

Ms Hennessy
Mr Nugent
Rúnaí Aire Stáit

Decision Sought

The Minister of State approves:

- *The ‘Kinsale Head Decommissioning Plan – Kinsale Head Petroleum Lease (OPL1)’ an addendum proposed by PSE Kinsale Energy Limited (“KEL”) to the Kinsale Head Plan of Development, which covers the decommissioning of certain facilities known as the “Kinsale Gas Area”, pursuant to Petroleum Lease No.1 dated 7 May 1970 (the “Lease”), which was granted under Section 13 of the Petroleum and Other Minerals Development Act, 1960, as amended (“POMDA”); and*
- *That KEL may alter and remove facilities pursuant to Section 5(2) of the Continental Shelf Act 1968 (as amended) from the area designated pursuant to Section 2 of S.I. No. 92/1993 - Continental Shelf (Designated Areas) Order, 1993.*

Background

1. The Kinsale Gas Area is located in the Celtic Sea approximately 50km off the south coast of Ireland. An indenture of agreement hereinafter referred to as the Parent Agreement was entered into on 13th January, 1959 (“**Parent Agreement**”) between the then Minister for Industry and Commerce and Ambassador Oil Corporation/Ambassador Irish Oil Ltd (the Minister for Communications, Climate Action and Environment (the “**Minister**”) and PSE Kinsale Energy Ltd ((KEL) being the successors thereto) wherein, the Minister, inter alia, undertook to grant Ambassador Oil an Exploration Licence.
2. The Kinsale Gas Area was initially developed by Marathon Petroleum Company (Ireland) Ltd (“**Marathon**”) under a Petroleum Lease dated 7th May, 1970 between the Minister for Industry and Commerce, the Minister for Finance and Marathon Petroleum Company (Ireland) Ltd hereinafter referred to as the Petroleum Lease. Commercial production commenced in 1978.
3. The gasfield was enlarged in subsequent years to include the satellite “**Ballycotton Gasfield**” and the “**Southwest Kinsale Gasfield**”, which are both included by way of amendment to the Petroleum Lease. An addendum to the Lease dated 29th November, 2006 provided for the use of Southwest Kinsale gasfield as a gas storage facility. This operation ceased in April 2017 as it was no longer commercially viable.

4. In 2009, Marathon transferred its entire legal and 100% beneficial interest in the Lease to PETRONAS, Malaysia's national oil company. The gasfield is now operated by PSE Kinsale Energy Ltd (KEL), a wholly-owned subsidiary of PETRONAS.
5. The gasfield is currently producing approximately 10 million standard cubic feet per day ("MMscfd") of gas (approximately 4% of Ireland's current annual gas requirement). At its peak production in the 1990s, the gasfield produced over 300 MMscfd of gas. Upon cessation of gas production, decommissioning of the facilities will commence subject to the receipt of all necessary approvals. The cessation of production in the gasfield is expected to occur in April/May 2020 when continued production will no longer be viable.
6. Under Section 8.8 of the Department's Rules and Procedures Manual for Offshore Petroleum Production Operations (the "**Rules and Procedures Manual**"), the Operator must separately submit a Cessation of Operations application prior to the proposed date for the cessation of operations. A Cessation of Production application was submitted by the Operator on 26th June, 2019. The application was subsequently approved by the Minister of State on 28th November, 2019. This allows production operations to cease on or after 31st March 2020. Upon cessation of gas production, decommissioning of the facilities will commence subject to the receipt of all necessary regulatory and environmental approvals.

Application Process

7. The entire decommissioning scope of work for both the Kinsale Gas Area and the Seven Heads Gasfields is referred to in this submission as the Kinsale Area Decommissioning Plan ("**KADP**").
8. On 21 June, 2018, the Minister determined, pursuant to Section 13B (2) of the Petroleum and Other Minerals Development Act 1960, as amended (the "**POMDA**"), that an Environmental Impact Assessment ("**EIA**") was required for the KADP.

Previous Application ("PHASE 1")

9. On 26th April, 2019, the Minister of State consented to the "PHASE 1" application works, namely the plugging and abandoning of wells in both the Kinsale Gas Area and Seven Heads gasfields and the removal of the two platform topside structures located in the Kinsale gasfield.

