

PL3/10 Rathlin Energy Ltd

Guidance for Licensees

The following guidance is issued by Minerals and Petroleum Branch (MAPB), DETI, to assist petroleum licensees in the planning and operation of exploration activities on their licence. Some of the guidance arises from the responses to a consultation exercise carried out by MAPB after the initial offer of the licence. It should not be considered to be exhaustive but indicates the main responsibilities of the Licensee when planning and undertaking work on their licence.

1. Licensees are advised to consult MAPB at their earliest convenience when planning field-based activities on the licence. DETI are obliged, under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 as amended, to carry out screening of Licensees' plans to determine if they are likely to have a significant environmental effect on designated areas (Special Areas of Conservation, Special Protected Areas) and, if they are, carry out an assessment of these effects. Likewise, DETI must assess the likely effects of licence activities on Areas of Special Scientific Interest (ASSIs). DETI realises that this screening and assessment cannot take place until the Licensee has made, and submitted, firm plans for these activities, which may not be scheduled until the latter part of the Initial Term, and may be dependent on the results from preceding exploration studies/activities. However, both these processes will involve consultation with the Northern Ireland Environment Agency (NIEA) and other relevant bodies so Licensees should build adequate time for this into their work schedule. DETI may also ask Licensees to provide information to help enable this screening and, if necessary, appropriate assessment to be carried out.
2. Licensees are advised to consult with statutory bodies and other relevant organisations during the planning of field-based exploration activities on their licence areas to ensure that they obtain all the consents or permissions that they may need, and to minimise or mitigate any potential environmental, operational or health and safety risks. While it is expected that most exploration activities will be permitted in the licence area there may be restrictions with regard to operational procedures, location and/or timing.
3. Licensees are encouraged to be pro-active and open in their involvement with local communities, organisations and elected representatives from the licence area. Previous experience has shown that this approach generates trust and facilitates the smooth running of exploration programmes.

4. The Licence contains a work programme to be carried out during the initial term of the Licence (this is in two parts if it is a Drill or Drop commitment). The Department requires the firm elements of this work programme to be carried out for the Licensee to discharge their responsibility for the Initial Term. If the Licensee wishes to apply to continue the Licence into the Second Term then they must commit to drill a well during the Initial Term, whether this be from an initial firm well commitment or from a decision made before the Break Point in a Drill or Drop work programme.

The main actions arising from the responses to the consultation are summarised below, together with a list of contacts from the various bodies involved. Some of the responses apply to all the petroleum licence applications received whereas others are specific to individual applications. DETI's approach to issues raised is given, where appropriate. Copies of the actual responses will be supplied to Licensees separately.

1. Northern Ireland Environment Agency (NIEA)

- NIEA requires DETI to carry out screening and, if necessary, appropriate assessments with respect to Licensees' exploration plans and their potential environmental effects on SACs, SPAs, RAMSAR sites and ASSIs, as described above. NIEA has agreed to DETI's approach, as outlined above.
- NIEA have recommended that

'a precautionary approach be taken by attaching a condition to any licence issued that no petroleum production operations or activities should be undertaken within or in close proximity to an ASSI.'

DETI propose including the following clause:

The Licensee shall not carry out any work within or in close proximity to an Area of Special Scientific Interest (ASSI) without the prior written consent of the Department.

This would allow Licensees to submit their proposals to DETI and allow the Department to meet its obligations under Article 40 (public bodies: duties in relation to authorising operations) of the Environment (Northern Ireland) Order 2002.

- NIEA draws the Licensees' attention to the fact that the licence area may contain species protected by law [see the Wildlife (Northern Ireland) Order 1985 and the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 as amended]. NIEA recommend that appropriate surveys are undertaken prior to the commencement of any petroleum exploration activity or operation and that such surveys are undertaken by a suitably qualified surveyor.
- NIEA also observes that the Licence Application Area may contain habitats, species, earth science and landscape interests which are

In addition habitat, species, earth science and landscape surveys could be carried out to identify areas and amenities which are likely to be of conservation value or are particularly vulnerable to impact from the proposed development. NIEA recommends that the surveys should be undertaken by a suitably qualified surveyor. The timing of habitat and species surveys is often critical and should therefore be carried out during appropriate times of year.

DETI supports the recommendation for Licensees to carry out appropriate surveys **where these are appropriate for the type, location and timing of licence activity being proposed**. In the first instance, Licensees are advised to contact NIEA, Planning Service, the RSPB and MAPB to discuss this.

