An Roinn Comhshaoil,
Aeráide agus Cumarsáide
Department of the Environment,
Climate and Communications

CORRIB FIELD: APPLICATION FOR APPROVAL TO CONDUCT AN INSPECTION AND MAINTENANCE SURVEY PROGRAMME OF THE CORRIB OFFSHORE GAS PIPELINE

APPROPRIATE ASSESSMENT (AA) SCREENING DECISION

I. ***Project Proposal***

Further to the petroleum lease granted to the Corrib Gas Partners pursuant to Section 13 of the Petroleum Act 1960 (**Corrib Petroleum Lease**), a number of additional consents have been granted in respect of the Corrib Gas Field development, the details of which can be found on the DECC website. The consents granted in respect of the Corrib Gas Field development include a consent to operate the Corrib Gas Pipeline, granted in December 2015 pursuant to Section 40 of the Gas Act 1976, which is subject to a number of conditions, including the following:-

> 20. *'Subsea facilities and flowlines will be subject to annual inspection to ensure that protection measures remain effective and any remedial measures necessary to provide additional protection will be undertaken as soon as practically possible. The first such inspection will be undertaken within the first month from the start of commercial gas production, when the flowlines are at maximum operating pressure and temperature'.*

On 10th December , 2021 Vermillion Exploration and Production Ireland Ltd (VEPIL) (hereafter referred to as Vermillion) submitted an application to the Minister for the Environment, Climate and Communications seeking Ministerial approval to undertake a geophysical and visual survey programme of the Corrib offshore gas pipeline, sections of the umbilical, Bellanaboy Bridge Gas Terminal (BBGT) treated surface water outfall pipeline, and infield flowlines and umbilicals between the Corrib Field manifold and the landfall at Glengad, northwest Co. Mayo, between the months of March and December 2022. A visual survey using an underwater vessel deployed video / and stills camera (nearshore) and ROV (offshore) will also be undertaken.

The application for consent also makes reference to maintenance and repair works that may be required (if any) following the survey works. However, the NIS report only covers survey and inspection, and accordingly any potential maintenance / repair works (if any required) are not considered further in this report. While it is noted that original consent to operate the Corrib Upstream Gas Pipeline (issued by the Minister on 29 December 2015) is considered to provide consent for any required maintenance / repair works, should these be required, it is a matter for Vermillion to ensure that if any such further consents are required for works that they will apply accordingly for such consents and this determination is without prejudice to any requirements that may arise for such application.

The proposed 2022 survey programme will include geophysical and visual inspection of the bulk of the Corrib subsea infrastructure between the Corrib Field and the landfall at Glengad.

The proposed survey programme will comprise two main components:

- Offshore pipeline and subsea structure inspection and maintenance survey work from a suitable ROV support vessel. Previously the survey programme has been carried out using the *Edda Sun*. A similar vessel will be sourced to undertake the survey works. This vessel will be responsible for the survey works covering the area of the Corrib offshore field assets as well as seabed infrastructure as far inshore as Broadhaven Bay.
- Nearshore pipeline inspection using the survey vessel *Leah-C* or similar. This vessel will be responsible for the survey covering the area primarily within Broadhaven Bay as far as the inshore limit of safe navigation.

The offshore and nearshore elements of the work programme will investigate features such as free-spanning and scouring, pipeline burial depth and integrity, as well as cathodic protection measures. The survey will be carried out using a combination of acoustic survey techniques (e.g. multibeam echo sounder, sub-bottom profiler, side-scan sonar). In addition, a visual survey using underwater video / camera imagery and ROV will be undertaken.

The vessel is not known at present and will be identified once a survey contractor has been appointed. The vessel will have a similar specification and capabilities to those used in previous years including the *Edda Sun*. The specifications for the *Edda Sun* have been used as a surrogate in this assessment for the activities proposed for 2022.

A smaller multipurpose nearshore vessel will be used to undertake survey work in nearshore areas and this vessel will be identified once a survey contractor has been appointed. The vessel will have a similar specification and capabilities to those used in previous years including the *Leah-C*. The specifications for the *Leah-C* have been used as a surrogate in this assessment for the activities proposed for 2022.

It is estimated that the total data acquisition period for the offshore and nearshore surveys will be approximately 20 days (dependent on weather conditions) with the survey taking place between March and December 2022.

