

Ms. Hennessy

Mr. Nugent

Rúnaí Aire

Decision Sought:

That the Minister:

Grant approval to PSE Kinsale Energy Ltd (“**KEL**”) to undertake a shallow geological survey around the Kinsale Alpha and Bravo offshore platforms, using geophysical techniques as part of the engineering works for the planned removal of the platforms. The survey is required to confirm the shallow seabed conditions in the immediate vicinity of the structures.

Background

1. The **Kinsale Gas Area gasfield** is located in the Celtic Sea approximately 50km off the Cork coastline. It was initially developed by Marathon Petroleum Company (Ireland) Ltd 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. Commercial production commenced in 1978. The Kinsale Gas Area was enlarged in subsequent years to include the satellite “**Ballycotten Gasfield**” and the “**Southwest Kinsale Gasfield**” which are both included by way of amendment to the Petroleum Lease. In 2009, Marathon transferred its entire interest in the Lease to PETRONAS, Malaysia’s national oil company. The gasfield has been operated by PSE Kinsale Energy Ltd (KEL), a wholly-owned subsidiary of PETRONAS.
2. Under Section 8.8 of the Department’s Rules and Procedures Manual for Offshore Petroleum Production Operations, the Operator of the Kinsale area Gasfield (KEL) must submit a Cessation of Operations application prior to the proposed date for the cessation of operations. An application was submitted by the Operator on 26th June, 2019 and was subsequently approved by the then Minister of State on 28th November, 2019.
3. Due to depletion of reserves, gas production in the Kinsale Area gasfield ceased on 5th July, 2020. Decommissioning of the facilities has commenced and is subject to the receipt of all necessary regulatory and environmental approvals.

Policy Background

4. The Programme for Government - *Our Shared Future* - contains a commitment to end the issuing of new licences for the exploration and extraction of gas on the same basis as the decision taken in 2019 by the previous Government in relation to oil exploration and extraction. That position was set out in a *Policy Statement on Petroleum Exploration and Production Activities as part of Ireland’s Transition to a Low-Carbon Economy*, which was

published on 17th December, 2019. The statement makes clear that all authorisations in place before 23rd September, 2019 can continue to progress through the standard lifecycle stages. All applications for activities under any existing lease or licences are considered in this policy context.

Shallow Geological Survey Application

- An application for consent to undertake a shallow geological survey around the Kinsale Alpha and Kinsale Bravo platforms using geophysical techniques was received from PSE Kinsale Energy Ltd. (KEL) on 6th March, 2020. The survey is required to assist in the engineering works for the planned removal of the platforms (two in total as outlined in Figure 1).

