

SCREENING FOR APPROPRIATE ASSESSMENT AND ARTICLE 12 SCREENING ASSESSMENT TECHNICAL REVIEW

Kinsale Area Decommissioning Project – Consent Application No. 2



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Screening for Appropriate
Assessment and Article 12
Screening Assessment
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**KADP SCREENING FOR APPROPRIATE ASSESSMENT AND ARTICLE 12 SCREENING ASSESSMENT
TECHNICAL REVIEW**

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1 INTRODUCTION

1.1 Kinsale Area Decommissioning Project

PSE Kinsale Energy Limited (KEL) and Seven Heads Limited (SHL) are preparing for the decommissioning of the Kinsale area gas facilities. The Kinsale area gas facilities comprise the Kinsale Head gas field (which includes the adjacent satellite Ballycotton Gas Field and the Southwest Kinsale Gas Field), the Seven Heads gas field, the offshore topside platforms and jackets, infield subsea infrastructure (including well head structures, pipelines and umbilicals) and the onshore gas metering terminal at Inch, Co. Cork. The decommissioning project is herein referred to as the Kinsale Area Decommissioning Project (KADP).

The full decommissioning will be the subject of a number of separate applications to DCCAE for permissions. Two applications have been made to date, namely.

- Consent Application No.1 has been completed and is summarised in **Section 1.3** below.
- Consent Application No.2 is the subject of this report, as summarised in **Section 1.4** below.

1.2 Relevant Legislation

Oil and gas exploration and production activities are regulated in Ireland under the Petroleum and Other Minerals Development Act 1960 (as amended) (referred to herein as the POMDA). Under the POMDA the Department of Communications, Climate Action and Environment (DCCAE) is a designated competent national authority. There is a statutory obligation on the Minister for the DCCAE to confirm that all projects seeking authorisation to undertake activity under the 1960 Act comply with the requirements of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora and the European Communities (Birds and Natural Habitats) Regulations, S.I. No. 477 of 2011 (as amended).

Under Article 6(3) of the EU Habitats Directive (92/43/EEC) and the Birds and Natural Habitats Regulations 2011 (S.I. 477 of 2011) as amended, project proponents are required to provide sufficient information to enable a designated competent authority to undertake a Screening for Appropriate Assessment (AA) to determine whether or not the proposed project (either alone or in-combination with other projects) is likely to have significant effects on the conservation objectives of designated Natura 2000 (or European) sites¹. Where significant effects of the project cannot be screened out, the public authority can request the project proponent to submit a Natura Impact Statement (NIS) to inform the AA for the project.

In addition to the requirement to consider potential effects of a plan or project on European Sites under Article 6(3) of the Habitats Directive, the Directive requires consideration of the potential effects on species listed under Annex IV of the Directive (termed Annex IV species). Under Article 12, Annex IV species are afforded strict protection throughout their range, both inside and outside of designated protected areas. Where significant effects of the project cannot be screened (ruled) out, the Competent Authority can request the project proponent undertake a Stage 2 AA and prepare a Natura Impact Statement (NIS) for the project.

1.3 Consent Application No. 1

On 28 June 2018, KEL and SHL submitted project consent application No.1 to the Minister of State at the Department of Rural and Community Development and DCCAE seeking consent to undertake decommissioning of certain facilities in the Kinsale Head and Ballycotton Gas Fields, and the Seven Heads gas field. The scope of decommissioning work covered by the applications included the removal of the two

¹ In Ireland, designated European sites include Special Areas of Conservation (SACs), designated due to their significant ecological importance for species and habitats protected under Annexes I and II respectively of the Habitats Directive, and Special Protected Areas (SPAs), designated for the protection of bird species protected under Annex I of the EU Birds Directive (Council Directive 2009/409/EEC).

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platform topside structures and the plugging and abandoning of wells, which are detailed in full in the submitted *Kinsale Head Decommissioning Plan*² and *Seven Heads Decommissioning Plan*³.

To meet obligations of the Article 6 and Article 12 of the Habitats Directive and the EIA Directives, the consents applications submitted by KEL and SHL to the DCCAE were supported by the following:

- *Report for the purposes of Appropriate Assessment Screening and Article 12 Assessment Screening*⁴ (the report is referred to herein as the AA Screening Report); and
- the *Kinsale Area Decommissioning Project - Environmental Impact Assessment Report*⁵ (referred to herein as the KADP-EIAR); and

The KADP-EIAR and the AA Screening Report cover the environmental impacts of the entire decommissioning of the facilities for both the Kinsale Gas Area and the Seven Heads Gas Field.

RPS was commissioned by the PAD-DCCAE to provide technical review support in relation to the statutory assessment of the AA Screening Report and KADP-EIAR.

On 18 April 2019, the Minister determined that he was satisfied with the information submitted with regard to appropriate assessment and concluded that:

An Appropriate Assessment for the Decommissioning Plan 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

*That the assessment for Annex IV Species have 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*⁶.

On 23 April 2019, the Minister determined that he was satisfied with the information submitted with regard to the decommissioning plan relating to Consent Application No.1 and consented to the decommissioning of certain facilities in the Kinsale Area and Seven Heads Gas Field, including consent to alter and remove facilities from the area 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.

The applicant was notified of the Minister's determinations and consent by letters, dated 26 April 2019.

