



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

APPROPRIATE ASSESSMENT DETERMINATION AND ANNEX IV SPECIES ASSESSMENT

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 DCCA 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 (**DCCA**) 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:-

- (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 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: Appropriate Assessment Process

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.”

Stage 1: AA Screening

The first step in the AA process is that 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.

In giving effect to the above as a matter of Irish law, the **Birds and Natural 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.’*

Stage 2: Appropriate Assessment

Where it has been determined, following screening, that an Appropriate Assessment is required, Regulation 42(11) provides as follows in relation to the carrying out of an Appropriate Assessment:

(11) An Appropriate Assessment carried out under this Regulation shall include a determination by the public authority under this Regulation pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would adversely affect the integrity

of a European site and the assessment shall be carried out by the public authority before a decision is taken to approve, undertake or adopt a plan or project, as the case may be.

Regulation 42(12) sets out the matters required to be taken into consideration by a public authority in carrying out an Appropriate Assessment:

(12) In carrying out an Appropriate Assessment under paragraph (11) the public authority shall take into account each of the following matters—

- a) the Natura Impact Statement,*
- b) any other plans or projects that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site,*
- c) any supplemental information furnished in relation to any such report or statement,*
- d) if appropriate, any additional information sought by the authority and furnished by the applicant in relation to a Natura Impact Statement,*
- e) any information or advice obtained by the public authority,*
- f) if appropriate, any written submissions or observations made to the public authority in relation to the application for consent for proposed plan or project,*
- g) any other relevant information.*

Factual Background

Public Consultation Process and Stage 1 AA Screening Assessment

The Vermillion application and supporting documentation were published on the Department website and submissions were invited to be made on the application during a 30 day consultation period concluding on the 28th May 2019. Two responses were received

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

Having reviewed the Vermillion application and accompanying documents, and 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 RSK Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement (June 2019), which was published on the DCCAE website on 20th June 2019 for comment by 5th July.

While no submission was made during the consultation period a submission was made in respect of the application prior to the additional information being posted on the website and which referred to more than one application:

- Submission from a member of the public dated 14th 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 RSK Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement (August 2019), which was published on the DCCA website on 21st August 2019, for comment by 5th September 2019. Two further responses were received:

- Submission from the Department of Culture, Heritage and the Gaeltacht dated 5th September 2019; and
- Submission from a member of the public dated 5th September 2019.

A Stage 1 screening for Appropriate Assessment was carried out in respect of the activities the subject of the Vermillion application in accordance with the relevant provisions of the Habitats Directive (92/43/EEC), the Birds and Natural Habitats Regulations and the relevant jurisprudence of the EU and Irish courts, which provide the decision making framework and tests for carrying out screening for appropriate assessment.

On 14th October 2019, an Appropriate Assessment Screening Determination was made that a Stage 2 Appropriate Assessment was required in respect of the Vermillion application.

A Newspaper Notice was published noting the outcome of the AA Screening Determination and the Department website was further updated to this effect.

Stage 2 AA Public Consultation Process and Appropriate Assessment

Notified Bodies

Notification of the Vermillion application was issued to the following organisations:

- National Parks and Wildlife Service;
- Irish Maritime Administration, Department of Transport, Tourism and Sport;
- Ship Source Pollution Prevention Unit Irish Maritime Administration, Department of Transport, Tourism and Sport;
- Irish Coast Guard (& National Maritime Operations Centre), Department of Transport, Tourism and Sport;
- Sea Fisheries Protection Authority;
- Sea Fisheries Policy Division, Department of Transport, Tourism and Sport;
- Department of Defence;
- Mission Support Facility, Irish Air Corps;
- Naval Headquarters;
- Marine Institute;
- Commissioners of Irish Lights

One responded with comments as shown in Section 2.3.1 of the Ramboll Report, referenced above and included at Appendix 1 to this Determination.

Public Consultation

Following the conclusion of the AA Screening Process and publication of the AA Screening Determination on the Department website, a 21 day public consultation was carried out on the application documents for the purposes of the Stage 2 Appropriate Assessment, concluding on 6 November 2019. No further submissions were received in respect of the Vermillion application.

The submissions received during the various public consultations on the application and the unsolicited submission received in respect of the application outside of the various consultation processes are shown in Section 2.3.2 of Ramboll Report (at Appendix 1), as part of the external review of the RSK Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement (August 2019) and previous versions that were submitted by the applicant.

Ramboll NIS Review and Appropriate Assessment Report

A Natura Impact Statement (NIS) is a scientifically robust examination of a proposed plan or project which is used to characterise any possible implications of the project individually or in combination with other plans or projects on the conservation objectives of any relevant European site(s).