Current Application ("PHASE 2")

10. On 8th August, 2019, KEL (the "Applicant") applied to the Minister of State to decommission certain facilities within the Kinsale Gas Area (**TAB 1**). The details of this "PHASE 2" application are set out in the Decommissioning Plan (**TAB 2**) accompanying the application. The scope of work ("**Relevant Works**") involved in the Decommissioning Plan relates to:
 - the complete removal of the offshore platform jackets (legs) in accordance with OSPAR Decision 98/3.

11. The application was accompanied by an 'Environmental Impact Assessment Report' ("**EIAR**") including a Non-Technical Summary (**TAB 3**) in accordance with section 13A and 13B of the POMDA 1960, as amended and a 'Report for the Purposes of Appropriate Assessment Screening and Article 12 Assessment Screening' ("**AA Screening Report**"). The EIAR and the AA Screening Report both cover the environmental impacts of the entire decommissioning of the facilities for both the Kinsale Gas Area and the Seven Heads Gas Field and all three phases, i.e., they cover the entire Kinsale Area Decommissioning Plan (KADP).

Future Applications ("PHASE 3")

12. A third and final application ("PHASE 3") is expected to be submitted in 2020 covering the decommissioning of the remaining facilities in both the Kinsale Gas Area and Seven Heads gasfields (i.e. the offshore pipelines and umbilicals (which transfer hydraulic and electric power) and the onshore terminal at Inch, Co Cork).
13. The KADP includes the Relevant Works, as defined above, and the following (the "**Remaining Works**"):
 - a. Offshore pipelines and umbilicals: rock cover of freespans and/or remaining exposed sections and remaining in situ protection materials;
 - b. Export pipeline (offshore and onshore section): fill onshore section with grout (if a viable re-use option is not identified) and rock cover of freespans and/or remaining exposed sections in offshore section;
 - c. The decommissioning of the onshore Inch Terminal and the return of the site to the original contours and agricultural use, in accordance with the planning consent.
14. On 13th February, 2020 the Minister determined:
 - a. that an Appropriate Assessment for the 'Kinsale Head Decommissioning Plan – Kinsale Head Petroleum Lease (OPL1) – Consent Application No. 2' is not required as it can be excluded on the basis of objective scientific information, following screening under the European Communities (Birds and Natural Habitats) Regulations, SI No. 477 of 2011 (as amended), that the Decommissioning Plan, individually or in-combination with other plans or projects, will have a significant effect on a European site, and;
 - b. that the assessment for Annex IV Species has been found to be of an acceptable standard to be satisfied that there would be no significant adverse effects on Annex IV species, should approval be granted for the Decommissioning Plan.

Ministerial considerations in assessing the application

15. Minister to be satisfied that the application is in line with OSPAR Convention¹ Decision 98/3, which states *“the dumping, and the leaving wholly or partly in place, of disused offshore installations within the maritime area is prohibited”*.
16. Minister to be satisfied with the Decommissioning Plan submitted in accordance with the Lease granted under Section 13 of the POMDA.
17. Minister to be satisfied that the applicant may alter and remove certain facilities from the area designated pursuant to Section 2 of S.I. No. 92/1993 - Continental Shelf (Designated Areas) Order, 1993, pursuant to Section 5(2) of the Continental Shelf Act 1968.
18. Parent Agreement
 - a. Minister to be satisfied that the Lessee will restore the surface of the land in accordance with good oil field practice in accordance with Article XIX of the Parent Agreement.
19. Petroleum Lease
 - a. Minister to be satisfied that the application and plans include all information and documents necessary to constitute a full explanation of the programme and its technical details to enable an informed judgement on the programme, in accordance with Clause III(6) (c).
 - b. Minister to be satisfied that the Lessee shall execute all operations in, or in connection, with the Leasehold Area in a proper and workman-like manner in accordance with methods and practice customarily used in good oilfield practice in accordance with Clause III (7)(a).
20. Environmental Impact Assessment
 - a. Minister to consider the EIAR under European Union Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU (which has yet to be transposed but has been administratively applied by the Minister since 16 May 2017), and in accordance with the requirements of section 13A and 13B of the POMDA.
 - b. In addition to the EIAR, Minister to have regard to relevant matters including the following:
 1. the particulars submitted with the plan seeking his or her approval for working of petroleum and any other material including maps and plans, in accordance with Section 13B(5)(a) of the POMDA;
 2. any additional material submitted in response to a request for further information, if any, in accordance with Section 13B(5)(b) of the POMDA; and