² Decommissioning Plan - Kinsale Head Petroleum Lease (OPL 1) - Consent Application No.1 (see <https://www.dccae.gov.ie/documents/Seven%20Heads%20AA%20TAB%202%20-%20Seven%20Heads%20Decommissioning%20Plan.pdf>)

³ Decommissioning Plan - Seven Heads Petroleum Lease - Consent Application No.1 (see <https://www.dccae.gov.ie/documents/Seven%20Heads%20AA%20TAB%202%20-%20Seven%20Heads%20Decommissioning%20Plan.pdf>)

⁴ Report for the purposes of Appropriate Assessment Screening and Article 12 Assessment Screening can be found at the following location: <https://dccae.gov.ie/documents/AA%20TAB%203%20-%20Applicant%20Report%20for%20Purposes%20of%20Appropriate%20Assessment%20Screening%20and%20Article%2012%20Assessment%20Screening.pdf>

⁵ The relevant documentation on KADP EIAR can be found at: <https://www.dccae.gov.ie/en-ie/natural-resources/consultations/Pages/Decommissioning-of-certain-facilities-within-the-Kinsale-Head-Petroleum-Lease-area.aspx>

⁶ The AA Screening Determinations can be found at: <https://www.dccae.gov.ie/en-ie/natural-resources/topics/Oil-Gas-Exploration-Production/environment/statutory-consents/ministerial-decisions/decommissioning-kinsale-head-and-seven-heads-facilities/Pages/Decision-on-Kinsale-Gas-Field-Application.aspx>

1.4 Consent Application No. 2

On 8 August 2019, KEL submitted an application seeking Minister consent for the decommissioning of certain facilities of the Kinsale Head gas fields. This application covers the following:

- **Platform jackets:** complete removal in accordance with OSPAR Decision 98/3.

In relation to the elements relevant to the KADP Consent Application No. 2, the Kinsale Alpha (KA) and Kinsale Bravo (KB) platform jacket legs will be cut from their pile foundations at or below seabed level and removed to shore for recycling and disposal. This was confirmed by KEL in a letter to DCCAE dated 12th November 2019. Therefore, the possibility of sections of the legs remaining exposed above the seabed and requiring rock-cover, referred to in Section 6.1.1. of the Decommissioning Plan, no longer applies.

To support the application for consent and meet obligations of Article 6 and Article 12 of the Habitats Directive and the EIA Directives, reports accompanying the application included the following:

- Decommissioning Plan – Kinsale Head Petroleum Lease (OPL 1) Consent Application No.2⁷;
- AA Screening Report⁴;
- Kinsale Area Decommissioning Appropriate Assessment Screening and Article 12 Assessment Screening Addendum (referred to herein as the AA Screening Report Addendum⁸);
- the KADP-EIAR⁵; and
- the Kinsale Area Decommissioning - Environmental Impact Assessment Report Addendum⁹ (referred to herein as the KADP-EIAR Addendum).

RPS has been commissioned by the PAD-DCCAE to provide technical review support in relation to the statutory assessment of the above reports submitted in support of Consent Application No. 2.

⁷ Decommissioning Plan - Kinsale Head Petroleum Lease (OPL 1) - Consent Application No.2 (see <https://www.dccae.gov.ie/documents/Seven%20Heads%20AA%20TAB%20%20-%20Seven%20Heads%20Decommissioning%20Plan.pdf>)

⁸ AA Screening Addendum can be found at <https://www.dccae.gov.ie/documents/PSE%20Kinsale%20AA%20Screening%20Report%20Addendum.pdf>

⁹ KADP-EIAR Addendum can be found at: <https://www.dccae.gov.ie/documents/PSE%20Kinsale%20EIAR%20Addendum.pdf>

2 TECHNICAL REVIEW

This technical review report presents the findings of the RPS review and assessment of the AA Screening Report and supporting KADP-AA Screening Report Addendum and takes into account the KADP-EIAR, KADP-EIAR Addendum and additional supporting information included in the *Decommissioning Plan – Kinsale Head Petroleum Lease (OPL 1) – Consent Application No. 2*¹⁰; (referred to herein as the ‘Kinsale Head Decommissioning Plan 2’). It should be noted that the AA Screening Addendum and the KADP-EIAR Addendum provide the further information and clarifications requested with respect to the statutory assessment of Consent Application No. 1.

This technical review and assessment of the KADP AA Screening Report and the supporting KADP AA Screening Report Addendum has been undertaken with regard to the following legislation, guidance and departmental circulars:

Legislation:

- European Communities Council Directive (92/43/EEC) on the conservation of natural habitats and wild flora and fauna (Habitats Directive);
- The European Communities (Birds and Natural Habitats) Regulations 2011 (as amended);
- Petroleum and Other Minerals Development Act, 1960 (as amended);
- Petroleum and Other Minerals Development Act, 1960 (Section 13A) Regulations, 1990 (S.I. 141/1990);
- European Union Directive on assessment of the effects of certain public and private projects on the environment (Environmental Impact Assessment) Directive (2011/92/EU) and as amended by Directive 2014/52/EU;
- European Union (Environmental Impact Assessment) (Petroleum Exploration) Regulations 2013 (S.I. No 134/2013);
- European Union (Environmental Impact Assessment) (Petroleum Exploration) (Amendment) Regulations 2019 (S.I. No. 124/2019);
- European Union (Environmental Impact Assessment and Appropriate Assessment) (Foreshore) Regulations 2014 (S.I. No 544/2014);
- European Union (Planning and Development)(Environmental Impact Assessment) Regulations 2018 (S.I. No 544/2014); and
- The Planning and Development Act 2000-2017.

Guidance:

- Managing Natura 2000 Sites: the provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg (EC, 2000);
- Communication from the Commission on the Precautionary Principle. Office for Official Publications of the European Communities, Luxembourg (EC, 2000a);

¹⁰ Decommissioning Plan - Kinsale Head Petroleum Lease (OPL 1) - Consent Application No. 2 available at https://www.dccae.gov.ie/documents/PSE%20Kinsale%20Decommissioning%20Plan_Kinsale%20Head%20No2.pdf

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- Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg (EC, 2002);
- Nature and biodiversity cases: Ruling of the European Court of Justice. Office for Official Publications of the European Communities, Luxembourg (EC, 2006);
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (DoEHLG 2009, rev 2010a);
- Interpretation Manual of European Union Habitats. Version EUR 28. European Commission 2013;
- Article 6 of the Habitats Directive – Rulings of the European Court of Justice. Final Draft September 2014;
- Managing Natura 2000 Sites: the provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC. European Commission (EC, 2018); and
- Recent Irish and European case law on the Habitats Directive.

