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Department of Communication, Energy and Natural Resources,
29/31 Adelaide Road
Dublin 2.

17th June 2015

Our Ref: SCP141205.2

Re. Draft Plan for Issue of Petroleum Exploration and Production Authorisations in Irish Offshore Waters during the Period 2015-2020 (IOSEA5) and SEA Environmental Report

Dear Ms Ryan,

The Environmental Protection Agency (EPA) acknowledges your notice, regarding the Draft Plan for Issue of Petroleum Exploration and Production Authorisations in Irish Offshore Waters during the Period 2015-2020 (IOSEA 5), (the Plan), and welcomes the opportunity to make a submission. Please find below the EPA's submission in relation to the Plan and associated SEA Environmental Report (the ER).

This submission is intended to promote integration of the Plan-making and SEA processes and incorporation of the relevant environmental considerations in the Plan as highlighted in the SEA ER.

We acknowledge the significant amount of environmental information provided in the ER and associated Annexes. There are opportunities to significantly improve the Plan by incorporating the key relevant aspects of the SEA and AA.

Overall Comments on the Plan

The Plan should be updated to include further information on the following aspects:

- the plan context
- relevant governance and legislative aspects
- development/production/operational activities associated with drilling/production and seismic survey activities
- a description and overview map of the key significant environmental receptors
- The key mitigation measures and monitoring proposals required to ensure the protection of environmental sensitivities/vulnerabilities.

The ER and associated Annexes include the relevant detail for this to be incorporated in the Plan and would greatly improve Draft Plan. The recommendations of the SEA should be highlighted in the Plan, to demonstrate how the SEA has influenced the Plan and the related Operational Framework.

We consider, that the Draft Plan could be significantly improved through the inclusion of the environmental commitments contained within the existing (and proposed revised) operational framework as referred to in the Plan:

“The licensing terms are set out in the Department’s Licensing Terms for Offshore Oil and Gas Exploration, Development & Production, which provide the operational framework for oil and gas exploration and production. In addition Rules and Procedures for Offshore Petroleum Exploration and Production Operations apply to all petroleum exploration and development/production operations in the territorial waters of the State and in the designated areas of the continental shelf under Irish jurisdiction.”

In the interests of clarity, the Plan should consider including a summary of the key relevant environmental aspects of the *Department’s Licensing Terms for Offshore Oil and Gas Exploration, Development & Production* as an additional Annex to the Plan. This will demonstrate how environmental considerations will be taken into account in implementing the Plan.

The Plan should also consider highlighting the key strategic environmental objectives (SEOs) of the SEA ER, in terms of highlighting how the key proposed monitoring measures are to be applied in implementing the Plan. This will allow for the performance of the proposed mitigation measures and the results of the monitoring to be assessed in a consistent manner.

Overall Comments on the SEA

We acknowledge the comprehensive information which informed the identification of the sensitive environmental receptors and the assessment of potential significant environmental effects. It would be useful to consider including a summary impact matrix table to highlight the key findings of both the ER and AA and indicate how and where these have been addressed in the Plan.

The ER would benefit from the inclusion of a section on the alternatives considered with a summary assessment table showing the basis of which the preferred option was selected.

We acknowledge the inclusion of *Section 4.5 Environmental Regulation*, which describes the requirements needed to be complied with in relation to exploration, production and seismic surveying activities arising out of implementation of the Plan. In particular, we note the reference to the *Rules and Procedures Manual for Offshore Petroleum Exploration and Appraisal Operations* (RPM). It is noted that this RPM is currently under review. It would be useful to clarify whether this review will be influenced by Plan and associated ER. A commitment in this regard would be useful to consider in the Plan also.

We welcome the commitment in *Chapter 4 - IOSEA5 Regulatory Context*, that approval for exploration/development/seismic surveying activities includes a requirement for compliance with the standard operation procedures as listed in *Chapter 10 – Proposed Mitigation and Draft Monitoring of the Plan* of the SEA. The regulatory context in which the Plan will operate is well described in this chapter also. The Plan should consider including they key relevant sections of this Chapter in the Plan.

Specific Comments on the SEA

This section contains specific comments on particular sections of the SEA which should be taken into account prior to the adoption of the Plan. They include suggestions for clarifying and updating/amending the ER, where relevant.

Chapter 1 - Introduction

In *Section 1.3 - Strategic Environmental Assessment*, the definition given for ‘SEA’ and ‘Environmental Report’ should be revisited to reflect Article 1 and Article 5(1) of the SEA Directive.

Chapter 2 – The Draft Plan

There would be merits in including “Licensing Option” and “Licensing Round” in the glossary of terms.

Chapter 3 – SEA Process and Methodology

It would be useful in *Table 3.3 Notation Used for the Assessment*, to clarify whether proposed negative environmental effects as described, can be mitigated for and the timeframe over which mitigation would be required (i.e. short/medium/long term).