II. ***DECC Assessment Process***

The Environment Assessment Unit (**EAU**), a functionally separate and independent unit of DECC is responsible for carrying out environmental screening and any environmental assessments determined as being required following screening, in accordance with the requirements set out in Directive 2011/92/EU, as amended by Directive 2014/52/EU (**EIA Directive**) and Directive 92/43/EEC, as amended, (**Habitats Directive**), in the context of applications within an exiting petroleum lease, such as the within application, that seeks Ministerial approval conduct a survey and inspection of an existing offshore gas pipeline and associated infrastructure.

EIA – In Ireland, environmental assessments of such applications are carried out by the EAU in accordance with the EIA Directive. Where the activities the subject of the application fall outside the projects listed in Annex I of the EIA Directive, an EIA Screening Assessment and Determination is required to be carried out by the EAU in the first instance, as to whether the activities the subject of the application would, or would not be likely to have, significant effects on the environment by virtue, *inter alia*, of their nature size and location. Where it has been determined, following screening, that the activities the subject of the application, are likely to have significant effects on the environment, an environmental impact assessment is required.

AA / Habitats Assessments – The European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011, as amended) (**Birds and Natural Habitats Regulations**) give effect to the Habitats Directive as a matter of Irish law and require, inter alia, that a public authority carry out screening for Appropriate Assessment of a plan or project for which an application for consent is received. Where a public authority, following screening, determines that an Appropriate Assessment is required, the Birds and Natural Habitats Regulations require that the assessment carried out by a public authority include a determination pursuant to Article 6(3) of the Habitats Directive as to whether or not the plan or project would adversely affect the integrity of a European site. The EAU is responsible for carrying out Stage 1 AA screening assessments, and any Stage 2 Appropriate Assessment determined as being required following screening, in accordance with the Birds and Natural Habitats Regulations, in respect of applications, such as the within application.

On receipt of an application, the Geoscience Regulation Office (**GSRO**) (previously the Petroleum Affairs Division) in the Department of the Environment, Climate and Communications (**DECC**) places the application on the DECC website for consultation and refers the application, and any associated responses to the consultation, to the EAU for the purposes of carrying out its environmental assessments.

On the completion of all environmental assessments by the EAU and after incorporating any suggested conditions which may be recommended by the EAU, the application will then be evaluated by the Geoscience Regulation Office in the Department who will make a recommendation to the Minister regarding whether consent should be given for the activities the subject of the application.

III. ***Independent Expert Advisors***

DECC has further engaged Ramboll UK Limited (herein referred to as **Ramboll**) as independent expert environmental advisors to provide advice to the EAU with regard to the carrying out of statutory environmental assessments of applications (such as the within application) within an existing petroleum lease.

Ramboll has conducted an independent assessment of the information provided by Vermillion, having regard to the Habitats Directive, the Birds Directive, the Birds and Natural Habitats Regulations and relevant jurisprudence of the EU and Irish courts. The expert report prepared by Ramboll, having carried out an external review of the Appropriate Assessment Screening and Natura Impact Statement Report, prepared by RSK on behalf of Vermillion, is shown at Appendix 1.

IV. ***AA Screening Legislative Background***

The Appropriate Assessment process (AA) is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European Site. The focus of AA is targeted specifically on Natura 2000 sites and their conservation objectives.

Articles 6(3) and 6(4) of the **Habitats Directive** place strict legal obligations on Member States regulating the conditions under which development that has the potential to impact on European Sites can be implemented and requiring that an Appropriate Assessment be carried out of plans or projects, not directly connected with or necessary to the management of a site as a European Site, but which are likely to have a significant effect thereon, either individually or in combination with

other plans or projects. An AA Screening assessment is carried out to determine whether a plan or project is likely to have a significant effect on a European Site.

- Article 6.3 states: *"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."*

- Article 6.4 states: *"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

  Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

In giving effect to the above as a matter of Irish law, the **Birds and Habitats Regulations** provide, *inter alia*, as follows in relation to screening for Appropriate Assessment:-

Regulation 42(1) of the Birds and Habitats Regulations provides: "*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".*

Regulation 42(2) provides that: "*A public authority shall carry out 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"*.