Departmental/ National Parks and Wildlife (NPWS) Circulars:

- Compliance Conditions in respect of Developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites. Circular Letter PD 2/07 and NPWS 1/07
- *Guidance on Compliance with Regulation 23 of the Habitats Directive*. Circular Letter NPWS 2/07
- *Appropriate Assessment of Land Use Plans*. Circular Letter SEA 1/08 & NPWS 1/08; and
- *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*. Circular NPWS 1/10 and PSSP 2/10. (DEHLG, 2010).

The Screening for AA and supporting documentation will be reviewed to assess whether it includes the following:

- Robust scientific information and analysis including the reasoning and justifications for the conclusion. Relevant chapters of the EIAR may be cross-referenced and the findings integrated into the assessment, particularly where analysis of environmental factors is required to determine effects on the structure and function of the European sites;
- Compliance with the tests and standards of AA as presented in European and national guidance;
- The assessment is carried out on the entirety of information submitted as part of Consent Application No.2, albeit the proposed works only apply to the removal of the platform jackets; and
- A robust scientific assessment on the likelihood of significant effects.

The European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) outlines the requirements for Screening for AA under Regulation 42(1) and 42(2), as follows:

42. (1) 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.

(2) A public authority shall carry out a screening for Appropriate Assessment under paragraph (1) before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken.

3 SCREENING FOR APPROPRIATE ASSESSMENT

As per the EU Guidelines (2002) the checklist below outlines the information necessary to complete the Screening for AA for Consent Application No.2.

Table 3.1: Information Checklist for the Appropriate Assessment

Are these known or available?	Yes/No
Size, scale area, land-take, etc.	Yes: All relevant information regarding size and scale of the project can be found in Section 3.3 of the AA Screening Report and Section 1.4 of the Decommissioning Plan – Kinsale Head Petroleum Lease (OPL 1) – Consent Application No.2
Project Sector	Yes: This project is in the Oil and Gas Sector.
Physical Changes that will flow from the Project (from excavation, piling, dredging etc.)	Yes: Potential sources of effects to European sites are outlined in Section 5.1 and summarised in Table 5.1 of the AA Screening Report and Table 2 of the AA Screening Report. Section 5.2 provides details on the sources of noise and vibration.
Resource Requirements	Yes: The main natural resources and raw materials required by the KADP include: <ul style="list-style-type: none"> • water (freshwater and seawater); • fuel for power generation; • soil; and • selected chemicals.
Emissions and Waste	Yes: Waste arisings from the offshore decommissioning works are discussed in Section 3.4.2.1 Offshore Facilities Preparatory Works and Jackets Removal is discussed in Section 3.4.2.3 of the AA Screening Report, Section 6.3 of Consent Application no. 2 Materials and Waste Management and Section 2.3 of the AA Screening Report Addendum. Each jacket section will be transported to fully licensed dismantling, recycling and waste facilities and will not cause a significant impact on European sites. Atmospheric Emissions including localised and short-term increases in atmospheric pollutants, and to atmospheric GHG concentrations is discussed in Section 5.1, however, the overall significance of the impact of atmospheric emissions from the project is considered to be low and will not cause a significant impact on European sites.
Transportation Requirements	Yes: The transportation requirements for Jackets Removal can be found in Consent Application no. 2 Section 3.4.2.3 Jackets Removal.
Duration of Construction, Operation, Decommissioning etc.	Yes: An indicative project programme is shown in the Decommissioning Plan Section 6.2, Figure 14. The activity timing and phasing is also discussed in the AA Screening Report, Section 3.4.2.3 under Jacket Removal Deferral and Section 3.5. KEL have confirmed that the timelines as stated in the Decommissioning Plan are the correct timeframes, i.e. removal by the end of 2022.
Project Implementation Period	Yes: An indicative project programme is shown in the Decommissioning Plan, Section 6.2, Figure 14. The activity timing and phasing is discussed.
Distance from European Site	Yes: The project Zone of Influence (ZoI) is described in Section 4.2 and the distances from the Kinsale Area facilities to European sites are provided in Table 4.1 of the AA Screening Report.
Cumulative Impacts with Other Projects or Plans	Yes: Consideration of the potential cumulative in-combination effects is provided in Section 5.3 of the AA Screening Report and in Section 2.4 of the AA Screening Report Addendum.
Other, as appropriate	Yes: A Screening Statement and Conclusion are provided in Section 6 the AA Screening Report and Section 3 of the AA

Are these known or available?

Yes/No

Screening Report Addendum. Annex IV species screening for likely effects is provided in Section 7 and the screening conclusion is provided in Section 8.

3.1 Management of the European Site

The KADP is not directly connected with or necessary to the management of any European site.

3.2 Description of the Project

Kinsale Energy is preparing for the decommissioning of the Kinsale Area gas fields and facilities, which are coming to the end of their productive life. The KADP includes for the decommissioning of all physical assets within Kinsale Energy's two leasehold areas (i.e. the Kinsale Head gas fields and the Seven Heads gas field), the pipelines and umbilicals outside the leasehold areas, as well as the onshore gas metering terminal at Inch, Co. Cork which will be fully removed in accordance with the conditions imposed by the original planning permission granted by Cork County Council (planning reference no. 2929/76) with the site returned to agricultural use.

The full decommissioning is the subject of two separate applications to DCCAE for permissions.

- Consent Application No.1 has been completed and is summarised in Section 1.3.
- Consent Application No.2 is the subject of this report, as summarised in Section 1.4.

The Screening AA is on the KADP Consent Application No. 2, covers the following elements of the decommissioning activities:

- **Platform jackets:** complete removal in accordance with OSPAR Decision 98/3.

