

## Section 3

# Regulatory context



### 3 Regulatory context

The DCENR is responsible for the promotion, regulation and monitoring of the exploration and development of oil and gas in onshore and offshore Ireland. This involves agreeing with operators on work programmes appropriate for the type of authorisation and the area to be licensed, while taking account of both the operator's and the State's interests by ensuring that agreed work programmes are carried out in accordance with good practice, having particular regard to safety, the environment and other land sea users.

The rules and procedures applying to offshore petroleum exploration are given in PAD (2007), whilst a summary of the licensing and permitting process is contained in PAD (2006a– being updated).

#### 3.1 Introduction

In 1992, the Government revised the Licensing Terms in order to stimulate exploration with the objective of increasing the State's petroleum supply from indigenous resources, especially as the Kinsale Field would move into depletion phase in the late 1990s. The 1975 Terms were largely based on the Norwegian terms at that time, and were introduced at a time of high optimism and expectations that Ireland had significant, though as yet undiscovered, reserves of oil and gas. The 1975 terms had provided for royalties, State participation and production bonuses. By the late 1980s there had been no further commercial finds, large areas of the Irish offshore were still unexplored or under-explored but had serious cost disadvantages compared to the North Sea in terms of water depths, lack of infrastructure and distance from shore. The 1992 Terms sought to address these issues by offering a licensing regime that would attract the exploration industry.

The 1992 terms have, to date, facilitated the commercial discoveries of Corrib (1996) and Seven Heads (although this was originally discovered in the 1970s). The more recent 'Dooish' discovery in the Erris Basin to the north has stimulated interest and shown that there is significant exploration potential offshore west of Ireland.

However, exploration in the Rockall Basin is subject to new Licensing Terms announced by the DCENR on August 1 2007. The new licensing terms include a profit resource rent tax operated on a graded basis of profitability. This was intended to ensure a greater return to the State from its own natural resources, while maintaining the incentive for exploration. All changes apply to exploration licences awarded after 1 January 2007 (DCENR, 2007).

#### 3.2 Licensing

Hydrocarbon exploration and production in Ireland is undertaken through a licensing framework as established by the Petroleum and Other Minerals Development Act, 1960 and the Continental Shelf Act, 1968. Licensing applications for selected frontier areas are invited through a system of Licensing Rounds. The selected area is then closed for further licensing after the licences are issued. Since 1990 there have been six Licensing Rounds in the following regions: Slyne/Erris Basin (1993); Porcupine Basin (1994); Rockall Basin (1997); South Porcupine Basin (1998); North East Rockall Basin (2005) and Slyne, Erris and Donegal Basins (2006). In addition, a Licensing Initiative was held in four tranches over the Porcupine Basin in 2003/2004. Applications may be made at any time in respect of non-frontier areas.

Production from a field is licensed through a Petroleum Lease awarded under the above 1960 Act, with a duration of the economic life of the field.

##### 3.2.1 Types of authorisation

There are five different authorisations:

a) Petroleum Prospecting Licence

A Petroleum Prospecting Licence will be expressed and operate to confer on the licensee the right to search for petroleum in any part of the Irish offshore which is not subject of an Exploration Licence, Reserved Area Licence or Petroleum Lease granted to another party.

b) Licensing Option

Each Licensing Option will confer upon the Option holder the first right, exercisable at any time during the period of the Option, to an Exploration Licence over all or part of the area covered by the Option.



An Exploration Licence granted following a Licensing Option shall be subject to the same terms and conditions which apply to Exploration Licences generally.

c) Exploration Licence

Each Exploration Licence shall be expressed and operate to vest in the licensee the exclusive right of searching for petroleum in the area to which the Exploration Licence applies.

There are three categories of Exploration Licence:

- i) a Standard Exploration Licence which shall be issued in respect of an area with water depths up to 200 m;
- ii) a Deepwater Exploration Licence which shall be issued in respect of an area, in any part of which the water depth exceeds 200 m; and
- iii) a Frontier Exploration Licence which shall be issued in respect of an area with special difficulties related to physical environment, geology or technology and which is specified and announced from time to time by the Minister for Communications, Energy and Natural Resources as a "Frontier Area".