The regulations go on to provide as follows at Regulation 42 (6) and 42 (7):-

6. The public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.

7. The public authority shall determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it can be excluded on the basis of objective scientific information

following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.'

V. ***Vermillion Application Assessment Process***

Vermillion submitted the following documents with the application submitted in December 2021 (along with a cover letter):-

(i) Application to Conduct an Offshore Survey;
(ii) Corrib Subsea Infrastructure - Inspection and Maintenance Surveys EIA Screening and Environmental Risk Assessment for Annex IV species, dated December 2021, prepared by RSK on behalf of Vermillion;
(iii) Corrib Subsea Infrastructure - Inspection and Maintenance Surveys 2022 Natura Impact Statement, dated December 2021, prepared by RSK on behalf of Vermillion;

VI. ***Notified Bodies***

The following bodies were notified of the application submitted by Vermillion on the 23 December 2021:

Irish Maritime Administration (IMA), Department of Transport;

Marine Survey Office, IMA, Department of Transport;

Maritime Safety Policy Division, IMA, Department of Transport;

Marine Notices, IMA, Department of Transport

Ship Source Pollution Prevention Unit, Irish Maritime Administration, Department of Transport;

Irish Coast Guard (& National Maritime Operations Centre), Department of Transport;

Sea Fisheries Protection Authority;

Sea Fisheries Policy Division, Department of Agriculture, Food and the Marine;

Department of Housing, Local Government and Heritage;

Development Applications Unit, National Parks and Wildlife Service, Department of Housing, Local Government and Heritage

Marine Institute;

Department of Defence;

Mission Support Facility, Irish Air Corps;

Naval Headquarters;

Commission for Regulation of Utilities; and

Commissioners of Irish Lights.

One response was received as follows: Maritime Safety Policy Division, Department of Transport.

The observations received, and Ramboll's responses are shown in Section 2.3.1 of the Ramboll Report, referenced above and included at Appendix 1.

VII. ***Public Consultation on Vermillion Application***

The application and accompanying documents were published on the Department website on 23rd December 2021 and the public invited to make submissions thereon up to the 8th February, 2022

(the 30 day consultation period was extended due to the Christmas period). No responses were received from the public in response to this application.

VIII. ***AA Screening Assessment and Determination***

The AA screening process has been conducted in accordance with Articles 6.3 and 6.4 of the Habitats Directive (92/43/EEC), the Birds and Habitats Regulations and the principles established in case law, interpreting the Directive and Regulations, which provide the decision making framework and tests for carrying out screening for appropriate assessment.

Per Regulation 42(6) of the Birds and Habitats Regulations, an Appropriate Assessment of a plan or project is required where it cannot be excluded, on the basis of objective scientific information following screening, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European Site.

I have carefully considered the following documents in carrying out the AA Screening Assessment of the application made by Vermillion ('the applicant'):-

- Documents provided by the Applicant:
    - Notification of Application to Conduct an Offshore Pipeline Survey and Inspection/Maintenance of the Offshore Facilities in 2022. Submitted by Vermillion Exploration and Production Ireland Ltd on 10 December,
    - Application to conduct an offshore survey form. Completed by Vermillion Exploration and Production Ireland Ltd;
    - Corrib Subsea Infrastructure - Inspection and Maintenance Surveys EIA Screening and Environmental Risk Assessment for Annex IV species, signed and dated 8th December 2021, prepared by RSK on behalf of Vermillion;
    - Corrib Subsea Infrastructure - Inspection and Maintenance Surveys 2022 Natura Impact Statement, signed and dated 8th December 2021, prepared by RSK on behalf of Vermillion

- Statutory Environmental Assessment: Appropriate Assessment Screening Review for Vermillion Inspection / Maintenance Survey of Pipeline and Subsea Structures 2022 (Report prepared by External Consultants Ramboll; Ramboll Report, included at Appendix 1);

- Observation received from Maritime Services Division, Department of (as a Notified Body);

In carrying out the AA screening process I considered the different project elements and activities therein that are likely to give rise to impacts on the conservation objectives and or qualifying features of a Natura site. In this context the following elements were considered:

- Project Description including the spatial extent, supporting infrastructure, transportation requirements, physical changes that will result from the project, emissions and waste, resource requirements and duration of each phase;
- Effects of the proposed development/activities in combination with other plans or projects;
- Identification of relevant European sites and species;
- Assessment of likely significant effects (LSE).