In relation to the elements relevant to the Kinsale Alpha (KA) and Kinsale Bravo (KB) platforms, their jacket legs will be cut from their pile foundations at or below seabed level and removed to shore for recycling and disposal. This was confirmed by KEL in a letter to DCCAE dated 12th November 2019. Therefore, the possibility of sections of the legs remaining exposed above the seabed and requiring rock-cover, referred to in Section 6.1.1. of the Decommissioning Plan, no longer applies.

3.3 Characteristics of the European Site

Given the nature of the project is such that it could affect water quality and water dependent habitats or species, a distance of 100 km from offshore facilities to European sites primarily located along the south coast of Ireland between Mizen Head and Hook Head have been considered to be within the Zol.

This is based on the maximum expected footprint of any impact associated with the offshore facilities to be decommissioned, and the low likelihood of any hydrocarbon spill reaching coastal European sites (source reference: stochastic oil spill modelling based on loss of diesel inventory from a drilling rig was recently completed for the Midleton Exploration Well 49/11-3, approximately 20km north-east of the Kinsale Head area (RPS 2015)).

A total of 15 SACs and 15 SPAs were identified within the Zol (defined with respect to decommissioning of onshore and offshore elements) of the decommissioning works. These sites are presented in Table 4.1 and Figure 4.1 of the AA Screening Report. Section 2.3 of the AA Screening Report Addendum provides clarifications on the consideration of potential effects from the decommissioning works on European sites within the Zol.

3.3.1 Conservation Objectives

The qualifying interests SACs and SPAs and the closest distance to the decommissioning activities are outlined in Table 4.1 of the AA Screening Report. An assessment of the potential for likely significant effects from the decommissioning works on the qualifying interests and site specific conservation objectives of the

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European sites within the Zol, is provided in Appendix A of the AA Screening Report Addendum. A rationale is also provided as to why certain sites within the Zol were not considered further in the AA Screening Report and why certain sites were subject to screening for AA. This is summarised in Table 1 of the AA Screening Report Addendum.

The European sites identified for further assessment in the AA Screening Report are due to potential interaction with KADP activities and the sensitivities of the qualifying interests of the site. The potential sources of impact from the KADP activities to European sites within the Zol are provided in **Table 3.2**.

Table 3.2: Potential sources of impact to European Sites within the Project Zol

SAC Site Code	SAC Site Name	Site Specific Conservation Objectives Yes / No	Potential Impacts identified by Kinsale Energy from decommissioning activities
002123	Ardmore Head	Yes	No impacts identified.
000077	Ballymacoda (Clonpriest & Pillmore)	Yes	No impacts identified.
001040	Barley Cove to Ballyrisode Point	Yes	No impacts identified.
002170	Blackwater River (Cork/Waterford)	Yes	Offshore Decommissioning Activities – Fish <ul style="list-style-type: none"> ▪ Physical presence: airborne noise and light, in transit vessels, drilling rig, radar beacons, transponders and foghorns. ▪ Underwater noise and vibration: cutting equipment, underwater noise from vessels,. ▪ Discharges to sea: drainage, sewage, litter, alien species in ballast, or as external fouling growth, marine growth. ▪ Accidental events: Dropped objects, Vessel collision, Accidental spills of chemicals/ fuel/ lubricants/ natural gas.
000091	Clonakilty Bay	Yes	No impacts identified.
001230	Courtmacsherry Estuary	Yes	No impacts identified.
001058	Great Island Channel	Yes	Onshore Decommissioning Activities - Habitats <ul style="list-style-type: none"> ▪ Noise ▪ Dust <p>Note: No likely significant effects to Great Island Channel SAC are expected from the activities proposed under KADP Consent Application No. 2.</p>
000665	Helvick Head	Yes	No impacts identified.
000764	Hook Head	Yes	No impacts identified.
001061	Kilkeran Lake and Castlerefreke Dunes	Yes	No impacts identified.
000097	Lough Hyne Nature Reserve and Environs	Yes	No impacts identified.
002162	River Barrow & River Nore	Yes	No impacts identified.
000101	Roaringwater Bay and Islands	Yes	Offshore Decommissioning Activities - Marine Mammals <ul style="list-style-type: none"> ▪ Physical presence: airborne noise and light, in transit vessels, drilling rig, radar beacons, transponders and foghorns. ▪ Underwater noise and vibration: cutting equipment, underwater noise from vessel..

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			<ul style="list-style-type: none"> Accidental events: Dropped objects, Vessel collision. Accidental spills of chemicals/fuel/lubricants/natural gas.
000671	Tramore Dunes and Backstrand	Yes	No impacts identified.
002171	Bandon River	No	No impacts identified.
SPA Site Code	SPA Site Name	Site Specific Conservation Objectives Yes / No	Potential Impacts identified by Kinsale Energy from decommissioning activities
004022	Ballycotton Bay	Yes	No impacts identified.
004023	Ballymacoda Bay	Yes	No impacts identified.
004028	Blackwater Estuary	Yes	No impacts identified.
004081	Clonakilty Bay	Yes	No impacts identified.
004030	Cork Harbour	Yes	Offshore and Onshore Decommissioning Activities - Birds <ul style="list-style-type: none"> Physical presence: airborne noise and light, in transit vessels, drilling rig, radar beacons, transponders and foghorns. Underwater noise and vibration: cutting equipment, underwater noise from vessels. Accidental events: Dropped objects, Vessel collision, Accidental spills of chemicals/fuel/lubricants/natural gas.
004219	Courtmacsherry Bay	No	No impacts identified.
004032	Dungarvan Harbour	Yes	No impacts identified.
004190	Galley Head to Duneen Point	No	No impacts identified.
004192	Helvick Head to Ballyquin	No	No impacts identified.
004193	Mid-Waterford Coast	No	No impacts identified.
004021	Old Head of Kinsale	No	Offshore and Onshore Decommissioning Activities - Birds <ul style="list-style-type: none"> Physical presence: airborne noise and light, in transit vessels, drilling rig, radar beacons, transponders and foghorns. Underwater noise and vibration: cutting equipment, underwater noise from vessels, and post-decommissioning survey. Accidental events: Dropped objects, Vessel collision, Accidental spills of chemicals/fuel/ lubricants/natural gas.
004191	Seven Heads	No	No impacts identified.
004156	Sheep's Head to Toe Head	No	No impacts identified.
004124	Sovereign Islands	No	No impacts identified.
004027	Tramore Back Strand	Yes	No impacts identified.