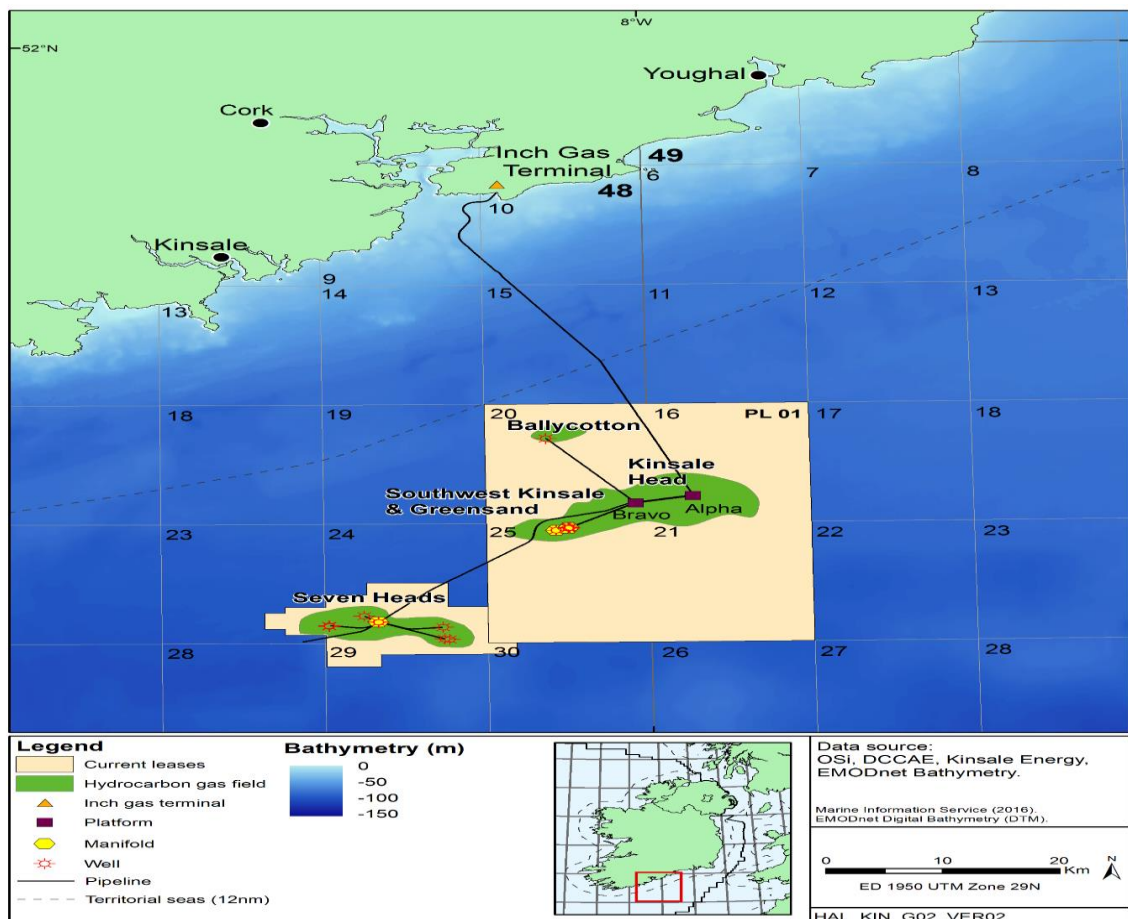


Figure 1 – Location of Kinsale Gasfield Offshore Platforms

KEL proposes to remove the Kinsale Alpha and Bravo Platform jackets (legs) in 2021-22 as part of the decommissioning of the gasfield facilities. These works form part of Decommissioning Consent Application 2 which received Ministerial approval on 24 February 2020. It is proposed to cut the jacket piles prior to jacket removal through the use of an internal cutting tool, or

where required, cutting externally. Some excavation of surficial seabed sediments may therefore be required to access the piles to allow external cutting as part of jacket removal.

The surficial sediments across the Kinsale Head area are shallow, with sub-cropping chalk present near the surface. KEL proposes to undertake a shallow geological survey in order to determine the present depth of the surficial sediments at each platform to inform the level of any excavation required. For the purposes of jacket lift, it is only required to determine whether the chalk/seabed sediment contact is within 5 metres of the seabed. It is planned that the survey will take place this year and it is expected to be completed in less than one day.

The following documents (**TAB A1-A4**) were received as part of the application:

- Application to conduct an offshore site survey (A1);
 - Appropriate Assessment Screening Report (A2);
 - Environmental Impact Assessment Screening/Environmental Risk Report (A3); and
 - Pre-survey Fisheries Assessment (A4).
6. The geological survey will employ one of two methods – hull-mounted or towed equipment – to conduct the survey. Although the specific equipment to be used in the survey has not been finalised, the applicant has indicated that it will more than likely include a mix of:
- Knudsen Pinger SBP;
 - Edgetech 3100;
 - Knudsen Chirp 3260;
 - Innomar SES2000

All sensors will be located on the support vessel to be procured by the Operator.

7. On 29th July, 2020 the Minister determined:
- a) that an Appropriate Assessment for the ‘Kinsale Alpha and Bravo Platforms Shallow Geological Survey’ 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 shallow geological survey, 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 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 shallow geological survey.

Ministerial Considerations in assessing the application

8. Environmental Impact Assessment

- a. The Minister to consider the EIA 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 Petroleum and Other Minerals Development Act 1960 as amended (“**POMDA**”).
- b. In addition to the EIA report, the Minister to have regard to relevant matters including the following:
 - I. 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;
 - II. 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
 - i. any submissions or observations validly made in relation to the effects on the environment of the proposed survey including those made by other consent authorities, statutory consultees or members of the public, in accordance with Section 13B(5)(c) of the POMDA.*
 - III. The Minister to attach such conditions to the decision as he 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.
 - IV. The 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.