Frontier Exploration Licences will be awarded in the Rockall Licensing Round.

d) Lease Undertaking

If the licensee discovers petroleum and if it appears to the licensee that such discovery may be commercial, the licensee shall so notify the Minister within a period ending no later than fifteen months after the commencement date of the exploration well which made the discovery. In the event that the licensee is unable to subsequently confirm as commercial the discovery so notified but is of the opinion that it may become commercial and the Minister concurs with the opinion of the licensee, the Minister, on application by the licensee, which application shall be made no later than 3 months before the expiry of the Exploration Licence, shall enter into an undertaking with the licensee to grant a Petroleum Lease in relation to that part of the licensed area which contains the discovery.

e) Petroleum Lease

When a commercial discovery has been established it will be the duty of the authorisation holder to so notify the Minister and to apply forthwith for a Petroleum Lease with a view to its development. Such application shall include the outline development, financial and marketing plans for the exploitation of the discovery based on the applicant's considered likely production profile. An outline statement of the likely effects of the proposed development on the environment shall also be required.

### 3.2.2 Criteria applied to all applications

In considering any of the applications in 3.2.1 above, the Minister will take the following into account having regard to the authorisation applied for:

- i) the work programme proposed by the applicant;
- ii) the technical competence and offshore experience of the applicant;
- iii) the financial resources available to the applicant; and

where relevant, previous performance by the applicant under any authorisations to which the applicant has been a party.

## 3.3 Environmental regulation

There are four stages from exploration to production – exploration, appraisal, development and production. In theory a well or wells may be drilled at each phase of the process. In practice exploration wells may be re-entered to appraise a discovery, to develop a commercial find or to use as a production well. Currently, an environmental impact statement (EIS) is not statutorily required for the exploration or appraisal drilling stages but is required for the development and production phases. The detailed requirements at each stage are shown in Sections 3.3.1 to 3.3.8 below, based on PAD (2007) and summarised in Figure 3.1.

Exploration includes any or all of seismic surveys (2D and/or 3D), other surveys (aero-magnetic, site, route) and drilling. All of the operations are subject to approval by DCENR, and approval requires compliance with relevant international standards. In the case of seismic surveys to date, this includes voluntary compliance with, for example, the National Parks and Wildlife Service (NPWS) guidelines for reducing impacts of seismic surveys to cetaceans (NPWS, 2007). In the case of drilling it includes OSPAR Decisions, Recommendations and Guidelines.

The legislation associated with Environmental Control of Petroleum Activities is set out as follows:

- Petroleum and Other Minerals Development Act, 1960 as amended by:
  - Energy (Miscellaneous Provisions) Act, 1995
  - Gas (Interim) (Regulation) Act, 2002
- Petroleum and Other Minerals Development Act, 1960 (Section 13a) Regulations, 1990. (SI no 141 of 1990)
- Waste Management Act, 1996 (As amended)
- EU Directive 85/337/EEC - European Communities (Environmental Impact Assessment) Regulations, 1989. (SI no 349 of 1989)
- EU Directive 97/11/EC amending Directive 85/337/EEC - European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999. (SI no 93 of 1999)
- European Community (Natural Habitats) Regulation 1997. (SI no 94 of 1997) amended 1998 (SI no 233 of 1998).
- Planning and Development (Strategic Environmental Assessment) Regulations 2004. (SI no 436 of 2004).

Under the Department's Licensing Terms, the holder of a petroleum lease is required to submit a detailed plan of development to the Minister for Communications, Energy and Natural Resources for approval for a commercial discovery of petroleum before development can begin. The plan of development must be accompanied by a statement on the likely effects on the environment known as an EIS. The information to be contained in an EIS is as outlined in Article 25 Second Schedule of SI no 93 of 1999.

Under Section 5(b) of SI no 349 of 1989 the Minister may require an applicant who has submitted an EIS to furnish him with such further information as he may specify in relation to the effects on the environment of the proposed working.

In accordance with 12(a) of SI no 93 of 1999 where an environmental impact statement has been submitted to the Minister, he shall have regard to the statement, to any submission or observations made to him during the prescribed period in relation to the effect on the environment of the proposed working of petroleum.

### **3.3.1 Application for Approval to Conduct a Geophysical or Other Exploration Survey, Site Survey or Route Survey (part 2 of PAD, 2007)**

The Operator shall submit an Application for Approval to the PAD to conduct any geophysical or other exploration survey, site survey or route survey at least 21 days prior to the planned commencement of the survey. The survey should have been the subject of detailed technical discussions with PAD prior to submission of the application for approval.

### **3.3.2 Application to Drill, Re-enter or Deepen a Well (part 3 of PAD, 2007)**

Before commencing drilling operations on any exploration, appraisal or development well a Letter of Approval to Drill is required from PAD. PAD will issue such a letter when satisfied that its own requirements and those of other relevant Departments and Agencies have been met.