Based on careful consideration of the documentation highlighted above, I agree with and adopt the conclusions reached in the Ramboll Report (at Appendix 1 to this Determination) regarding the adequacy of the information provided by the applicant and am satisfied that the applicant has

provided sufficient information to enable an AA Screening Assessment of the proposed geophysical and visual survey programme (as described in the application documents).

I further agree with, and adopt the Ramboll response to the observation received from a notified body (as set out in section 2.3.1 of the Ramboll Report).

The AA screening contained in the RSK report submitted by the applicant identified the following sources of potential impact for further consideration in the determination of likely significant effects (LSE):-

- Physical presence of the survey vessels and equipment;
- Underwater Noise from operation of geophysical equipment and survey vessels
- Routine emissions and discharges during vessel operations ;
- Accidental events
- Cumulative effects;

Having considered the above impact sources, the applicant AA screening assessment concludes that no habitats are likely to be significantly affected by the potential impacts assessed and so in view of the best scientific knowledge and in view of the conservation objectives of the sites, the proposed activities when taken either individually or in combination with other plans or projects are unlikely to have a significant effect on any European site, where habitats are the main qualifying features.

However, the independent Report on AA Screening Conclusion goes on to acknowledge that the potential for impacts on qualifying features as a result of underwater noise sources cannot be ruled out in spite of the unlikelihood of such an occurrence, and the RSK Report submitted by the applicant includes a Natura Impact Statement (NIS) with information to undertake a Stage 2 Appropriate Assessment.

In carrying out an independent AA Screening Assessment of the proposed works involved in the Vermillion application, Ramboll comprehensively examined the AA screening assessment carried out by RSK on behalf of the applicant and the conclusions reached in the RSK Report submitted by the applicant. In the Ramboll Report (Appendix 1) they agree that the potential for impacts on qualifying features as a result of underwater noise sources cannot be ruled out. Accordingly, Ramboll conclude that Appropriate Assessment is required because it cannot be excluded on the basis of the initial assessment (AA Screening) provided by the applicant that the project will have either individually or in combination with other plans or projects a likely significant effect on European sites.

I agree with and adopt the AA Screening Assessment carried out by Ramboll in respect of the Vermillion application and the conclusions reached in the Ramboll Report (at Appendix 1 to this Determination).

Accordingly, I am satisfied and have decided that the application by Vermillion to undertake a geophysical and visual survey programme of the Corrib offshore gas pipeline, sections of the umbilical system, Bellanaboy Bridge Gas Terminal (BBGT) treated surface water outfall pipeline, and infield flowlines and umbilicals between the Corrib Field manifold and the landfall at Glengad, northwest Co. Mayo, between the months of March and December 2022 will require Appropriate Assessment as it cannot be excluded on the basis of objective scientific information, following screening, that the proposed activities, individually or in combination with other plans or projects, will have a significant effect on a European site.

IX. *Public Consultation for Stage 2 Appropriate Assessment*

Further to the Appropriate Assessment Screening Determination made above, the Vermillion application is now subject to a 30 day statutory public consultation for the purposes of conducting a Stage 2 Appropriate Assessment of the application which will be completed following the conclusion of the public consultation.

The AA Screening Determination and associated documentation has also been published on the Department's website (www.decc.gov.ie). The application and relevant documents may be also inspected free of charge or purchased on payment of a specified charge (not exceeding the reasonable cost of making a copy) by arrangement by emailing EAU@decc.gov.ie.

Jean Clarke, 10th March , 2022

Environment Advisory Unit
Department of the Environment, Climate and Communications

Judicial Review

Please note that the validity of this AA Screening Determination may be questioned by Judicial Review under Order 84 of the Rules of the Superior Courts (S.I. No.15 of 1986), as amended. Any application for leave to apply for judicial review must be made promptly and in any event within three months from the date of the Determination. Practical information on judicial review can be obtained from the Citizens Information Board, Ground Floor, Georges Quay House, 43 Townsend Street, Dublin 2 or online (www.citizensinformation.ie) or from the Courts Website (www.courts.ie).