¹ OSPAR Convention - The Convention for the Protection of the Marine Environment of the North-East Atlantic

3. any submissions or observations validly made in relation to the effects on the environment of the proposed development including those made by other consent authorities, statutory consultees or members of the public, in accordance with Section 13B(5)(c) of the POMDA.
- c. Minister to attach such conditions to the decision as the Minister considers necessary to avoid, reduce and, if possible, offset the major adverse effects (if any) of the proposed working, in accordance with Section 13B(6) of the POMDA.
- d. Minister may have regard to, and adopt in whole or in part, any reports prepared by his or her officers or by consultants, experts or other advisors, in accordance with Section 13B(7) of the POMDA.

Assessment of application

Process and consultation

21. In assessing the application the Department engaged the support of RPS Consultants for independent environmental expertise in relation to the statutory assessment of the EIAR and also took advice on technical matters from Selgovia Limited (“**Selgovia**”), who provide petroleum engineering services to the Department.
22. The application together with the Decommissioning Plan, EIAR and AA Screening Report were posted on the Department’s website on 12th August, 2019 and parties were invited to make comments on the submission by 13th September, 2019. The application was also posted in the EIAR portal hosted by the Department of Housing, Planning and Local Government.
23. The Applicant posted notice on 12th August, 2019 in the Irish Examiner that it had applied to the Minister for approval for an addendum to the Kinsale Head Plan of Development and to alter and remove certain facilities from the Continental Shelf and that the applications were accompanied by an EIAR and an AA Screening Report. The notices gave information on where the documents could be inspected and how to make submissions or observations to the Minister.
24. The Applicant also gave notice of the application in writing to a list of prescribed bodies² as set out in SI 141/1990 (POMDA) (Section 13A) Regulations, 1990 and a further list of bodies notified by the Minister to the Applicant in accordance with Article 6 of the EIA Directive (2014/52/EU) in writing on 12th August, 2019.

² Cork County Council, the Commissioners of Public Works, An Taisce, the Minister for Agriculture, Food and the Marine, the Minister for Housing, Planning and Local Government, the Minister for Culture, Heritage and the Gaeltacht (National Parks & Wildlife Service), the Minister for Transport, Tourism and Sport, the Health and Safety Authority, the Sea-Fisheries Protection Authority, Bord Iascaigh Mhara, the Marine Institute, the Environmental Pillar, the Irish Whale and Dolphin Group, the Heritage Council, and the Environmental Protection Agency.

25. Submissions were received from two parties (**TAB 4**), with those related to the EIA summarised in paragraph 34. Those responses related to the AA screening have been summarised in a separate submission to the Minister.
26. Taking a technical recommendation, further clarification was sought by the Department from the Applicant on 6th November, 2019 (**TAB 5**) in regard to the removal of the two offshore platform jackets (legs), specifically the methodology to determine whether the legs would be cut internally or externally and the depth of such cutting taking into account compliance with OSPAR Decision 98/3. The Applicant responded to the request for further clarification on 12th November, 2019 (**TAB 6**).
27. Having reviewed the application and submissions and observations submitted to the Minister, RPS prepared the *Kinsale Area Decommissioning Project Environmental Impact Assessment Technical Review* (**TAB 7**).

Consultation with the Minister for Transport, Tourism and Sport

28. On 30 September, 2019, the Department consulted (**TAB 8**) with the Minister for Transport Tourism and Sport (“**TTAS**”) on KEL’s application to alter and remove certain facilities from a designated area under Section 5(2) of the Continental Shelf Act 1968, as amended).
29. The Minister for TTAS advised on 14 November, 2019 (**TAB 9**) that they “*can see no adverse impact to the safety of navigation or fishing from the decommissioning activities as outlined. However just before the decommissioning works commence a **Marine Notice** will be required to be written by the Department of Communications, Climate, Action and Environment or the lead contractor highlighting the nature of the work involved and the approximate length of time the works will last*”.
30. It is proposed that the Minister’s consent to the application includes a requirement on the applicant to provide this information to the Minister for TTAS at the appropriate time in line with the request.

Environmental Impact Assessment

Measures to avoid, prevent and reduce adverse effects on the environment

31. The RPS technical review considered that the significant direct and indirect effects of the Decommissioning Plan on the environment are, and will be mitigated, as follows:
 - a. The impacts of the physical presence in field and in transit of supply vessels, barge/or heavy lift vessels and drilling rig will be minimised, and all activities will be undertaken in adherence to relevant legally required standards and controls.
 - b. Potential significant negative effects from physical disturbance from the decommissioning including seabed disturbance will be mitigated by appropriate management measures.