Process and consultation

9. In assessing the application, the Department engaged RPS Consultants for independent environmental expertise in relation to the statutory assessment of the EIA and also took advice on technical matters from the Petroleum Affairs Division Technical Section.
10. The EIA Screening Report together with the shallow geological survey application form, AA Screening Report and Pre-survey Fisheries Assessment were posted on the Department’s website on 16th March, 2020 and parties were invited to make comments on the application before 14th April, 2020. On 6th April, the public consultation period was extended to 24th April, 2020 to facilitate public participation in light of the restrictions imposed due to the COVID-19 situation.

11. In accordance with the Department's *Rules and Procedures Manual for Offshore Petroleum Exploration and Appraisal Operations* the following bodies were notified of the EIA Screening Report/Shallow geological survey application documentation:

- Development Applications Unit, 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 Agriculture, Food and the Marine;
- Department of Defence;
- Mission Support Facility, Irish Air Corps;
- Naval Headquarters;
- Marine Institute; and
- Director of e-Navigation and Maritime Services, Commissioner of Irish Lights.

12. Submissions were received on the screening for EIA from the Development Applications Unit, National Parks and Wildlife Service, the Ship Source Pollution Prevention Unit of the Irish Maritime Administration, Department of Transport, Tourism and Sport and the Naval Service.

13. A submission was also received from a private individual.

14. A summary of these responses is set out below:

Observation / Submission	Response
<p>Development Applications Unit, National Parks and Wildlife Service</p> <p>NPWS have reviewed the appropriate assessment screening report and environmental impact assessment report for Kinsale Alpha & Bravo shallow survey and have no additional comments. The equipment planned for survey use, pinger or chirp system, is outside 1,500m from the entrance of enclosed bays, inlets or estuaries and thus the "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" (DAHG 2014) is not applicable.</p>	<p>N/a</p>

<p>The Naval Service have no observations regarding this survey, however it has requested that details of the survey vessels which will conduct the surveys are made known when to hand.</p>	<p>N/a</p>
<p>Ship Source Pollution Prevention Unit: licensees and their employees and contractors are reminded that they should be aware of ship-source pollution prevention provisions which are in place to protect human health and the marine environment and apply to all shipping activity. These provisions are obligatory independently of particular licence terms and conditions. Under the MARPOL Convention and EU law, as applicable in national law, ships may not cause pollution either by discharge to water or emissions to air, when at sea or when at berth in port. Ships include Floating Production, Storage and Offloading vessels (FPSOs), also called a "unit" or a "system"; and Floating Storage Units, (FSUs). Ships berthed at terminals at sea are also obliged to conform to the law. Management of ship waste (mainly oil, hazardous and polluting substances, sewage, garbage and polluting emissions to air) and of all cargo residues must be ensured as required under international (IMO), EU and national law. Under existing provisions ships are obliged to discharge waste and cargo residues at port and ports are obliged to provide adequate facilities for their reception from ships.</p>	<p>Pollution management has been considered by the applicant and is addressed in the screening matrix for potential activity in the EIA screening report. The vessel used to conduct the surveys will meet MARPOL requirements and a garbage management plan is also in place.</p>
<p>Private Individual (name withheld) Please do not allow any more fossil fuels to be explored, exploited and expatriated from Irish waters, soils and seas.</p>	<p>N/A</p>

15. RPS subsequently prepared the *“Kinsale Alpha and Bravo Platforms Shallow Geological Survey Environmental Impact Assessment Technical Review” (TAB B)*.

Environmental Impact Assessment

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

16. The RPS Technical review considered that the project will have no likely significant effects on the environment. Therefore, an Environmental Impact Assessment of the project is not

required. This conclusion has been made by reference to the Annex II and Annex III criteria as set out in the EIA Directive.

Environmental Conditions

17. RPS have recommended the following conditions for the Kinsale Alpha and Bravo shallow geological survey be attached to the Minister's consent:

(a) KEL must seek approval from the Department prior to the commencement of the survey should alternative vessels and/or equipment be proposed. In this event, confirmation will be required that the survey equipment and methodology on any replacement vessel are equivalent to that described in the application, and that the nature and extent of the proposed activities described in those documents have not materially changed.

(b) KEL shall have a suitably qualified visual observer on-board for the duration of activities to ensure that there are no significant effects on species of bird or marine mammal.