An Application for Approval to Drill a Well will be made to PAD in two stages:

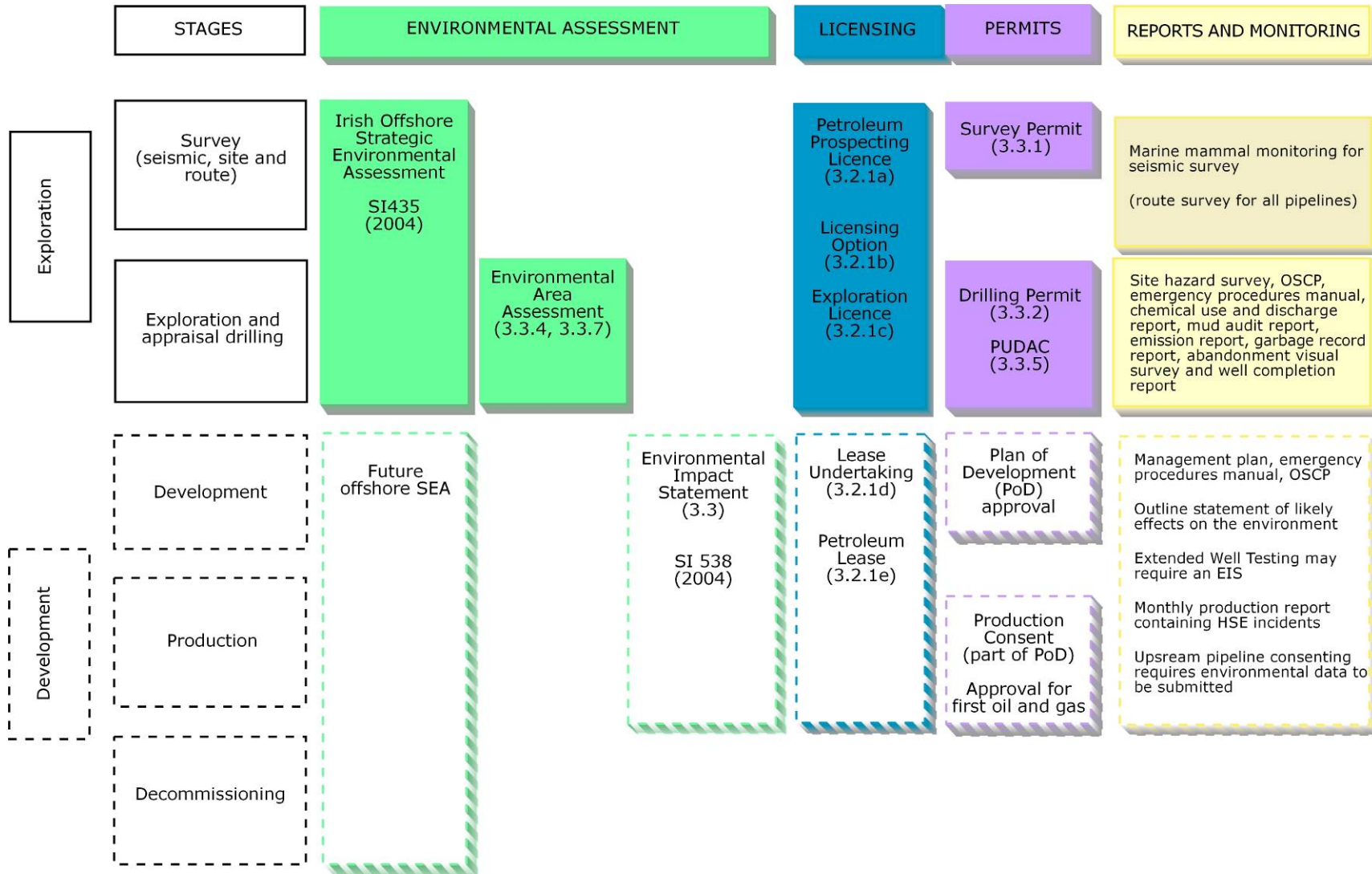
- A Generic Well Proposal at least 90 days before commencement of operations.
- A Final Well Proposal at least 30 days before commencement of operations.

### **3.3.3 Contingency Plans – Emergency Procedures Manual (part 4 of PAD, 2007)**

Under the Safety, Health and Welfare (Offshore Installations) (Emergency Procedures) Regulations, 1991, (SI no 14 of 1991) there shall be provided in respect of every offshore installation an approved Emergency Procedures Manual specifying the action to be taken on, in or about the installation or involving persons working from the installation in the event of any emergency. As part of the application to drill or re-enter a well, the Operator shall supply copies of the Emergency Procedures Manual (along with the Oil Spill Contingency Plan and Drilling Unit's Operation Manual) to the PAD, the Irish Coast Guard, the Department of Defence Executive Branch and Naval Service, and the Health and Safety Authority at least 30 days prior to commencement of drilling operations.