Chapter 5 – Summary of Environmental Conditions

We acknowledge that Annexes C and D of the ER describe the existing environmental issues/sensitivities in the Plan area. We also note the inclusion of summary tables showing the summary of baseline ecological environment (*plankton, benthos, fish & shellfish, marine reptiles, seabirds, marine mammals and habitats & species designated for nature conservation*) and summary of physical and chemical aspects (*landscape & seascape, visual amenity, marine archaeology and cultural heritage, geology, bathymetry & seabed features, sediments & ocean circulation, air quality, climate, water quality, mariculture, economy & material assets, recreation & tourism and human health*).

Table 5.2, in relation to the ‘*Water Quality*’ row, includes a reference that the Marine Strategy Framework Directive may apply to oil and gas exploration activities that had the potential to impact on water quality. This should also be included in the appropriate section of Chapter 10 and associated Annexes.

Chapter 7 – Predicted Effects on the Environment from Seismic Activities

While we acknowledge the assessment of the predicted effects on the environment, it would be more useful to consider including overview/summary descriptions of the likely significant effects on the relevant aspects of the baseline environment including aspects such as ecological, chemical and physical environment for the preferred Option only in this chapter and including this summary in the Plan and also the Non-Technical Summary.

Chapter 8 – Predicted Effects on the Environment from Drilling Activities

As above, while we acknowledge the assessment of the predicted effects on the environment, should be supported by overview/summary descriptions of the likely significant effects on the relevant aspects of the baseline ecological, chemical and physical environment for the preferred option only in this chapter and including this summary in the Plan and also the Non-Technical Summary.

Table 8.2 Drilling Activities Scoping Matrix appears to identify positive effects associated with potential discharges such as from normal vessel operations and sediments & seabed, recreation & tourism and human health receptors. It may be more appropriate for these to be considered as ‘neutral’ impacts unless a comment is provided explaining the nature of this perceived positive effect arising from discharges for these receptors.

Chapter 9 – Accidental Events

There would be merit in including a reference to the key relevant plans/programmes/procedures in place to deal with accidental events with potential for significant impacts on human health and the environment. It may also be more appropriate to focus on the potential effects of the preferred alternative only in this section. The additional detail relating to the assessment for the other options considered in a separate Annex.

The ER should consider linking the assessment of the potential effects associated with accidental events of the preferred Option with the key relevant proposed mitigation measures required to avoid/minimise and potential significant impacts. Where particular plans are

responsible for addressing/managing environmental accidents, these could also be summarised.

Chapter 10 – Proposed Mitigation and Draft Monitoring Plan

We acknowledge the inclusion of *Table 10.12 Standard Operating Procedures*, and note it has incorporated a number of the relevant aspects of the *DCENR Rules and Procedures Manual*. These clearly show how environmental sensitivities are to be taken into account for all seismic and drilling operations/activities. You should also consider the inclusion of this table in the Plan. We also acknowledge the specific proposed additional mitigation measures required as described in *Section 10.3 Mitigation for Significant Effects* which have been developed through the IOSEA5 process.

In relation to the proposed mitigation measure relating to avoiding where possible Vulnerable Areas including areas where mariculture and shellfish harvesting occurs, water quality and associated biodiversity should be protected in accordance with the requirements of the Marine Spatial Framework Directive, Water Framework Directive (WFD) and Habitats Directives as appropriate. The Vulnerable Areas should include those relevant areas listed on the WFD Register of Protected Areas (which include shellfish waters and bathing areas).

We note the proposed additional enhancement measures as outlined in *Section 10.4 Proposed Enhancement Measures (and described in Annex G)* to account of minor negative effects and uncertainty in relation to the environmental receptors.

In the interests of clarity, the Tables referred to above, should be included in the Plan, to emphasise the commitments made in relation to the required mitigation measures as presented in this Chapter and associated Annexes.

In relation to the monitoring related aspects, the ER should include information on the reporting aspects and frequency of monitoring proposed to be carried out. The key bodies responsible for monitoring the relevant aspects should also be described.

Comments on the Appendices

Appendix D – Impact Assessment – Physical and Chemical Aspects

Section 6.7.4- WBM & WBM contaminated cuttings discharge from surface, including payzone cuttings, consider amending the reference to ‘radionuclides’ in paragraph one, to refer instead to ‘naturally occurring radionuclides’ or ‘naturally occurring radioactive material’.

On page D-140, the references to the Radiological Protection Institute of Ireland should be updated to refer to the Environmental Protection Agency. The Environmental Protection Agency (EPA) is now responsible for monitoring of environmental radioactivity in the Irish environment on a continuous basis. This includes the assessment of the levels of radioactivity in the Irish marine environment. The marine monitoring programme is focused on doses received from anthropogenic radioactivity arising from the Sellafield nuclear reprocessing plant. The results from the Irish monitoring programme are published in a series of report, all of which are available on the EPA website’

With regard to the reference on page D-140 to “*concentrations of radionuclides in the Atlantic deep waters have not been located but are likely to be low*” and “*No information on radionuclide concentrations in offshore waters has been obtained*”, you should clarify whether this relates to naturally occurring or artificial sources of radionuclides. Reasons for not being able to obtain information on data relating to radionuclides should be specified, as there would appear to be many relevant scientific papers available.