- c. Potential effects arising from underwater noise will be mitigated through careful activity phasing to minimise vessel days and associated noise emissions.
- d. Potential impacts to known cultural heritage features will be avoided during all ground and seabed disturbance activities. Measures to deal with unexpected discoveries are outlined in the draft Environmental Management Plan (EMP) and additional measures to ensure no significant adverse effect on Cultural Heritage receptors are provided in the Environmental Conditions.
- e. Potential discharges to sea will be minor and will be subject to regulatory and policy controls including MARPOL³ and PUDAC⁴.
- f. Waste will be managed in accordance with relevant waste legislation and measures outlined in the draft Resource and Waste Management Plan (RWMP).
- g. To minimise potential effects from accidental events associated with the offshore decommissioning works, all activities will be undertaken in accordance with regulatory and policy controls.
- h. Measures envisaged to avoid, prevent or reduce and offset significant adverse effects on the environment are outlined in full in the draft EMP and the monitoring programme presented in Appendix B of the draft EMP.

Monitoring measures

- 32. The Draft EMP contains a monitoring programme, which RPS has concluded is adequate. RPS have recommended that a detailed EMP for the Relevant Works is to be prepared by the contractor(s) based on the draft EMP which must be approved by the Minister in advance of any works on site.
- 33. The Minister for Culture, Heritage and the Gaeltacht has set out its requirements in terms of archaeological monitoring and these requirements will be included as a condition of consent. The Department has agreed with the Underwater Archaeology Unit of the Department of Culture, Heritage and the Gaeltacht the exact conditions that should apply for this phase of decommissioning, which is set-out in condition C to the proposed consent further below.

Summary of results of consultation, information gathered and manner dealt with

- 34. Two responses were received in the consultation with the public and prescribed bodies, with one of them relevant to the EIAR. A summary of these responses is set out below:

³ The International Convention for the Prevention of Pollution from Ships

⁴ Permit for use and discharge of added chemicals

Observation / Submission	Response
Department of Culture, Heritage and the Gaeltacht (DCHG) Development Applications Unit (DAU) on behalf of National Parks and Wildlife Service (NPWS)	
Attention is drawn to this Department's published " <i>Guidance to Manage the Risk to Marine Mammals from Man-Made Sound Sources in Irish Waters (2014)</i> " which may be of relevance to noise producing activities."	Noted in the deliberations of RPS
Department of Culture, Heritage and the Gaeltacht (DCHG) Development Applications Unit (DAU) on behalf of National Monuments Service (NMS)	
<p>The DCHG's submission on behalf of National Monuments Service (NMS) made reference to one specific area of the application for consent no.2, namely:</p> <ul style="list-style-type: none"> • Archaeology 	<p>The conditions stated in the letter from DCHG relating to the Inch terminal and the foreshore are not deemed relevant to the decommissioning activities associated with the platform jackets.</p> <p>If the Minister grants consent for Consent Application No.2, it is recommended that the proposed conditions that relate to the decommissioning activities for the platform jackets as set out in the submission by the DCHG be attached to any such consent.</p>

Environmental Conditions

35. RPS have recommended the following conditions for the Relevant Works be attached to the Minister's consent:

- a. A detailed Environmental Management Plan for the decommissioning of the platform jackets is to be submitted by the operator based on the draft Environmental Management Plan, which will be provided to DCCAIE for approval in advance of works commencing. Final approval of the EMP for the works associated with Consent Application No.2 lies with the DCCAIE.
- b. A detailed Resource and Waste Management Plan for the decommissioning of the platform jackets is to be submitted by the operator based on the draft Resource and Waste Management Plan and will be provided to DCCAIE for approval in advance of works commencing. Final approval of the RWMP for the works associated with Consent Application No.2 lies with the DCCAIE.
- c. The EMP must include conditions relating to Cultural Heritage as outlined below where these conditions are relevant to the decommissioning of the platform jackets:

- i. The services of a suitably qualified and suitably experienced maritime archaeologist is engaged to undertake agreed monitoring of the decommissioning works on the foreshore or at sea for works that are less than 300m from known wreck sites.
- ii. The applicant shall engage with the archaeologist by providing specifications in advance of the proposed decommissioning works, to allow the archaeologist to determine any mitigation strategies that may need to be put in place to protect identified shipwreck remains. In particular, and if relevant, the wrecks, including the UC-42, that are in closest proximity to the decommissioning works (including any impacts from plant and machinery), shall have an exclusion zone imposed to ensure there is no impacts on the known location of the wreck. The applicant shall be prepared to be advised by the consultant archaeologist in this regard.
- iii. Provision shall be made to accommodate the monitoring archaeologist on board the decommissioning vessels to enable them to successfully carry out their work.
- iv. The monitoring archaeologist shall have the power to have works suspended in a particular location or for a particular element of the decommissioning programme, should known or previously unknown cultural heritage, including underwater cultural heritage, be identified or impacted. The Underwater Archaeology Unit shall be contacted immediately in this event.
- v. The archaeological monitoring shall be licensed by the Department of Culture, Heritage and the Gaeltacht and a detailed method statement containing the monitoring strategy shall accompany the licence application.
- vi. Upon completion of the archaeological monitoring, a detailed monitoring report shall be forwarded to the National Monuments Services' Underwater Archaeology Unit.

Technical Assessment

36. On 28th November, 2019, Selgovia provided its review (**TAB 10**) on the application to decommission the facilities. Selgovia concluded that *“Options for the final method adopted for removal and disposal of the jackets as presented by KEL are reasonable and comply with the requirements of OSPAR Decision 98/3. Consenting to a multi-option approach also makes sense and will allow KEL to optimise the execution of the decommissioning works in terms of both time and cost.”*
37. Selgovia note in their report that the proposed Decommissioning Plan is in accordance with OSPAR Decision 98/3. The elements that are subject to this application are neither being dumped nor left in wholly or partly in place.
38. Selgovia recommended that in granting Ministerial consent the following issues should be addressed through conditions to the Letter of Consent:

- a. Approval of the Consent Application No.2 should be conditional upon all platform legs being cut 'below the seabed' in order to comply with OSPAR Decision 98/3.
- b. Decommissioning cost estimates and reporting should follow good oilfield practice. The Consent Application states that a cost estimate will be provided to DCCAE separately. DCCAE should request an initial cost estimate for all proposed activities prior to the start of decommissioning works. DCCAE should also make it a condition of any consent that a monthly report of costs is provided, either as part of the proposed monthly activity reporting or else as a standalone report if including costs is a sensitive matter. The provision of cost information will assist DCCAE in the monitoring of activity levels and progress. Since the Seven Heads field is being decommissioned at the same time, the allocation of costs between the two leases should also be rigorous and transparent to DCCAE.
- c. The Decommissioning Close Out report proposed by KEL in section 7.3 should also explicitly include the following:
 - i. An Operations Report
 - ii. A Verification Report on Operations

39. The Petroleum Affairs Division (“PAD”) Technical Division have reviewed the application and Selgovia’s assessment and have concluded (**TAB 11**) as follows:

“PAD Technical is satisfied that Selgovia has carried out a comprehensive assessment of the Consent Application No. 2 and that the conclusions and recommendations of Selgovia are acceptable. PAD Technical is satisfied that there is no reason to withhold approval of the Consent Application No. 2, subject to the following conditions:

1. *All platform legs shall be cut below the sea bed.*
2. *Technical conditions are met as previously set out in Consent letter for Application No.1, dated 26 April 2019.*

Other Relevant Matters

- 40. KEL will submit a third application for the Remaining Works to decommission the Kinsale Gas Area facilities (the offshore pipelines and umbilicals (which transfer hydraulic and electric power) and the onshore terminal at Inch, Co Cork).). PAD’s technical advisors have confirmed that the approval of this application will not prejudice the Minister’s consideration of the third application which will be assessed and determined separately.
- 41. Under Article XIX of the Parent Agreement, the Minister may require the Licensee to restore the surface of the land to a reasonable condition in accordance with good oil field practice, which is defined as “oil field practices as used by a prudent operator when working under

conditions where modern conservation regulations prevail". It is the Department's view that the proposed Decommissioning Plan for the Relevant Works together with the proposed conditions to be included in the Ministerial consent for the Relevant Works (as set out in this submission) constitutes good oil field practices. However, until the application for the Remaining Works is received and the subsequent permitted decommissioning activities for the Remaining Works have been agreed and carried out, then the Minister cannot be satisfied that good oil field practice has been followed with respect to the KADP. It is therefore proposed to condition the consent to the Relevant Works to this effect.