The assessment by Ramboll of the applicant's NIS (RSK Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement – original submitted in April 2019, with updated versions submitted on request in June and August 2019) and associated application documents considered the following aspects in the context of European sites:-

- Conservation status of relevant habitats and species listed under Annex II of the Habitats Directive and Annex I of the Birds Directive;
- Baseline conditions and conservation objectives and qualifying features of any relevant European site(s);
- Any management plans associated with relevant European site(s);
- Details on each species and habitat type for which relevant European site(s) are designated and spatial mapping of the distribution and temporal mapping, including lifestyle stages;
- Information on population profile of the species and their conservation status (e.g. size, population structure etc.);
- Ecosystem structure and functioning of the site and its overall conservation state;
- The role of the site within the ecosystem region and the Natura 2000 network;
- Any other aspects of the site or its wildlife that is likely to have an influence on its conservation status and objectives (e.g. current management activities, other developments etc.)

Furthermore the NIS was also assessed in the context of the following:-

- A description of size, scale and objectives of the proposed plan or project;

- A description of the pressures of the proposed plan or project, and its likely impacts on the conservation objectives and local site characteristics;
- Identification of all European sites located within the zone of influence of the proposed plan or project, together with qualifying interests and conservation objectives;
- Methodologies, analysis and data sources utilised to demonstrate use of best scientific knowledge;
- A scientific assessment, analysis and statement of the significant effects including direct, indirect, cumulative and in combination effects of the relevant European site(s) and/or species which are expected to occur as a result of the development;
- Details of any appropriate mitigation measures undertaken, or proposed to be undertaken by the applicant (included in Table 1 to this Determination) to mitigate any significant effects on the environment or on the European site(s) and/or species, and the period within which any such measures shall be carried out by the developer;
- An assessment of the scope and scale of residual effects after mitigation (including direct, indirect, cumulative and in combination effects);
- A conclusion in relation to whether or not the project would adversely affect the integrity of any European site (either individually or in combination with other existing or consented developments).

Appropriate Assessment Determination

I have carefully considered the following documents in carrying out the Appropriate Assessment of the activities the subject of the Vermillion application:-

- Documents provided by the applicant:
 - Documents submitted with the application (as listed above), in particular, the RSK Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement;
 - Updated RSK Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement (June 2019 and as further updated in August 2019);
 - Updated RSK EIA Screening and Environmental Risk Assessment for Annex IV Species Report (updated July and August 2019);
- Appropriate Assessment Screening and NIS Review Report prepared by Ramboll (November 2019), (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;
- Observation received from the Irish Maritime Administration of Department of Transport, Tourism and Sport (as a Notified Body).

Based on careful consideration of the information summarised 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 accordingly am satisfied that the applicant has provided sufficient information to enable an Appropriate 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 Ramboll response to the observation received from the Irish Maritime Administration of Department of Transport, Tourism and Sport (as a notified body), set out in section 2.3.1 of the Ramboll Report and the responses to the project specific observations received during the public consultation processes and in the unsolicited communication received outside the formal consultation periods, as set out in section 2.3.2 of the Ramboll Report.

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 DCCAE’s management of the environmental assessment and decision making processes in respect of applications such as the within application.

The applicant prepared and submitted a Natura Impact Statement (NIS) with their application, with updated versions submitted following request during the assessment process.

I agree with and adopt the Appropriate Assessment Screening and NIS Review Report prepared by Ramboll in respect of the Vermillion application (dated November 2019 and attached as Appendix 1 to this Determination) and the conclusions reached in that Report that it can be excluded on the basis of the latest and best objective scientific information that the proposed survey programme – together with the mitigation measures proposed – individually and/or in combination with other plans or projects, will not have an adverse effect on the integrity of the named European sites.

I note the mitigation and management measures committed to by Vermillion, which include the requirement by Department of Culture, Heritage and the Gaeltacht to adhere to the Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters (DAHG, 2014). I further note the requirement by the Irish Maritime Administration of Department of Transport, Tourism and Sport for maintenance and management of vessels in accordance with MARPOL 73/78. I adopt all the mitigation measures, as outlined in Section 5 of the Ramboll Report and set out Table 1 to this Determination, which are additional to the mitigation measures already adopted in the EIA Screening Determination made in respect of the Vermillion application.

Accordingly, I am satisfied and have decided that 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), will not adversely affect the integrity of the relevant European sites identified, whether individually or in combination with other plans or projects, in view of the sites’ conservation objectives, subject to the implementation of the mitigation measures adopted and outlined in Table 1 and the mitigation measures already adopted in the EIA Screening Determination made in respect of the Vermillion application, and this decision is contingent on the inclusion of all these mitigation measures in any consent that may be granted in respect of this application.