**Figure 3.1 Summary of Licensing Permitting and Environmental Assessment requirements at different stages of oil and gas industry offshore Ireland (source: PAD, 2007)**



Number in brackets refer to relevant sections in this IOSEA3 report.  
 SI 539 European Communities (Environmental Impact Assessment) Regulations, 1989 to 2001  
 SI 435 European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations, 2004



### 3.3.4 Environmental Regulations (Section 4.4, PAD, 2007)

As a member state of the EU and as a signatory to OSPAR, authorities are required to ensure that operators/licenses carry out all activities in accordance with the directives, decisions and recommendations of both organisations as stipulated for offshore exploration operations and including management of their environmental impacts. This includes the obligation on the part of operators to obtain discharge permits prior to drilling, and to supply returns on discharges during drilling operations.

In addition, operators are obliged to apply best available techniques where appropriate, best environmental practice, and to include where appropriate clean technology in order to prevent the introduction, directly or indirectly, of substances or energy into the marine environment which results, or is likely to result, in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate users of the sea. Operators shall also ensure that their operations are carried out in accordance with National Legislation and the provisions of OSPAR.

Operators are expected to have in place and operate according to an effective environmental management system (EMS).

#### Permitting framework for environmental aspects

This section is in accordance with OSPAR Decision 2000/2 on the Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals that came into effect on 16 January 2001.

All exploration activities and operations must be carried out in compliance with national legislation and OSPAR Decisions/Recommendations.

Drilling applications will include an environmental area assessment (EAA); see section 3.3.7.

Due compliance must be taken with the following OSPAR decisions and recommendations:

- Decision 2000/3 – Use of Organic-phase Drilling Fluids (OPF) and the discharge of OPF-contaminated cuttings.
- Recommendation 2000/4 – Harmonised Pre-screening Scheme for Offshore chemicals.
- Recommendation 2000/5 – Harmonised Offshore Chemical Notification Format (HOCNF).
- OSPAR Decision 2005/1 amending OSPAR Decision 2000/2 on a harmonised mandatory control system for the use and reduction of the discharge of offshore chemicals

### 3.3.5 Application for a Permit to Use or Discharge Added Chemicals (PUDAC; Section 4.4.5 of PAD, 2007)

The use or discharge of offshore chemicals or preparations requires specific approval. Four hard copies and a digital version on CD of an application for a PUDAC shall be submitted to the PAD at least 60 days prior to the planned commencement of the operation. The application process requires information on the basic parameters of the proposed operation, site information (environmental conditions including sediment type, hydrodynamics, spatial or temporal proximity to environmental sensitivities such as animal spawning or migration events and proximity to protected sites) and specific information about the chemicals to be used and discharged according to the HOCNF system (Appendix 3). The application should have been the subject of detailed technical discussions with PAD prior to its submission.

### 3.3.6 Reporting on Use and Discharge of Chemicals (Section 4.4.6 of PAD, 2007)

#### Use and Discharge Report

The Operator will submit a 'Use and Discharge of Chemicals/Preparations' Report, in the specified format, (together with any additional reporting requirements stipulated in the Permit), to PAD, within 60 days of termination of the operation.

#### Muds

Organic-base ie synthetic fluids cannot be discharged except in exceptional circumstances. Where these circumstances exist there is a requirement to show what efforts have been made to minimise

discharges. Options, considerations and actions addressed and taken by the Operator should be documented in support of the proposal. For water-base muds only minimum discharges are permitted. Water-base fluids are permitted for use and discharge. These are compulsory for the top section of the well. Oil-base fluids (OBFs) may be authorised for use in the later sections but not discharged; Recommendation 2000/5 on HOCNF requires that returns must be made in respect of the muds and chemicals used in drilling operations, and that the relevant forms must be completed by the Operator and/or the mud company.

### **Mud audit**

On completion of the drilling operation a mud audit will be prepared showing the quantity of mud brought to the offshore facility, the quantities returned to shore, the quantities left downhole and the quantities discharged.

### **Accidental spillage or loss**

Bulky waste, such as pipes, metal shavings, scrap metal, containers, equipment and machinery, shall not be dumped into the sea and if by accident such an event occurs, details of the incident, specifying location, quantity and nature of the material, shall be reported to the PAD, Irish Coast Guard and Marine Environment Division of the Department of Transport who may require that it be retrieved.

### **3.3.7 Environmental area assessment (EAA)**

The requirement for EAA with any application for drilling is stated in PAD (2007), and the purpose and contents of this document are outlined below.