Contact:

Mark Hammond
Conservation, Designation & Protection
Northern Ireland Environment Agency
Klondyke Building
Cromac Avenue
Gasworks Business Park
Lower Ormeau Road
Belfast. BT72JA
Tel: 028 9056 9579
E-mail: mark.hammond@doeni.gov.uk

2. RSPB

- The RSPB 'believes that the challenge of climate change demands a revolution in the way we use and generate energy, ending our dependency on fossil fuels, massively reducing the amount of energy we use and delivering environmentally sustainable renewable energy. The RSPB want this revolution to take place in harmony with the natural environment' and has argued that the natural environment must not be sacrificed in pursuit of wider public policy objectives. This is the context for their response to the consultation.
- RSPB asserts that DETI is required to carry out an Article 6 assessment of the licence proposals under the terms of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

DETI agrees that Article 6 screening and, if necessary, assessment is required for the exploration activities planned under the proposed work programme. However, DETI avers that, as the proposed exploration activities are sequential and dependent on the results of preceding studies, it is appropriate that such screening and assessment be applied to the individual activities only after detailed plans are submitted to the Department. The petroleum licence awards exclusive rights to Licensees with regard to exploration, development and production of petroleum resources but additional departmental consents are required before field-based activities can be carried out. It is these consents to which DETI will apply the Article 6 screening and assessment.

- RSPB welcomes the statement that Rathlin Energy Ltd. do not intend to drill in any nationally or internationally designated wildlife sites but ask that this commitment is extended to rule out any drilling that would negatively affect designated sites.

DETI supports this recommendation and points out to the Licensee that, if significant potential adverse environmental effects from licence activities cannot be ruled out, mitigated, or alternative solutions identified, then the exploration and/or development and production plan could only proceed if there were found to be 'imperative reasons of overriding public interest'. Subject to the above, DETI believes, however, that drilling proposals should be treated on a 'case by case' basis.

- RSPB recommends that the licences contain conditions such that, at each new phase, the relevant environmental assessment takes place before any consents are given for work on the ground. RSPB also recommends that the need for other required consents should be made clear in the licence conditions.

DETI believes that it would be inappropriate to specify the different consents that may be required by different government departments in the licence because these may change during the term of the licence (e.g. the forthcoming Wildlife and Natural Environment Bill will impose new biodiversity duties on all public bodies). **DETI reiterates the requirement, outlined in the Guidance to Applicants, that it is the Licensee's responsibility to ensure that all necessary consents are obtained and that written evidence of this will be required before DETI will approve the licence activity in question.**

- RSPB urges Licensees to determine the social and economic impacts on local communities and economies and to provide appropriate information to all those potentially affected.

DETI actively encourages this approach as part of Licensees' involvement with local communities and their representatives.

- RSPB holds bird data which can be made available to Licensees on request and on receipt of a fee. RSPB landholdings are available to download from the RSPB website at

<http://www.rspb.org.uk/ourwork/science/datazone/reserves.aspx>

Contact:

Claire Ferry
Senior Conservation Officer
RSPB Northern Ireland
Belvoir Park Forest
Belfast BT8 7QT

E-mail: claire.ferry@rspb.org.uk

Tel: 028 9049 1547

3. Planning Service

- Prior to any exploratory works to include drilling of exploratory boreholes, Planning Service should be consulted in order to gain confirmation of permitted development rights or a full planning application should be submitted to Planning Service if permitted development rights are not applicable (please see the Planning (Northern Ireland) Order 1991 (“the 1991 Order”) and the Planning General Development (NI) Order 1993).

- Licensees should be made aware that the Planning (Control of Major-Accident Hazards) Regulations (Northern Ireland) 2009 came into operation on 31st December 2009. These Regulations amend the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 (“the Hazardous Substances Regulations”) (S.R 1993 No.275) to increase the range of dangerous substances for which consent must be obtained for storage or processing, the definitions of these substances, and the amounts allowed before consent must be obtained.

- Under the 1991 Order and the Hazardous Substances Regulations, consent for the storage and processing of hazardous substances must be obtained from the Department of the Environment as the authority for hazardous substances.