Legislative Background: Annex IV Species Assessment

Article 12 of the Habitats Directive provides that:

“Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:

(a) all forms of deliberate capture or killing of specimens of these species in the wild;

- (b) *deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;*
- (c) *deliberate destruction or taking of eggs from the wild;*
- (d) *deterioration or destruction of breeding sites or resting places.”*

Regulation 29 of the Birds and Natural Habitats Regulations transposes Article 12 into Irish law and provides that:

“29. (1) Where the Minister has reason to believe that any activity, either individually or in combination with other activities, plans or projects, is of a type that may—

- (a) have a significant effect on a European Site,*
- (b) have an adverse effect on the integrity of a European Site,*
- (c) cause the deterioration of natural habitats or the habitats of species or the disturbance of the species for which the European Site may be or has been designated pursuant to the Habitats Directive or has been classified pursuant to the Birds Directive, insofar as such disturbance could be significant in relation to the objectives of the Habitats Directive,*
- (d) cause pollution or deterioration of habitats within the meaning of the second sentence of Article 4(4) of the Birds Directive, or*
- (e) have an adverse effect on the conservation status of—*

- (i) animal species listed in Annex IV(a) to the Habitats Directive in their natural range pursuant to Article 12 of the Habitats Directive,*
- (ii) plant species listed in Annex IV(b) to the Habitats Directive pursuant to Article 13 of the Habitats Directive,*
- (iii) species of wild fauna and flora listed in Annex V to the Habitats Directive pursuant to Article 14 of the Habitats Directive,*
- (iv) naturally occurring birds in the wild state,*

the Minister shall, by notice, subject to paragraph (2), where he or she considers appropriate, direct that the activity shall not be carried out, caused or permitted to be carried out or continue to be carried out by any person in the European Site or part thereof or at any other specified land or may restrict or regulate the activity in the European Site or part thereof or at any other specified land, and each such notice shall be accompanied by a statement of the Minister’s reasons for making the decision.”

Annex IV Species Assessment and Determination

Ramboll carried out an assessment of the information submitted by Vermillion for the purposes of Article 12 / Annex IV of the Habitats Directive, as detailed in the Ramboll Report.

The Ramboll Report further concludes that 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) – together with the mitigation measures proposed – will not cause any significant disturbance to the Annex IV species described that may be present in the area.

I agree with and adopt the conclusions in the Ramboll report in relation to impacts on Annex IV species and, accordingly, I am satisfied that the assessment for Annex IV Species is of an acceptable standard and am further satisfied that there would be no significant adverse effects on Annex IV species, should approval be granted for the Vermillion application, subject to the implementation of

the mitigation measures adopted above (and outlined in Table 1) and the mitigation measures already adopted in the EIA Screening Determination made in respect of the Vermillion application, which must be included in any consent that may be granted in respect of this application.

Conclusion

Having considered the application by Vermillion, the conclusions of the updated RSK Corrib Subsea Inspection, Maintenance and Infrastructure Renewal Surveys 2019 Natura Impact Statement (August 2019), the submissions from notified bodies and from the public during the various public consultations on the application, and having adopted the conclusions reached in the Ramboll Report, it can be concluded, and I conclude, for the purposes of Article 6(3) of the Habitats Directive and Article 42(11) of the Birds and Natural Habitats Regulations, that 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) will not adversely affect the integrity of the relevant European sites identified (whether individually or in combination with other plans or projects), in view of the sites' conservation objectives, subject to the implementation of the mitigation measures adopted and outlined in Table 1 and the mitigation measures already adopted in the EIA Screening Determination made in respect of the Vermillion application, and this decision is contingent on the inclusion of all these mitigation measures in any consent that may be granted in respect of this application.

I further conclude that the assessment for Annex IV species is of an acceptable standard such that I am satisfied that there would be no significant adverse effects on Annex IV species that may be present in the area, should approval be granted for the Vermillion application, subject to the implementation of all the mitigation measures adopted, which must be included in any consent that may be granted in respect of this application.

Jean Clarke, 26th November, 2019



Environment Advisory Unit,

Department of Communications, Climate Action and Environment

Table 1 Mitigation and Management Measures (additional to measures outlined in EIA Screening Determination)

Commitment proposed	Additional notes
Application of the NPWS (2014) Guidelines for marine mammal mitigation.	All measures outlined in the Guidelines will be implemented.
Spill contingency plans will be implemented.	To reduce the potential environmental impact of an unplanned oil spill.
No fuelling of vessels will be undertaken within European sites; it will take place in port. All deck machinery will only be refuelled within a bunded area.	To reduce the likelihood of occurrence of an oil spill.
Regular maintenance of all engines onboard, in line with Maritime Registry of Shipping (MRS), MARPOL 73/78 Annex VI (as appropriate) and other similar requirements.	To reduce impacts from standard emissions.
Vessel discharges will also be managed in accordance with the requirements of MARPOL 73/78 as appropriate.	To reduce impacts from discharges.
Communication between operators to ensure that surveys are co-ordinated to limit noise exposure.	Noise mitigation measures have been outlined in the EIA screening determination.
All project operators will apply appropriate mitigation measures to protect/prevent animals from the risk of collision/entanglement.	To reduce the risk of collision/entanglement with animals.