An environmental area assessment (EAA) is required with any application for drilling, and therefore is carried out prior to all exploration drilling activities. Any subsequent field development will be subject to full environmental impact assessment and reported in an EIS. The EAA, using available information and where necessary site-specific surveys, should describe the existing environmental conditions in sufficient detail to permit assessment of spatial and temporal changes in contamination of the sea bed, water column and biota resulting from subsequent exploration and production development activities. Likely impacts on pelagic organisms and specific natural resources should be described.

Site-specific surveys as part of EAA should be carried out in advance of drilling in accordance with the OSPAR Guidelines for Monitoring the Environmental Impact of Offshore Oil and Gas Activities (Agreement 2004-11). These should describe the existing physical, chemical and biological conditions and where necessary archaeology. The EAA should also describe the likely impacts on pelagic organisms and specific natural resources.

Thus, depending on the existence of data in the area of concern, there may be an additional requirement to collect environmental samples and data. As noted under Section 3.3.4 above, the PAD Rules and Procedures Manual for Offshore Petroleum Exploration and Appraisal Operations (PAD, 2007a) requires operators to ensure that their operations are carried out in accordance with National Legislation and the provisions of OSPAR.

OSPAR Guidelines (2004-11) recommend that monitoring programmes should comprise both baseline surveys prior to any petroleum development (ie activity) and follow-up surveys during exploration, production and decommissioning. Baseline or initial surveys will provide data on the existing environment and will assist with the design of future monitoring programmes. Follow-up surveys will provide information about the nature and direction of any changes. The Guidelines set out what should be considered in defining the timing and sampling pattern and parameters to be analysed such as sediment grain size distribution, total organic carbon content, organic and metal contaminants and benthic macrofauna.

Consistent with OSPAR, the need for and design of monitoring will be guided by the particular offshore development phase and activity and the local environmental conditions. The Permit to Use or Discharge Added Chemicals (PUDAC) issued by PAD prior to commencement of drilling, will set out the requirements in this regard taking into consideration the data contained in the EAA.

### **3.3.8 Completion report (environmental aspects)**

Upon completion of drilling activities the operator is obliged to submit a report to PAD on the environmental aspects for each drilling location (as detailed in the PUDAC). The operator's



environmental management system (EMS) should incorporate a mechanism that ensures that such reporting occurs within a reasonable time frame.

### 3.3.9 Flaring emissions

Under OSPAR Agreement 2005-14, contracting parties are obliged to make annual returns of offshore emissions. In meeting this obligation the PAD requires the oil and gas industry to maintain and return records of their annual emissions by 31 January of the immediate following year. Emissions associated with flaring are to set out in detail their relevant measurements such as flow rates, duration and quality/composition from which mass emission data can be derived.

### 3.3.10 Sewage, garbage/wastes

The Marine Environment Division of the Maritime Safety Directorate in the Department of Transport administers the Sea Pollution Act 1991, which provides for the regulation inter alia of sewage and garbage arising from offshore installations. In addition, any oil-contaminated cuttings shipped to shore for treatment will be dealt with under the relevant local authority waste management plan.

### 3.3.11 Government departments and agencies with responsibilities relevant to offshore exploration operations (as of July 2008)

#### Department of Communications, Energy and Natural Resources

The DCENR has regulatory and policy responsibility for the telecommunications, broadcasting and energy sectors and regulates the Natural Resources (specifically mining/geological) of Ireland. Within the department, functions relating to offshore exploration operations are exercised by the:

##### *Petroleum Affairs Division*

The Petroleum Affairs Division has responsibility to promote, regulate and monitor oil and gas exploration and production activities onshore and offshore Ireland and to maximise the benefits to the State from these activities while ensuring that they are conducted safely and with due regard to their impact on the environment and other land/sea users.

#### Department of Agriculture, Fisheries and Food

Following the general election in May 2007, the following Divisions are part of this Department.

##### *Sea Fisheries Protection Authority*

The Sea Fisheries Protection Authority is responsible for the land-based enforcement of national and EU Regulations on sea fisheries and for matters relating to health and hygiene for fish and shellfish products.

##### *Sea Fisheries Administration*

The principal functions of the Sea Fisheries Administration Division are in the areas of sea fisheries management and control, and management and development of fishery harbours, and coastal protection.

##### *Sea Food Policy and Development*

The Division has the objective of maximising the contribution of the seafood sector to the economies of the coastal regions.

#### Department of Transport

The DoT ensure the provision, development and regulation of competitive, safe and secure integrated transport services and transport infrastructure for the road, rail, air and maritime transport modes in Ireland. Since early 2006, the Department of Transport is also responsible for maritime safety and marine emergency response.

##### *Maritime Transport Division*

The Maritime Transport Division is responsible for ensuring the availability of efficient and competitive maritime transport and shipping services and for corporate governance of: commercial State port

companies and harbour authorities established under the Harbours Acts 1946 – 2000 and the Irish Maritime Development Office.