Note that potential impacts to Great Island Channel SAC discussed in the AA Screening Report and AA Screening Report Addendum are from the onshore decommissioning activities assessed under KADP Consent Application No. 1 and are not relevant to the offshore activities proposed under KADP Consent Application No. 2.

Therefore, the European sites considered as part of this assessment include the following:

- Blackwater River (Cork/ Waterford) SAC,
- Roaringwater Bay & Islands SAC,

- Cork Harbour SPA, and
- Old Head of Kinsale SPA.

3.4 Impact Prediction

Table 3.3: Information Checklist for the Impact Assessment

Have these sources been consulted?	Assessment
The Natura 2000 standard data form for the site	<p>A summary of the qualifying habitats and species of SACs and the special conservation interests of SPA are provided in Table 4.1 of the AA Screening Report. It is noted in the report that the specific conservation objectives for each of the relevant sites have also been consulted (refer to NPWS website for full details https://www.npws.ie/protectedsites/conservationmanagement-planning/conservation-objectives). A list of Summary Objectives is provided for each site in Appendix A of AA Screening Report Addendum.</p> <p>The site synopses for each European site were accessed on the NPWS metadata site (NPWS, 2018). An extract from each Site Synopsis is appended in Appendix A of the AA Screening Report.</p> <p>It is not clear from the information provided in the AA Screening Report or AA Screening Report Addendum whether the Natura 2000 standard data forms for the sites have been consulted. No reference is made to these data forms in the documentation provided by Kinsale Energy and the site specific threats and pressures and CO as outlined in the Natura 2000 forms are not presented in the screening assessment. However, an assessment of the potential for likely significant effects from the decommissioning works on the qualifying interests and site specific conservation objectives of the European sites within the Zol, is provided in Appendix A of the AA Screening Report Addendum.</p>
Existing and historical maps	A map is provided in Figure 4.1 of the KADP Appropriate Assessment Screening Report that indicates SACs and SPAs within the Zol of the project.
Land-use and other relevant existing plans	<ul style="list-style-type: none"> • Existing oil and gas lease areas and potential offshore oil & gas related exploration activity. • The Hibernia Atlantic “D” and Hibernia Express subsea cables. • Marine dredge disposal authorisations relating to the Port of Cork and Department of Defence. • Commercial shipping. • Fisheries. <p>In addition to those existing/approved projects/activities, two proposed offshore projects were identified which are yet to be formally approved:</p> <ul style="list-style-type: none"> • Ireland France subsea cable. • EirGrid Celtic interconnector. <p>Section 2.4 of the AA Screening Report Addendum provides additional information on the assessment of cumulative effects to include the Barryroe oil discovery and shortlisted cable landfalls for the Celtic Interconnector and no cumulative effects are predicted.</p>
Existing site survey material	<p>The COs have been included in Appendix A of the AA Screening Report Addendum. They can be found at;</p> <p>https://www.npws.ie/protected-sites/conservation-management-planning/conservation-objectives</p> <p>Site specific conservation objectives can be found at the above website have been prepared by the NPWS and are available for a number of the European sites listed in Table 3.2 of this report.</p>

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Have these sources been consulted?	Assessment
	<p>For the Annex IV species assessment several key data resources are referenced on the species composition and relative abundance of the marine mammal fauna in the Kinsale area and wider Celtic Sea.</p> <p>Section 7.2.1 of the AA Screening Report includes data that relates to cetaceans (Harbour porpoise, Common dolphin, Bottlenose dolphin, Risso's dolphin, Baleen Whales (incl. Minke Whale, Humpback Whale and Fin Whale)). The data on cetaceans is from the 10 years of surveys conducted by marine mammal observers carried out as part of the annual Celtic Sea Herring Acoustic Surveys (CSHAS) covering waters off the south coast of Ireland, typically over a three week period each October and extends from 2-3 km off the coast to over 100 km offshore (O'Donnell, 2017). Section 4.1 of the AA Screening Report Addendum outlines the updated environmental information which is available for some relevant Annex IV Species, including the 2018 CSHAS and the ObSERVE programme.</p> <p>Cetacean sighting numbers and abundances are included in the AA Screening Report Addendum with data from the years 2015-2016.</p>
Existing data on hydrogeology	No information on hydrogeology was provided in the KADP AA Screening Report or the KADP AA Screening Report Addendum. Information on Hydrogeology has been provided in Section 5.4.3 of the KADP-EIAR.
Existing data on key species	The assessment took into account the status (e.g. as indicated in the Article 17 reporting <i>Status of EU Protected Habitats and Species in Ireland 2013</i> , NPWS 2013 ¹¹) and sensitivities of relevant Annex II and Annex IV species to potential impacts associated with the decommissioning activities.
Environmental statements for similar projects or plans elsewhere	<p>A number of documents and papers were referenced in the AA Screening Report and AA Screening Report addendum.</p> <p>DCENR (2015). Irish Offshore Strategic Environmental Assessment (IOSEA) and RPS (2015) Middleton Prospect Exploration Activities - Environmental Impact Assessment Screening Report and Environmental Risk Assessment, Document No. MGE0502RP0002. Report to PSE Seven Heads Ltd. were referenced to predict impacts to sensitive receptors.</p>
State of the environment reports	The assessment took into account the status (e.g. as indicated in the Article 17 reporting for Ireland, NPWS 2013) and sensitivities of relevant Annex II and Annex IV species to potential impacts associated with the decommissioning activities.
Site management plans	The specific CO for each of the relevant sites have also been consulted (refer to NPWS website for full details of CO of each particular site - https://www.npws.ie/protectedsites/conservationmanagement-planning/conservation-objectives).
Geographical information systems	The digital spatial data for the boundaries of the European sites is obtained from the NPWS https://www.npws.ie/maps-and-data/designated-site-data/download-boundary-data
Site history files	The site history is provided in Section 3.2 Project Background of the AA Screening Report.
Other, as appropriate	For the Annex IV species assessment several key data resources are referenced on the species composition and relative abundance of the marine mammal fauna in the Kinsale area and wider Celtic Sea. These are referenced throughout the document and a comprehensive list of