Technical Assessment

18. The Petroleum Affairs Division ("**PAD**") Technical Division have reviewed the application and have concluded (**TAB C**) as follows:

PAD Technical has considered all the technical elements of the shallow geological survey application in order to establish the validity of the survey, and have concluded that the data obtained will determine the present depth of surficial sediments and their contact with the underlying chalk to inform the need for any excavation around the jacket piles during jacket removal.

Based on a technical review of the survey programme, it is recommended that approval to conduct a shallow geological survey at the Kinsale Alpha & Bravo platforms (Offshore Petroleum Lease No.1 (OPL1)) covering blocks 48/20, 48/25, 49/16 and 49/21 be granted.

Reasoned Recommendation

19. 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.

20. In relation to the EIA, RPS have concluded that, as set out in the EIA, and subject to compliance with the conditions set out by the Consultants, the proposed works associated with the shallow geological survey will not result in significant adverse effects on the environment. The Department is satisfied with and agrees with this conclusion and the conditions proposed.

21. It is recommended that the Minister grant consent, subject to the applicant's compliance with the conditions set out further below.

Approval Sought

The Minister confirms that:

- a. having regard to this submission including the TABs attached to it;
- b. having considered the content of the EIA and having determined that it adequately identifies, describes, and assesses the direct and indirect effects of the shallow geological survey;
- 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 shallow geological survey;
- d. having considered the reports prepared by RPS Consultants and PAD Technical Division;
- e. having regard to the following matters:
 - i. the nature, scale, extent and location of the shallow geological survey;
 - ii. the particulars submitted with the application seeking approval for the shallow geological survey; and
 - iii. the submissions and observations made in relation to the effects on the environment of the shallow geological survey including those made by other consent authorities, statutory consultees and members of the public, as described above;

The Minister to determine that he is satisfied:

- a. that, having carried out an EIA in relation to Kinsale Alpha and Bravo shallow geological survey, alone and in combination with other developments, he agrees with the conclusion of RPS Consultants that, subject to compliance with the conditions set out above, the Kinsale Alpha and Bravo shallow geological survey will have no likely significant effects on the environment;
- b. 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);
- c. to accept and adopt the content and conclusions of the report prepared by environmental consultants, RPS Consultants.

In giving such consent, it is recommended that the Minister require it to be contingent on adherence to the following conditions:

1. The applicant must seek approval from DCCAE prior to the commencement of the survey should alternative vessels and/or equipment be proposed. In this event, confirmation will be required that the survey equipment and methodology on any replacement vessel are equivalent to that described in the applicant's application documents, and that the nature and extent of the proposed activities described in those documents have not materially changed.
2. The applicant shall have a suitably qualified visual observer on-board for the duration of activities to ensure that there are no significant effects on species of bird or marine mammal.
3. All operations shall be conducted in compliance with the provisions of the Rules & Procedures for Manual Offshore Petroleum Exploration Operations (RPM).
4. The operator/contractor are required to avoid potential cumulative/in-combination effects arising from adjacent regional survey activity, i.e. a minimum of 100km will be maintained between current survey and any other surveys running concurrently. There is to be co-operation between survey activities in the area.
5. In accordance with Section 2.2.4 of the RPM, a Fisheries Liaison Officer (FLO) and Marine Mammal Observer (MMO) must be on board the vessel for the duration of the survey.
6. The operator/contractor is required to arrange for a radio navigational warning to be broadcast and ensure that daily position reports are sent to the Irish Coast Guard, MRCC Dublin along with a notification of number of persons on board. The Irish Coast Guard, MRCC Dublin, the Marine Survey Office of the Department of Transport, Tourism and Sport and the Department of Communications, Climate Action & Environment (DCCAE) must be notified on the start and completion of operations.
7. The Department is to be informed on the commencement and completion of the survey. Daily progress reports should be sent to DCCAE via secure website or by posting to a designated secure website or by emailing (addresses to be advised separately). The operator/contractor is required to make the daily progress reports available to DCCAE before noon each day for the duration of the survey. The final progress report should be sent to the DCCAE.
8. The Department is to be provided with tabulated data on impulsive noise events to be added to the Department of Housing, Planning and Local Government (DHPLG) Impulsive Sound Register. Data to include:
 - Source properties (Hz; SPL, dB re 1 μ Pa @1m; SEL, dB re 1 μ Pa2s @1m);
 - Cumulative hours of active source;
 - Daily/weekly acquisition details (to include line number and date of acquisition);
 - Daily acquisition maps (to include line numbers).