42. In accordance with Sections 13A(8) and 13A(8A) of the POMDA, after taking a decision on an application, the Minister shall:
- c. publish a notice of the decision in the *Iris Oifigiúil* and in at least one daily newspaper published in the State;
 - d. make the notice and information of the reasons for decision available for inspection on the Department's website and the DEPHLGs portal; and
 - e. the notice shall inform the public that a person may query the validity of a decision by way of an application for judicial review, and details where practical information on the review mechanism can be found.
43. The decision which has already been made separately by the Minister that no Appropriate Assessment is required will also be published alongside this decision.

Reasoned Recommendation

44. A comprehensive due diligence exercise has been carried out by the Department on the application including the receipt of external technical advice and the carrying out of a public consultation, as described above. The matters raised in the public consultation have been carefully considered and an analysis of the responses has been conducted.
45. In relation to the EIA, RPS have concluded that, subject to the implementation of the mitigation measures proposed, as set out in the KADP EIAR and the draft EMP, and subject to compliance with the conditions set out above, the proposed Relevant Works associated with the Decommissioning Plan will not result in significant adverse effects on the environment. The Department is satisfied with and agrees with this conclusion and the conditions proposed.
46. It is recommended that the Minister grant consent, subject to the Lessee's compliance with the conditions set out further below.

Approval Sought

The Minister of State confirms that:

- a. having regard to this submission including the TABs attached to it;

- b. having considered the content of the EIAR and the further information provided and having determined that it adequately identifies, describes and assesses the direct and indirect effects of the Relevant Works;
- c. having considered the content of the AA Screening Report, the separate submission to the Minister on the AA Screening Report and the Annex IV species assessment and the separate determination that no AA is required and that the assessment for Annex IV Species have been found to be of an acceptable standard such that he can be satisfied that there would be no significant adverse effects on Annex IV species, should approval be granted for the Decommissioning Plan;
- d. having considered the reports prepared by technical consultants, RPS Consultants and Selgovia;
- e. having regard to the following matters:
 - i. the nature, scale, extent and location of the Relevant Works;
 - ii. the particulars submitted with the application seeking approval for the Relevant Works; and
 - iii. the submissions and observations made in relation to the effects on the environment of the KADP as described above;

The Minister to determine that he is satisfied:

- a. that the application is in line with OSPAR Convention Decision 98/3 which states “*the dumping, and the leaving wholly or partly in place, of disused offshore installations within the maritime area is prohibited*”;
- b. with the Decommissioning Plan submitted in accordance with the Lease granted under Section 13 of the POMDA;
- c. for the applicant to alter and remove certain facilities pursuant to Section 5(2) of the Continental Shelf Act 1968 from the area designated pursuant to Section 2 of S.I. No. 92/1993 - Continental Shelf (Designated Areas) Order, 1993;
- d. that, having carried out an EIA in relation to the Relevant Works, alone and in combination with other developments, he agrees with the conclusion of RPS Consultants that, subject to the implementation of the mitigation measures proposed, as set out in the KADP EIAR and the draft EMP, and subject to compliance with the conditions set out above, the Relevant Works will not result in significant adverse effects on the environment;
- e. that there will be no significant effects, individually or in combination with other plans or projects on any European sites protected under the Habitats Directive or the Birds Directive, having regard, *inter alia*, to the European Union (Environmental Impact

Assessment and Habitats) Regulations 2011 (SI No. 473 of 2011) and the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) (SI 477/2011);

- f. that the Lessee will restore the surface of the land in accordance with good oil field practice in accordance with Article XIX of the Parent Agreement;
- g. that the application and plans include all information and documents necessary to constitute a full explanation of the programme and its technical details to enable an informed judgement on the programme, in accordance with Clause III (6) (c) of the Lease;
- h. that the Lessee shall execute all operations in or in connection with the Leasehold Area in a proper and work-manlike manner in accordance with methods and practice customarily used in good oilfield practice in accordance with Clause (7) (a) of the Lease; and,
- i. to accept and adopt the content and conclusions of the reports prepared by technical consultants, RPS Consultants and Selgovia.