¹¹ Under Article 11 of the Habitats Directive, each member state is obliged to undertake surveillance of the conservation status of the natural habitats and species in the Annexes and under Article 17, to report to the European Commission every six years on their status and on the implementation of the measures taken under the Directive. The Article 17 available to the applicant at the time of reporting was the 2013 version. The Article 17 reporting was revised and released in August 2019 when the application was submitted to DCCA. The 2019 revision has been reviewed and there has been no change in the status and trend of the Annex II and Annex IV relevant to the decommissioning activities since the 2013 Article 17 reporting.

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Have these sources been consulted?	Assessment
	<p>previous surveys is outlined in the reference catalogue in Section 9 of the AA Screening Report.</p> <p>The data relating to cetaceans (Harbour porpoise, Common dolphin, Bottlenose dolphin, Risso's dolphin, Baleen Whales (incl. Minke Whale, Humpback Whale and Fin Whale)) is outlined in Section 7.2.1 of the AA Screening Report and Table 5 of the AA Screening Report Addendum. The data on cetaceans is from the 11 years of surveys conducted by marine mammal observers carried out as part of the annual Celtic Sea Herring Acoustic Surveys (CSHAS) covering waters off the south coast of Ireland, typically over a three week period each October and extends from 2-3 km off the coast to over 100 km offshore (e.g. O'Donnell et al. 2018).</p> <p>In addition, data was extracted from the Irish Whale and Dolphin Group's (IWDG) Casual Cetacean Sightings database, which includes sightings submitted by IWDG members, researchers and the general public and validated by the IWDG (IWDG 2018). Table 7.2 of the AA Screening Report shows the seasonal distribution of Cetaceans in the Kinsale Area. It is acknowledged in the text that information on seasonal abundance of cetaceans is limited and the data in Table 7.2 provides indicative trends. The assessment took into account the status (e.g. as indicated in the Article 17 reporting for Ireland, NPWS 2013) and sensitivities of relevant Annex IV species to potential impacts associated with the decommissioning activities.</p>

3.5 Screening for Appropriate Assessment Matrix

Table 3.4: Screening for Appropriate Assessment

Appropriate Assessment Screening Criteria	Response
<p>Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the European Sites</p>	<p>The individual elements of the decommissioning activities likely to give rise to impacts on European sites are identified in Section 5.1 of the AA Screening Report as follows:</p> <ul style="list-style-type: none"> • The physical presence of vessels in field and in transit; • Underwater noise from vessels, cutting, and post-decommissioning survey (note that no explosive cutting is proposed); • Physical disturbance from rig placement, rig and vessel anchoring, and infrastructure removal; • Discharges to sea; • Accidental events; • Waste recycling, reuse and disposal; and • Atmospheric emissions. <p>However, the following activities were not considered further in the report as they will not cause a significant effect to European sites:</p> <ul style="list-style-type: none"> • Physical disturbance; • Waste recycling, reuse and disposal; • Atmospheric emissions.
<p>Describe any likely direct, indirect or secondary impacts of the project on the European Sites by virtue of:</p> <ul style="list-style-type: none"> • Size and Scale • Land Take • Distance from European sites or key features of the site • Resource Requirements • Emissions • Excavation Requirements • Transport Requirements • Duration of construction, operation and decommissioning • Other. 	<p>The likely direct, indirect or secondary impacts of the project on the European Sites are assessed in the AA Screening Report Section 5.2, Table 5.1. Receptors such as birds, marine mammals and fish have been identified as the principal receptors. Potential sources of effects are outlined in Table 5.1 and discussed in the following sections in the context of potential receptors (qualifying interests of SPAs and SACs) for which interactions could not be discounted.</p> <p>Size, Scale and Landtake:</p> <p>The Kinsale Area gas fields and facilities are located in the Celtic Sea, between some 40 and 70km off the County Cork coast and are connected to an onshore terminal at Inch, Co. Cork by a 24" main export pipeline. With regard to KADP Consent Application no. 2, Table 5.1 includes the sources of potential impact that could occur from the decommissioning of the Platform Jackets, activity involved in this removal will result in their complete removal.</p> <p>Distance from European sites or key features of the site:</p> <p>The distances of European sites within the Zol of the different elements of the decommissioning activities are provided in Table 5.1 of the AA Screening Report. The relative locations of the European sites within the Zol are presented in Figure 4.1 of the report.</p> <p>Of the 15 SACs and 15 SPAs identified within the Project Zol potential impacts from decommissioning activities are identified for two SACs and two SPAs, while potential impacts to the remaining 13 SACs and 13 SPAs were discounted. The potential impacts arising from the offshore decommissioning activities are identified for the Blackwater River (Cork/ Waterford) SAC (approx. 26 km away), Roaringwater Bay and Islands SAC</p>