*The Irish Coast Guard and Marine Rescue Co-Ordination Centre (MRCC) of the Irish Coast Guard*

The Irish Coast Guard has responsibility for marine emergency management in the Irish Search and Rescue Region, the littoral area, inland and the Irish Pollution Response Zone. This includes Search and Rescue (SAR) accident response, pollution control, salvage and wreck, safety awareness and provision of a commercial radio communications service.

*Marine Survey Office (MSO) of the Maritime Safety Directorate*

The MSO is responsible for the implementation of all national and international legislation in relation to safety of shipping and prevention of pollution of the marine environment from ship-based sources. The Office carries out the initial approval of designs and drawings for new vessels or modifications to existing vessels and then carries out the surveys necessary for the certification of those vessels. In addition, it provides both a host of ancillary and back-up services to the shipping industry, the DCENR, and different Government Departments as well as the technical representation at relevant international meetings.

*Maritime Radio Affairs Unit (MRAU) of the Maritime Safety Directorate*

The MRAU is responsible for the development and implementation of equipment, technical standards, legislation and radio operator certification at national and international levels concerning maritime communications, both ashore and afloat.

*Maritime Safety Division of the Maritime Safety Directorate*

The role of the Maritime Safety Division is to establish, promote and enforce high safety and security standards, and by doing so, prevent, as far as possible, the loss of life at sea and on inland waters and other areas, and to provide effective emergency response services.

*Marine Environment Division of the Maritime Safety Directorate*

The role of the Marine Environment Division is to preserve and protect the quality of the marine environment in accordance with the following legislation:

The Merchant Shipping Act, 1894.  
The Wireless Telegraphy Act, 1926.  
The Oil Pollution of the Sea Act, 1956.  
The Petroleum and Other Minerals Development Act, 1960 (as amended).  
The Continental Shelf Act, 1968.  
The Gas Act, 1976.  
The Oil Pollution of the Sea (Amendment) Act, 1977.  
The Dumping at Sea Acts, 1981, 1996.  
The Merchant Shipping (Dangerous Goods) Rules, 1983 (SI no 306 of 1983).  
The Merchant Shipping (Radio Installation) Rules, 1983 (SI no 308 of 1983).  
The Sea Pollution Act, 1991.  
The Merchant Shipping (Radio) Rules, 1992 (SI no 224 of 1992).  
The Foreshore Act, 1993.  
The Salvage and Wreck Act, 1993.  
The Continental Shelf (Designated Areas) Order, 1993 (SI no 92 of 1993).  
The Collision Regulations (Ships and Water Craft on the Water) (Amendment) Order, 1993 (SI no 287 of 1993).  
The Energy (Miscellaneous Provisions) Act, 1995.  
The Merchant Shipping (Liability of Shipowners and Others) Act, 1996.  
The Oil Pollution of the Sea (Civil Liability and Compensation) (Amendment) Act, 1998.  
The Sea Pollution (Amendment) Act, 1999.  
The Gas (Amendment) Act, 2000.  
The Gas (Interim) (Amendment) Act, 2002.



## Department of Environment, Heritage and Local Government

Responsible for promoting sustainable development and improving the quality of life through protection of the environment and heritage, infrastructure provision, balanced regional development and good local government.

### *National Parks and Wildlife Service*

The National Parks & Wildlife Service (NPWS) manages the Irish State's nature conservation responsibilities under National and European law. NPWS is charged with the conservation of a range of ecosystems and populations of flora and fauna in Ireland. A particular responsibility of NPWS is the designation and protection of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Natural Heritage Areas (NHAs). NPWS is also responsible for:

- international conventions in relation to biodiversity;
- the implementation of both domestic (eg Wildlife Acts 1976-2000) and international (eg EU Habitats & Birds Directives) legislation;
- the management and development of National Parks and Nature Reserves;
- overseeing licencing under the Convention on International Trade in Endangered Species (CITES) and the Wildlife Acts 1976-2000.

## 3.4 Relationship to other plans and programmes

This is the third SEA that has taken place in an offshore marine context in Ireland. Table 3.1 sets out obligations under international agreements, EU Directives and programmes, and national policy frameworks that are relevant to the SEA process.