9. All operations must only take place within the proposed working areas as delineated by the 500m exclusion zone highlighted in Figure 2 and described in the documents submitted by PSE Kinsale Energy Limited in March 2020.

Maria O'Brien

Assistant Principal Officer

Petroleum Affairs Division - Policy and Regulation

2nd September, 2020

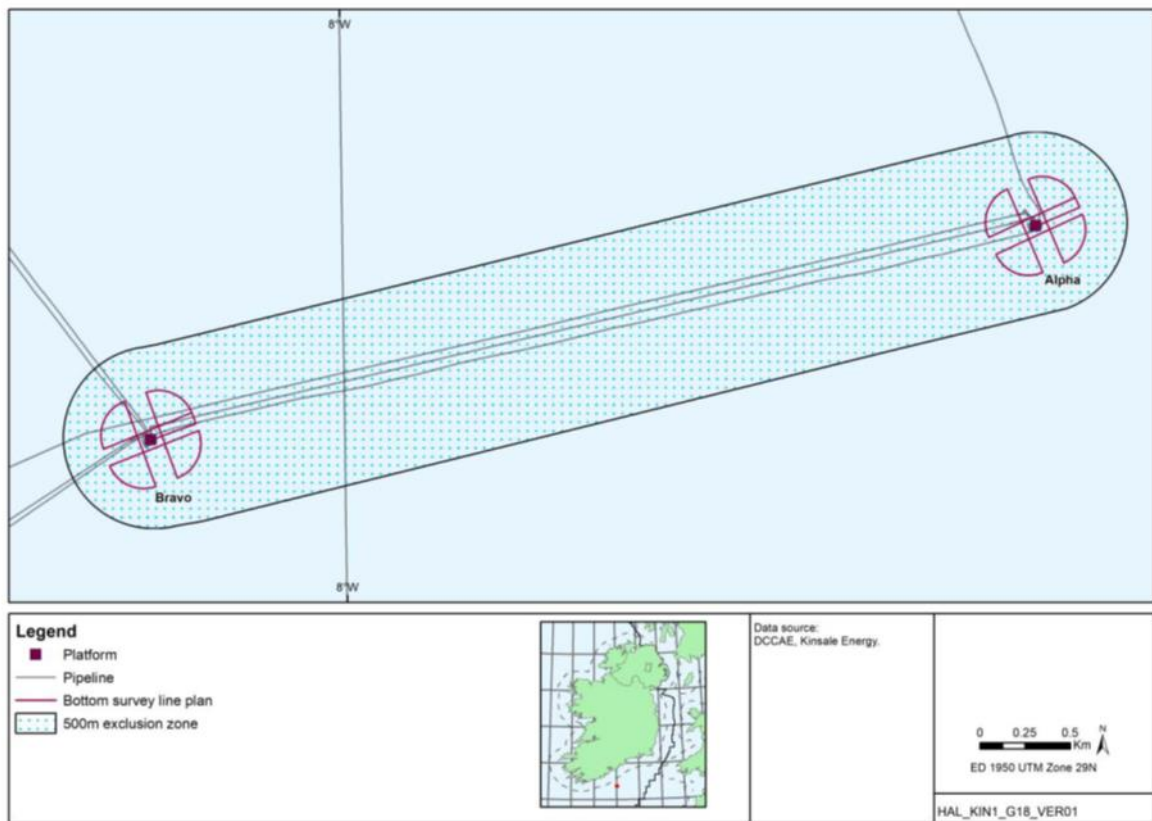


Figure 2: Provisional survey line plan around the Kinsale Alpha and Bravo platforms, including a 500m exclusion zone

Documents forming part of submission

TAB A	<ul style="list-style-type: none">• Application form (TAB A1);• Appropriate Assessment (AA) Screening Report (TAB A2);• Environmental Impact Assessment (EIA) Screening Report (TAB A3);• Pre-survey Fisheries Assessment (TAB A4).
TAB B	RPS Kinsale Alpha and Bravo Platforms Shallow Geological Survey Environmental Impact Assessment Technical Review
TAB C	PAD Technical Recommendation