Being satisfied regarding the matters outlined above, and having consulted with and received the consent of the Minister for Transport, Tourism and Sport in respect of safety of navigation, approve:

- i. The 'Kinsale Head Decommissioning Plan – Kinsale Head Petroleum Lease (OPL1)' an addendum proposed by KEL to the Kinsale Head Plan of Development, pursuant to the Lease granted under Section 13 of the POMDA as amended which covers the decommissioning of certain facilities in the Kinsale Gas Area; and
- ii. That KEL may alter and remove facilities from the area designated pursuant to Section 2 of S.I. No. 92/1993 - Continental Shelf (Designated Areas) Order, 1993, pursuant to Section 5(2) of the Continental Shelf Act 1968, as amended.

In giving such consent it is recommended that the Minister require that:

- a. The Operator (KEL) shall cut all platform legs 'below the seabed' in order to comply with OSPAR Decision 98/3;
- b. A detailed Environmental Management Plan (EMP) for the Relevant Works is to be prepared by the contractor(s) based on the draft EMP, which will be provided to DCCAE for approval by the Minister in advance of any works on site;
- c. The services of a suitably qualified and suitably experienced maritime archaeologist shall be engaged to monitor all subsea Relevant Works for identified wreck sites that are less than 300m to proposed decommissioning infrastructure. The archaeologist shall be licensed by the Department of Culture, Heritage and the Gaeltacht. The Applicant shall engage with the archaeologist by providing specifications in advance of the proposed Relevant, to allow the archaeologist to determine any mitigation strategies that may need to be put in place to protect identified shipwreck remains. The applicant shall follow the advice of the consultant archaeologist in this regard. Provision shall be made

to accommodate the monitoring archaeologist on board the decommissioning vessels to enable them to successfully carry out their work;

- d. A detailed Resource and Waste Management Plan (RWMP) for Relevant Works is to be prepared by the selected contractor(s) based on the draft RWMP will be provided to DCCAIE and approval by the Minister in advance of any works on site;
- e. The Relevant Works should be completed no later than 4 years after cessation of operations;
- f. An initial decommissioning cost estimate should be provided to the Minister prior to commencement of Relevant Works. Subsequent to this, a monthly report should be provided to the Minister including costs, which should be clearly separated from those from the petroleum lease for the Seven Heads Gas Field;
- g. The Decommissioning Close-Out report proposed by KEL should also explicitly include an decommissioning operations report with a verification report on decommissioning operations;
- h. Verification reports should be prepared by an independent party acceptable to the Minister;
- i. That the Operator (KEL) facilitate any authorised officer appointed by the Minister in accordance with Section 1.10 of the Rules and Procedures Manual in order to exercise functions in accordance with Sections 49 and 50 of the Licensing Terms for Offshore Oil and Gas Exploration and Development⁵;
- j. All operations shall be conducted in accordance with the Department's Rules and Procedures;
- k. Before the Relevant Works commence, the applicant should provide a draft Marine Notice(s) to the Minister for TTAS highlighting the nature of the work involved and the approximate length of time the works will last;
- l. That all Relevant Works set out in the Decommissioning Plan are carried out in accordance with this consent and that a subsequent request for consent is submitted by KEL to the Minister for the Remaining Works in the area leased under the petroleum lease for the Kinsale Gas Area and that the works required under such subsequent consent be carried out in accordance with oil field practices as used by a prudent operator when working under conditions where modern conservation regulations prevail and any subsequent conditions that may reasonably be included by the Minister in the subsequent Minister's consent.

⁵ [Licensing Terms for Offshore Oil and Gas Exploration and Development](#)

Maria O'Brien
Petroleum Affairs Division - Policy and Regulation
17th February 2020

TAB	Document
TAB 1	PSE KEL Cover Letter for Consent Application No. 2
TAB 2	PSE KEL Decommissioning Plan Kinsale Head – Consent Application No. 2
TAB 3	Applicant EIAR Non-Technical Summary
TAB 4	Consultation Submissions Received
TAB 5	Letter to FG Murphy PSE KEL seeking further clarification
TAB 6	Letter from M Murray PSE KEL in response to DCCAЕ further clarification request
TAB 7	RPS EIAR Technical Review
TAB 8	DCCAЕ Letter to DTTAS on Navigation of Safety
TAB 9	DTTAS response on Navigation of Safety
TAB 10	Selgovia Technical Assessment
TAB 11	PAD Technical Recommendation