**Table 3.1 Relationship of IOSEA3 to other plans and programmes**

Plan	Intent	Implications for Draft Plan
<b>International</b>		
IMO International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as updated by the Protocol of 1996 (London Convention/Protocol).	To promote the effective control of sources of marine pollution and to take steps to prevent pollution of the sea by dumping of wastes and other matter. Three annexes list which substances are prohibited or require special care when dumping.  The 1996 protocol prohibits the dumping of all substances except those on its Annex I ("the reverse list").	Oil and gas activities resulting from licensing must comply with ratified London Convention and Protocol annexes and implementing national legislation.
IMO International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78).	Prevent marine pollution from ships and in part from oil rigs and production platforms.  Six annexes covering pollution by oil, noxious liquids carried in bulk, harmful substances in packaged form, sewage, garbage and air pollution.	Oil and gas activities resulting from licensing must comply with ratified MARPOL annexes and implementing national legislation.
International Convention for the Control and Management of Ships' Ballast Water and Sediments (IMO 2003), adopted February 2004, still to enter into force. Legislation is before the Oireachtas.	Prevent, minimise and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments.	Consider potential effects of non-native species introductions in ballast water discharges.

**Table 3.1 Continued**

Plan	Intent	Implications for Draft Plan
<b>International (continued)</b>		
International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) 1990, entered into force 1995. Ireland became a Party to OPRC in 2001 following the enactment of the Sea Pollution (Amendment) Act 1999; many of the functions set out in OPRC for the national competent authority had been carried out by the Coast Guard since 1991.	Provides a framework for international co-operation in combating major incidents or threats of marine pollution.	Consider potential effects of major oil spill effects and associated damage to habitats and ecosystem function.
United Nations Convention on Biodiversity (Rio Convention), which entered into force in 1993.	To promote: the conservation of biological diversity; the sustainable use of its components; the sharing of the benefits of genetic resources.  Specific programmes are required for the identification of important components of biodiversity and their understanding and protection	Avoid significant impacts on habitats and species through assessment of especially vulnerable areas and potentially damaging activities.
Convention on the Conservation of Migratory Species of Wild Animals (the Bonn Convention 1979), which entered into force in 1983.	Conserve terrestrial, marine and avian migratory species throughout their range through international co-operation.  Ireland party to the Convention since 1983 and to two agreements concluded to date under the auspices of the Convention.	Avoid significant impacts on species through assessment of especially vulnerable areas and potentially damaging activities. A number of species listed on Annex II of the convention have been recorded in the IOSEA3 area.
Convention on wetlands of international importance especially as waterfowl habitat (the Ramsar Convention 1971), came into force 1975.	Provides framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.  Key measure includes designation of Ramsar sites.	Avoid significant impacts on habitats and species through assessment of especially vulnerable areas and potentially damaging activities. There are three Ramsar sites on the coast adjacent to the IOSEA3 area.
Convention for the Protection of the Marine Environment of the North East Atlantic (the OSPAR Convention 1992).	Currently five annexes in force: I: Prevention and elimination of pollution from land-based sources. II: Prevention and elimination of pollution by dumping or incineration. III: Prevention and elimination of pollution from offshore sources. IV: Assessment of the quality of the marine environment. V: Protection and conservation of the ecosystem and biological diversity of the maritime area.	Oil and gas activities resulting from licensing must comply with mandatory or accepted OSPAR decisions, agreements and recommendations.
OSPAR Decision 2000/3 on the Use of Organic-Phase Drilling Fluids (OPF) and the Discharge of OPF-contaminated cuttings.	No such fluids used without prior authorisation.  Discharge of cuttings to sea with a concentration >1% by weight of oil based fluids on dry cuttings prohibited.	Potential effects of onshore disposal of cuttings and the likelihood of re-injection.
OSPAR Decision (2005/1) and Recommendations (2000/4 and 2005/3) for a Harmonised Mandatory Control System for the use and reduction of the discharge of offshore chemicals.	Harmonised system of testing, risk assessment and approval for offshore chemicals across the OSPAR area.  Objective is reduction in harm from such use and discharge.	Implemented through regulation on the PUDAC required for the use of drilling, production, utility and other chemicals offshore.



