



6<sup>th</sup> August 2020

To: M.V. Murray  
PSE KINSALE ENERGY LIMITED  
Mahon Industrial Estate  
Cork  
T12 PW92

### **Kinsale Area Subsea Wells - Rig Site Clearance Survey Application**

Dear Mr Murray,

I refer to the application (dated 5<sup>th</sup> March 2020) submitted to the Department of Communications, Climate Action and Environment (DCCAE) by PSE Kinsale Energy Ltd. (PSE), seeking Ministerial approval to undertake a rig-site clearance survey using geophysical techniques in the South West, Ballycotton and Seven Heads gas fields during 2020. Capitalised terms used in this letter are based on the submission to the Minister for the AA Screening Determination appended to this letter.

I wish to inform you that the Minister having considered the following matters:

- noting that the rig-site clearance survey is not directly connected with or necessary to the management of a European Site;
- having regard to the nature, scale and location of the rig-site geophysical survey, the AA Screening Report, the Request for Further Information, the RPS Screening for Appropriate Screening and Article 12 Screening Assessment Technical Review and the RPS AA Screening Technical Review Addendum;
- accepting and adopting the screening assessment carried out by RPS and the conclusion in the RPS reports in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential significant effects of the rig-site clearance survey, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives; and
- accepting the conclusions in relation to Annex IV species set out in the information submitted by KEL and accept and adopt the Annex IV species assessment carried out by RPS and the conclusions in relation to that assessment in the RPS report and having considered that the Habitats 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,

determined on 29th July, 2020 that he is satisfied:

- a. That it can be excluded, on the basis of objective scientific information and in view of the conservation objectives of the site, that the rig-site clearance survey, individually or in combination with other plans or projects, will have a significant effect on a European site as required by Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations SI 477/2011 (the "Regulation") and Article 6(3) of the Habitats Directive 92/43/EEC ("Habitats Directive");
- b. That the information provided catalogues the entirety of habitat types and species for which a site is protected, and, identifies and examines both the implications of the rig-site clearance survey for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site;
- c. That measures intended to avoid or reduce harmful effects of the rig-site clearance survey on a European site have not been taken into account at AA screening stage;
- d. That the information provided presents complete, precise and definitive findings such that it can be concluded that no reasonable scientific doubt remains as to the absence of significant effects and it can thus be excluded on the basis of objective scientific information that the rig-site clearance survey will have a significant effect on a European site;
- e. That a decision on the screening for Appropriate Assessment before consent for the rig-site clearance survey is hereby given in accordance with the Regulation and the Habitats Directive.

Being satisfied regarding the matters outlined above, I am directed by the Minister to convey his conclusion that:

An Appropriate Assessment for the rig-site clearance 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 rig-site clearance survey, 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 has 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 rig-site clearance survey.

In order to inform the public of this decision, it will be published on the Department's website and notice given in a national newspaper and Iris Oifigiúil.

Yours sincerely,

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Martina Hennessy

Principal Officer

Petroleum Affairs Division – Policy and Regulation

Department of Communications, Climate Action and Environment

**Attachment** – submission to Minister Rig-Site Clearance Survey AA Screening