Appropriate Assessment Screening Criteria	Response
	<p>(approx. 74 km away), Cork Harbour SPA (approx. 4 km away), and Old Head Kinsale SPA (approx. 25 km away).</p> <p>The remaining 13 SACs and 13 SPAs were excluded from further assessment because during early assessment it was deemed unlikely that there would be any foreseeable interaction between the SACs/SPAs and the decommissioning works.</p> <p>Resource Requirements: The removal of the jackets will not involve the use of resources other than fuel for the vessels and materials for the cutting of the jackets. The steel jackets will be recycled which will be a net benefit of the decommissioning.</p> <p>Emissions: Emissions expected from the proposed decommissioning activities include discharges to sea, light and noise emissions.</p> <p>Excavation Requirements: Excavation of jacket piles/legs. In relation to the elements relevant to the KADP Consent Application No. 2, the Kinsale Alpha (KA) and Kinsale Bravo (KB) platform jacket legs will be cut from their pile foundations at or below seabed level and removed to shore for dismantling, recycling and disposal.</p> <p>Transport Requirements: Sea transport to a suitably licenced dismantling, recycling and disposal facilities.</p> <p>Duration of decommissioning: An indicative project programme is shown in the Decommissioning Plan Section 6.2, Figure 14. The activity timing and phasing is also discussed in the AA Screening Report, Section 3.4.2.3 under Jacket Removal Deferral and Section 3.5. KEL have confirmed that the timelines as stated in the Decommissioning Plan are the correct timeframes, i.e. removal by the end of 2022.</p>
<p>Describe any likely changes to the site arising as a result of:</p> <ul style="list-style-type: none"> • Reduction of Habitat • Disturbance to Key Species • Habitat or Species Fragmentation • Reduction in Species Diversity • Changes in Key Indicators of Conservation Value • Climate Change 	<p>Reduction of Habitat: Potential impacts from offshore decommissioning activities were identified for Blackwater River (Cork/ Waterford) SAC (approx. 26 km away), Roaringwater Bay and Islands SAC (approx. 74 km away), Cork Harbour SPA (approx. 4 km away), and Old Head Kinsale SPA (approx. 25 km away). There will be no reduction in the habitat available in these European sites due to the offshore decommissioning works.</p> <p>Disturbance to Key Species: There is potential for disturbance to key annexed species (including marine mammals, birds and fish) from the physical presence of vessels in field and in transit, noise and vibration from rig placement, rig and vessel anchoring, and infrastructure removal during the offshore activities.</p> <p>Habitat or Species Fragmentation: It is unlikely that there will be any habitat fragmentation as a result of the decommissioning activities. The physical presence of the vessels may influence the distribution and movements of sensitive species in the water column, namely protected migratory fish and marine mammals, and may potentially cause displacement and/or other behavioural responses in birds.</p> <p>Reduction in Species Diversity: There is likely to be a reduction in species diversity in proximity to the offshore decommissioning activities (i.e. cutting of jacket legs). This is expected to be an periodic impact of short duration during the decommissioning works.</p> <p>Changes in Key Indicators of Conservation Value: The risk of pollutants being released into the marine environment from discharges to sea associated with drainage, sewage, litter, alien species (in vessel ballast or as external fouling growth), marine growth, accidental events including dropped objects, vessel</p>

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Appropriate Assessment Screening Criteria	Response
	<p>collision, accidental spills of chemicals/fuel/lubricants/natural gas, may affect species' ability to utilise the site.</p> <p>Climate Change: Activities associated with the KADP will lead to emissions of gases which contribute both to localised and short-term increases in atmospheric pollutants, and to atmospheric GHG concentrations. However, the overall significance of the impact of atmospheric emissions from the project is considered to be low, temporary and will not cause a significant impact on European sites.</p>
<p>Describe any likely impacts on the European Sites as a whole in terms of:</p> <ul style="list-style-type: none"> • Interference with key relationships that define the structure of the site • Interference with key relationships that define the function of the site 	<p>Disturbance to birds and marine life found in close proximity to the decommissioning sites and pollution to the marine environment are identified as the likely interferences between structure and function of European sites.</p>
<p>Indicators of significance as a result of the identification of effects set out above in terms of:</p> <ul style="list-style-type: none"> • Loss • Fragmentation • Disruption • Disturbance • Change to Key Elements of the Site 	<ol style="list-style-type: none"> 1. Estimated degree of decrease in key species population. 2. Disruption and disturbance caused by decommissioning works to the birds and marine life in the area of the decommissioning sites. 3. If there is an accident that could cause contamination the estimated risk of pollution should be calculated.
<p>Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known</p>	<p>Potential impacts from offshore decommissioning activities were identified for Blackwater River (Cork/ Waterford) SAC (approx. 26 km away), Roaringwater Bay and Islands SAC (approx. 74 km away), Cork Harbour SPA (approx. 4 km away), and Old Head Kinsale SPA (approx. 25 km away). There will be no reduction in the habitat available in these European sites due to the offshore decommissioning works.</p>

4 FINDING OF NO SIGNIFICANT EFFECTS REPORT

Table 4.1: Finding of No Significant Effects

Name of Project or Plan	Screening for Appropriate Assessment of Proposed Works
Name and Location of European Site.	Blackwater River (Cork/ Waterford) (SAC) – Approx. 26km from decommissioning works Roaringwater Bay & Islands (SAC) – Approx. 74 km from offshore platforms Cork Harbour (SPA) – Approx. 4 km from decommissioning works Old Head of Kinsale (SPA) – Approx. 25 km from decommissioning works
Description of the Project or Plan.	Kinsale Energy is preparing for the decommissioning of the Kinsale Area gas fields and facilities, which are coming to the end of their productive life. The KADP Consent Application No. 2, covers the following elements of the decommissioning activities: <ul style="list-style-type: none"> • Platform jackets: complete removal in accordance with OSPAR Decision 98/3.
Is the project or plan directly connected with or necessary to the management of the proximal European sites?	No
Are there other projects or plans that together with the project or plan being assessed could affect the site?	The KADP is the subject of a number of Applications to DCCAE for permissions (Consent Application no. 1 and Consent Application no. 2 thus far). Further Consent Applications will be provided for the application offshore pipeline and umbilical works and the onshore and offshore export pipelines works. The AA Screening Report, AA Screening Report Addendum and supporting documentation cover the environmental impacts of the entire decommissioning of the facilities for both the Kinsale Gas Area and the Seven Heads Gas Field. Therefore, the cumulative effects of the proposed decommissioning activities have been assessed. Few existing or approved projects take place in the Kinsale Area, and no relevant projects were identified which were considered to be a source for potential cumulative effects in relation to decommissioning activities proposed for onshore and offshore facilities comprising the KADP.