**Table 3.1 Continued**

Plan	Intent	Implications for Draft Plan
<b>International (continued)</b>		
OSPAR Recommendation 2001/1 for the Management of Produced Water from Offshore Installations.	Reduction in discharge of oil in produced water by 15% over a 5 year period. Lowering of the discharge concentration from each installation to 30 mg/l over same period. Presumption against the discharge to sea of produced. Water from new stand-alone developments.	New developments must comply with existing obligations regarding produced water management.
OSPAR Recommendation 2003/3 on a Network of Marine Protected Areas.	OSPAR will complete by 2010 a joint network of well managed marine protected areas that, together with the Natura 2000 network, is ecologically coherent.	Avoid significant impacts on habitats and species through assessment of especially vulnerable areas and potentially damaging activities. A number of species and habitats recommended by OSPAR for MPA designation eg carbonate mounds occur within the IOSEA3 area.
OSPAR Decision 2007/2 on the Storage of Carbon Dioxide Streams in Geological Formations	To ensure that CO <sub>2</sub> streams stored in geological formations, are retained in permanently and will not lead to significant adverse consequences for the marine environment, human health and other legitimate uses of the maritime area	Subject to approval by the competent authority (DCENR), CO <sub>2</sub> may potentially be stored in geological formations in the IOSEA3 area.
<b>EU Directives and Programmes</b>		
Environment 2010: Our Future, Our Choice. The Sixth Environment Action Programme of the European Community.	Sets out the strategic direction of the Community's environmental policy over next 10 years.	Oil and gas activities resulting from licensing must comply with relevant EC Directives.
Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.	Requires an environmental impact assessment (EIA) and a public consultation document, an environmental statement (ES) to be submitted for certain projects considered likely to have an environmental effect.	Oil and gas developments resulting from licensing are likely to require EIA.
Council Directive of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (92/43/EEC) (the Habitats Directive).	Key measure is the setting up of the Natura 2000 network of special areas of conservation (SACs) composed of sites hosting habitats listed in Annex I and habitats of the species listed in Annex II.	Avoid significant impacts on Annex I habitats and Annex II species through assessment of especially vulnerable areas and potentially damaging activities. Also, adoption of management measures in relation to Annex IV species. Two offshore SACs have been established in the IOSEA3 area.
Council Directive of 2 April 1979 on the conservation of wild birds (79/409/EEC) (the Birds Directive).	Directive covers the protection, management and control of all species of naturally occurring birds in Member States. Key measure is the creation of Special Protection Areas (SPAs). Part of the Natura 2000 site network.	Avoid significant impacts on habitats and species through assessment of especially vulnerable areas and potentially damaging activities.
Council Directive 2003/87/EC of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC.	Promotes reduction of greenhouse gas emissions. Involves the allocation of greenhouse gas emissions permits and allowances which can be traded.	Regulations currently address combustion emissions of CO <sub>2</sub> . Consider implications of CO <sub>2</sub> emissions as a result of licensing on ETS thresholds.

Table 3.1 Continued

Plan	Intent	Implications for Draft Plan
<b>EU Directives and Programmes (continued)</b>		
Directive 2001/42/EC of the European Parliament and of the Council on the Assessment of the Effects of Certain Plans and Programmes on the Environment (SEA Directive)	Ensure that significant environmental effects arising from policies, plans and programmes are identified. Provide a consistent framework for decision making. Support sustainable development. Facilitate consultation with stakeholders.	Requires oil and gas licensing to be supported by a report containing relevant information as set out in the Directive, identifying, describing and evaluating the likely significant environmental effects of implementing the plan.
Water Framework Directive (2000/60/EC).	Objectives: Protect and enhance status of aquatic ecosystems. Promote sustainable water use. Reduce aquatic pollution.	Applies to coastal and transitional waters only. In these areas, it covers: Contamination by soluble and dispersed marine discharges. Potential impact of oil spills on water, sediments and biota.
Communication on Thematic Strategy on the Protection and Conservation of the Marine Environment and a Proposal for a Directive establishing a Framework for Community Action in the field of Marine Environmental Policy (Marine Strategy Directive).	To achieve good environmental status of the EU's marine waters by 2021 and to protect the resource base upon which marine-related economic and social activities depend. Green paper published June 2007.	Each Member State, in close cooperation with the relevant other Member States and third countries within a Marine Region, will be required to develop Marine Strategies for its marine waters.
<b>National</b>		
DCENR Statement of Strategy 2008 to 2010	Sets out Irish government policy on energy infrastructure (amongst others).	Key targets include: Manage the exploitation in a sustainable way of offshore hydrocarbon resources.
DoEHLG Statement of Strategy 2008 to 2010	Sets out Irish Government policy for the environment and natural heritage.	Key objective: To promote and protect a high quality natural environment and heritage, protect human health and secure the integration of environmental considerations into economic and sectoral policies.
Government White Paper on Delivering a Sustainable Energy Future for Ireland. Energy Policy Framework 2007 – 2020 (DCMNR, 2007)	Sets out the Irish Government policy on delivering a sustainable energy future for the country.	Strategic goals include ensuring physical security and reliability of gas supplies to Ireland and creation of a stable, attractive environment for hydrocarbon exploration and production. Draft Plan underpins these goals.
National Biodiversity Plan.	The plan forms part of Ireland's commitment to the EU to halt biodiversity loss by 2010 and contains actions to secure the conservation and sustainable use of biodiversity.	Avoid significant impacts on habitats and species through enhanced survey and research on marine biodiversity, and enhanced pollution control and monitoring of coastal and marine ecosystems.