

Department of Communications, Climate Action and Environment