Contact:

Niall Marshall
Minerals Unit
Planning Service Headquarters
Millennium House
17-25 Great Victoria Street
Belfast BT2 7BN
Tel: 028 9041 6901
E-mail: niall.marshall@doeni.gov.uk

4. **Roads Service**

- Roads Service would want to be assured that the road infrastructure would not be adversely affected by any of the associated operations. Should Licensees wish to carry out any exploration along or adjacent to the public road network, then their attention should be drawn to Article 11 of the Roads (Northern Ireland) Order 1993, which provides for the recovery of expenses incurred by the Department [for Regional Development] in the repair of public roads damaged by excessive weights or extraordinary traffic.
- The Divisional Roads Manager must be informed beforehand of the prospecting locations to ensure that any extraordinary damage to the roads can be observed and repaired at the expense of Licensees. In the case of exploration methods which would cause a temporary reduction in carriageway width, it will be necessary to impose specific conditions which require Licensees to bear all costs relating to restricted working or road closure.
- It is important that, prior to the commencement of any operations, proper approvals are obtained from Roads Service regarding the access and trucking routes that are to be used.
- Licensees will be required to consult with the local roads Maintenance Engineer about any exploration activities on or adjacent to the public road network, and may be required to obtain a Road Opening Permit etc before carrying out any work on the public road.

DETI have not inserted this as a condition of the licence but expect the Licensee to do this at an early stage in the planning of any field-based exploration activities.

Contact:

Ms Deidre Mackle
Divisional Roads Manager
County Hall,
Castlerock Road,
Coleraine, BT51 3HS

Tel: 028 7034 1315

5. **DARD**

- Countryside Management Branch has commented:
 - Farmland habitats are important for flora and fauna and every precaution should be taken during the exploratory phase to minimise damage to habitat areas. Specific measures may be required to ensure minimum disturbance or suitable mitigation measures provided following disturbance.

- Landowners must be consulted with regard to their participation in agri-environment schemes (Environmentally Sensitive Area Scheme, Countryside Management Scheme and NI Countryside Management Scheme). If any of the landowners, or lessees, holds management agreements under such schemes they should notify DARD prior to any developments on the land.
- Every effort must be made to minimise the impact of soil compaction on agricultural land. All areas which suffer from compaction should be sub soiled to alleviate the risk of impeded crop growth.
- Particular care must be paid to the disposal of spoil from excavations or borings etc. This can not be dumped on farmland without prior permission from relevant government organisations (DOE/DARD) and should not be disposed of on valuable habitat areas such as species rich grasslands, scrub, heather moorland and wetlands.
- Scrub, hedge and woodland removal should not take place between 1 March and 31 August. Under DARD Cross Compliance farmers are not permitted to cut / coppice or lay a hedge during the bird nesting season (1 March to 31 August) unless there is a health and safety or animal welfare reason.
- Field boundaries are an important component of the farmed landscape. Specific measures may be required to ensure minimum disturbance or suitable mitigation measures provided following disturbance. It is recommended that any reinstatement of hedges are of a traditional mix of species, such as that specified under agri-environment schemes, planting at a density of 9 plants per metre, with at least five native woody species throughout each 30 metre length of hedge, using a recommended mixture consisting of 75% hawthorn : 25% other species such as blackthorn, hazel, holly, dog rose, whin, beech, guelder rose and willow. Single species hedges, for example, beech or hawthorn, are not acceptable and no ornamental species should be planted in the open countryside.

Further information is available from

<http://www.dardni.gov.uk/index/environment/countryside-management-in-northern-ireland.htm>

- Rivers Agency ask for a guarantee that no works will be undertaken near, under or above any watercourse which could result in solid or liquid matter being placed, flowing, or falling into a watercourse without specific approval as required by Schedule 6 of the Drainage (NI) Order (1973). Any such application should be made a minimum of 3 months before any proposed works commence.
- Forest Service provided a map of grant-aided woodland and Forest Service land that lies within the licence area. Permission will be required before the Licensee can undertake any work in Forest Service land and the Forest Service is also required to give an opinion on proposed projects in respect of the Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006.

- Veterinary Service listed the following requirements:
 - The boundary fences with surrounding fields, which contain livestock, remain stock proof during construction and operations.
 - Livestock do not have access to any material being stored and/or processed.
 - Construction and operations do not result in contamination of surrounding agricultural land and/or waterways by building materials, their by-products, leachate from the site or petroleum.
 - Livestock do not have access to electricity cables or other live components.
 - The Licence does not compromise any of the five essential welfare freedoms of livestock in the vicinity i.e. freedom from hunger, thirst or malnutrition, provision of shelter, freedom from injury or disease, freedom from fear, and freedom to express their normal behaviour.

