



14th May 2020

Mr Mike Murray,
Head of Engineering and Projects,
PSE Kinsale Energy,
Mahon Industrial Estate,
Blackrock,
Cork T12 PW92.

Kinsale Area and Seven Heads Gas fields Decommissioning
Kinsale Area Subsea Wells - Rig Site Geophysical Survey Application

Dear Mr Murray,

I refer to the application (dated 5th 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.

The application by PSE to conduct this survey is under the terms of the Kinsale OPL-1 and the Sevens Heads Petroleum Lease granted under Section 13 of the Petroleum and Other Minerals Development Act, 1960.

RPS Consultants have been commissioned as independent experts to provide assistance to the Department in carrying out statutory environmental assessments, including both EIA Screening in accordance with Directive 2011/92/EU, as amended by Directive 2014/52/EU (EIA Directive) and Stage 1 Screening for Appropriate Assessment in accordance with the Article 6(3) and 6(4) of Directive 92/43/EEC (Habitats Directive) and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 – 2015 (S.I. 477 of 2011 as amended).

Further Information Required

In conducting the Screening for Appropriate Assessment, case law of the Court Justice of the European Union (Case C 258/11) has established that the assessment carried out under Article 6 (3) cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of a project on a European site. Insufficient evidence has been provided to conclude beyond reasonable scientific doubt that the proposed survey, individually or in-combination with other plans or



projects, is not have likely effects on European sites, therefore further information is requested.

Regulations 42 (3) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011) as amended, provides as follows:-

- (3) At any time following an application for consent for a plan or project, a public authority may give a notice in writing to the applicant, directing him or her to –
- (a) Furnish a Natura Impact Statement and the applicant shall finish the Statement within the period specified in the notice, and
 - (b) Furnish any additional information that the public authority considers necessary for the purposes of this Regulations.

Pursuant to the Regulations 42 (3) (b) of the Birds and Natural Habitats Regulations, PSE is hereby directed to provide the additional information set out below, which is necessary for the purposes of carrying out a screening determination in respect of the application:-

1. Potential impacts were identified for 33 SPAs, however not all of the SCI species that are sensitive to noise disturbance in the marine environment and where the survey is within their foraging range, were considered in the AA Screening report. These include the Saltee Islands SPA (Guillemot and Puffin), Puffin Island SPA (Lesser Black-backed Gull), Blasket Islands SPA (Lesser Black-backed Gull), Deenish Island and Scariff Island SPA (Lesser Black-backed Gull) and Helvick Head to Ballyquin SPA (Herring Gull and Kittiwake). PSE KE is requested to provide an assessment on the likely significant effects of the proposed survey on these SCI species for the SPAs.
2. Two SPAs that are within the Zone of Influence for the survey, namely the Mid Waterford Coast SPA and the Wexford Harbour and Slobbs SPA were not assessed. You are requested to provide an assessment on the likely significant effects of the proposed survey on these SPAs.
3. The foraging ranges used in the assessment to screen SPAs are as per Thaxter et al. (2012). However, larger maximum foraging ranges are provided by Wakefield et al. (2017) for species such as blacklegged kittiwake, common guillemot and razorbill. In addition, Woodward et. al. (2019) has updated the foraging ranges for the species listed in Thaxter et al. (2012). Therefore, you are requested to review and consider the foraging ranges provided in Wakefield et al. (2017) and Woodward et. al. 2019 and to amend their assessment if required.
4. The discharges from the survey vessels are expected to include treated domestic effluents (comprising grey water, sewage and food waste) and surface drainage from decks. Atmospheric emissions from the survey vessel in transit are also expected and solid, domestic and operational wastes, as are normally associated with shipping



activities, are not discussed or assessed in the AA Screening Report. In the submission from the Ship Source Pollution Prevention, Unit Irish Maritime Administration, Department of Transport, Tourism and Sport (Email to this Department dated 23rd April, 2020) on the survey applications, the responsibilities of the applicant are reiterated with regards to ship-source pollution prevention provisions under the MARPOL Convention and EU law, as applicable in national law, as follows: '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.' Therefore, you are requested to submit an assessment of waste and emissions from the survey activities and the likely significant effects of same on European sites.

You might note that, as the Department has engaged in public consultation in relation to the EIA Screening and Appropriate Assessment Screening of this application to date, it will be necessary to publish the additional information received in response to the request set out in this letter and invite further submissions on this material. These submissions must then be taken into account in any final EIA Screening Determination / Screening for Appropriate Assessment Determination made in respect of this application. The additional public consultation in respect of the supplemental material will be for a period of 14 days.

The Department will place the further information on its website once received. It will be made available under the 'Statutory Consultations' tab of the DCCA website. We will notify PSE when the document is uploaded to the website and the deadline for the public consultation period.

The Department reserves the right at any stage in the process to request any information required to progress the application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Martina Hennessy', written in a cursive style.

Martina Hennessy
Principal Officer
Petroleum Affairs Division – Policy and Regulation