



26 April 2019

To: F.G. MURPHY
PSE KINSALE ENERGY LIMITED
Mahon Industrial Estate
Cork
Ireland
T12 PW92

Kinsale Head Plan of Development – Screening Determination for Appropriate Assessment

Dear Mr Murphy,

I refer to the abovementioned application dated 28 June 2018 seeking the Minister of State at the Department of Rural and Community Development and Department of Communications, Climate Action and Environment's (the "Minister") consent to undertake the scope of work details therein to decommission certain facilities in the Kinsale Head and Ballycotton Gas Fields. 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 that the Minister having considered the following matters:

- noting that the Decommissioning Plan is not directly connected with or necessary to the management of a European Site;
- having regard to the nature, scale and location of the Decommissioning Plan, the AA Screening Report, the RPS Kinsale Area Decommissioning Project Screening for Appropriate Screening and Article 12 Screening Assessment Technical Review, the Applicant Response to Request for Further Information, the Applicant Response to Clarification Request, 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 Decommissioning Plan, 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 reports 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 18 April 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 Decommissioning Plan, 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 Decommissioning Plan 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 Decommissioning Plan 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 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 Decommissioning Plan will have a significant effect on a European site;
- e. That a decision on the screening for Appropriate Assessment before consent for the Decommissioning Plan 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 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 such that he can be satisfied that there would be no significant adverse effects on Annex IV species, should approval be granted for the Decommissioning Plan.

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 faithfully,

Bill Morrissey

Bill Morrissey

Principal Officer

Petroleum Affairs Division – Policy and Regulation

Department of Communications, Climate Action and Environment

Attachment – submission to Minister Kinsale Decommissioning AA Screening