The Assessment of Significant Impacts

Describe how the project or plan (alone or in combination) is likely to affect the European Site(s).	The individual elements of the decommissioning likely to give rise to impacts on European sites are identified in Section 5.1 as follows: <ul style="list-style-type: none"> • The physical presence of vessels in field and in transit; • Underwater noise from vessels, cutting, and post-decommissioning survey (note that no explosive cutting is proposed);
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Name of Project or Plan	Screening for Appropriate Assessment of Proposed Works
	<ul style="list-style-type: none"> • Physical disturbance from rig placement, rig and vessel anchoring, and infrastructure removal and rock placement; • Discharges to sea; • Accidental events; • Waste recycling, reuse and disposal; and • Atmospheric emissions. <p>However, the following activities were not considered further in the report as they will not cause a significant effect to European sites:</p> <ul style="list-style-type: none"> • Physical disturbance; • Waste Recycling, Reuse and Disposal; and • Atmospheric Emissions.
<p>Explain why these effects are not considered significant.</p>	<p>The decommissioning vessels associated with the KADP will be temporarily present and signify a small and transient incremental increase in the level of shipping in the Celtic Sea. In view of the minor and temporary increment to vessel presence that the KADP would represent and the significant potential for temporal separation of activities, significant effects are not considered to be likely.</p> <p>The KADP is not considered likely to lead to significant effects to European sites as a result of underwater noise.</p> <p>The nature of the decommissioning activities are such that marine discharges will be minor and largely those associated with normal shipping operations for which there are adequate existing regulatory standards and controls. In addition, a permit for the use and discharge of added chemicals (PUDAC) will be required to adequately address the use and discharge of chemicals in accordance with the requirements of the OSPAR Convention to which Ireland is a signatory.</p> <p>Accidental events are unplanned events and are considered to be highly unlikely to occur. In the context of historical and ongoing leak reporting on the UKCS, including of major accidents (as reported in Dixon (2015)) the incremental risk of additional diesel and chemical spills from other vessels in the region are considered small.</p>
<p>List of agencies consulted: provide contact name and telephone or e-mail address.</p>	<p>A consultation submission was received from the Department of Culture, Heritage and the Gaeltacht (DCHG) dated 13th September 2019.</p> <p>A consultation submission was received from the Commission for Regulation of utilities (CRU) dated 11th September 2019</p>
<p>Response to consultation.</p>	<p>The DCHG's submission made reference to two specific areas of the application for consent no.2, namely:</p> <ul style="list-style-type: none"> • Nature Conservation; and • Archaeology <p>The following are the main points from their submission on Nature Conservation:</p> <p><i>It is noted that both addendum documents (AA Screening Report addendum and EIAR Addendum) for the decommissioning of the Kinsale Alpha and Kinsale Bravo platform sub-structures and all associated works have been reviewed. The NPWS are satisfied that the Kinsale Area Decommissioning Project (KADP) is unlikely to introduce or incur a significant negative impact on</i></p>

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Name of Project or Plan	Screening for Appropriate Assessment of Proposed Works
	<p><i>Natura 2000 site designated for Annex II marine mammal species, Roaringwater Bay and Islands SAC (>70km distant). It is also their view that the likelihood of a significant effect on populations of Annex IV cetacean species, arising from the proposed works and activities as documented, can be reasonably discounted. Attention to be drawn to this Department's published "Guidance to Manage the Risk to Marine Mammals from Man-Made Sound Sources in Irish Waters" (2014) which may be of relevance to noise producing activities."</i></p> <p>The CRU stated that the activities covered in Consent Application No. 2 are not subject to regulation by CRU.</p>

Data Collected to Carry Out the Assessment

Who carried out the assessment?	RPS
Sources of data.	Information/data sources referenced within the AA Screening Report, AA Screening Report Addendum and supporting documentation comprising the application package prepared by Kinsale Energy. Other information/ data sources included academic/ grey literature, online databases, and feedback from statutory/ non-statutory bodies and interested parties.
Level of assessment completed.	Desktop assessment
Where can the full results of the assessment be accessed and viewed?	DCCAIE Website
Overall Conclusion.	An AA of the project is not required as the project is not directly connected with or necessary to the management of the site as a European Site and it can be excluded on the basis of objective scientific information, following screening under the European Communities (Birds and Natural Habitats) Regulations, S.I. No. 477 of 2011 (as amended), that the Kinsale Area Decommissioning Project, individually or in-combination with other plans or projects, will have a significant effect on a European site.

5 CONCLUSION

In carrying out the technical review of the Screening for AA, Screening for AA Addendum and supporting documentation and arrive at a definitive determination under Article 6(3) of the Habitats Directive as to whether the project, on its own or in combination with other plans and projects, is likely to have a significant effect on a European site, RPS took into account the following:

- the AA Screening Report;
- the AA Screening Report Addendum;
- application supporting documents (including the KADP EIAR);
- written submissions and observations made to the DCCAE in relation to the application for consent; and,
- recent relevant case law.

Based on the information available on the project as a whole, it is the opinion of RPS that sufficient evidence has been provided in the decommissioning application documentation and it can be determined that an Appropriate Assessment of the project is not required. The requirement for AA can be **excluded** on the basis of objective scientific information, following screening under the European Communities (Birds and Natural Habitats) Regulations, S.I. No. 477 of 2011 (as amended), that the KADP, individually or in-combination with other plans or projects, will have a significant effect on a European site.

It is noted that formal determination of whether an AA is required will be made by the Minister for the DCCAE. The determination will not be prejudiced by this review.