Contact:

Denise Mackle
 Department of Agriculture and Rural Development
 Countryside Management Development Branch
 Loughry Campus
 76 Dungannon Road
 Loughry
 Cookstown BT80 9AA
 Tel: 028 86757550 ext 36550

6. Department of Culture, Arts and Leisure (DCAL)

- The Licence area includes rivers under the control of the Loughs Agency and the Agency should be consulted as the lead body for provision of advice regarding impacts to salmonid and inland fisheries within the watershed of Lough Foyle.
- DCAL has a statutory remit for the conservation and protection of salmonid and inland fisheries within Northern Ireland. Most if not all the rivers within the chartered area will support populations of salmonids – salmon, brown/sea trout and eels – which hold a considerable nature conservation and biodiversity value and provide a valuable recreational resource in the form of angling opportunities. The Bann River is an important migration route for salmon and eels into Lough Neagh. There is a risk that pollution (e.g. chemicals, fuel, construction material, high levels of suspended solids) from the groundwork/drilling/seismic preparations may enter watercourses to the detriment of aquatic ecology and consequently fisheries interests. Fish populations are sensitive to reductions in water quality and salmonid habitat is particularly susceptible to siltation. DCAL asks that these issues are taken into consideration and addressed to provide:
 - A description of the mitigatory measures proposed to prevent, reduce or offset adverse impacts on fisheries.
 and that

- No works will be carried out on the bed or banks of existing watercourses within the Licence area.
- No works will be carried out within ten metres of existing or discovered watercourses during preparation works until agreed with NIEA and DCAL.
- Any water discharge from works should be consented by Water Management Unit, NIEA, under the Water (Northern Ireland) Order 1999.
- All works near watercourses to be carried out in line with guidance as described in the Pollution Prevention Guidelines 5 (Works In, Near or Liable to Affect Watercourses).
- Storm water should **not** be discharged to nearby watercourses unless first passed through comprehensive pollution interception and flow attenuation measures in line with SUDS principles.

DETI has not specified these conditions within the Licence but would require the Licensee to comply with them in order to obtain the Department's consent to carry out field-based exploration activities.

- Licensees should also be aware that it is an offence under section 47 of the Fisheries (Northern Ireland) Act 1966 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks and that they may be liable to criminal and civil court action for the cost of restocking/rehabilitating a watercourse should a fish kill occur.

Contact:

Tom Cowan
 Fisheries Operations and Technical Support
 DCAL Inland Fisheries group
 Causeway Exchange
 1-7 Bedford Street
 Belfast BT2 7EG
 Tel: 02890515122
 E-mail: tom.cowan@dcalni.gov.uk

7. BT

- To protect any BT plant that is to be in the area, before any drilling or digging takes place, the contractor or sub contractor must **contact** BTNI on the following number ***“Freephone Dial Before You Dig”*** 0800 917 3933, choosing Option 1 – this call will be free. This will help to protect BT infrastructure in any areas programmed for excavation.

8. Invest NI

- Invest NI owns a number of properties within the proposed Licence area and reserves the right to prohibit access to these sites.

They are as follows: Ballycastle: Leyland Road Industrial Estate
 Ballymoney: Garryduff Industrial Estate

Coleraine: Wattstown Business Park

And, adjacent to the Licence area, Limavady at Aghanloo Industrial Estates East & West.

Invest NI has no objection to the Licence in principle, however it will not permit entry to its property without express prior permission which should be sought from Property Solutions Unit.

Works on the site which may affect existing properties may not be permitted.

Contact:

Graham Cardwell

Deputy Principal

Property Solutions Unit

Invest Northern Ireland

Bedford Square

Bedford Street

Belfast BT2 7ES.

Direct T: +44 (0) 28 9069 8091 Mobile T: 07796277174

Email: graham.cardwell@investni.com

9. **NIE**

- The Licensee should **contact** the Northern Ireland Electricity Distribution Service Centre at Carn Industrial Estate, Portadown BT63 5QJ before any site work commences to seek guidance on the location of Northern Ireland Electricity plc equipment and to ensure that the necessary safety proceedings are known and adhered to.
- Licensees should also be advised that they will be held responsible for damages to any equipment of Northern Ireland Electricity plc resulting from their operations and the cost of any alterations to or re-siting of any equipment necessitated by their operations

10. **Moyle District Council**

- Moyle District Council (MDC) would be concerned if drilling activities were to be located in close proximity to neighbouring dwellings, particularly if drilling operations were to operate 24 hours per day. Moyle District Council would welcome early dialogue with the Licensee to discuss noise impacts on local residents and applicable target noise levels to be achieved. Typical target noise and vibration levels would be derived from British Standards (listed in MDC's letter).
- MDC draw the Licensee's attention to the need to control dust and other potential fugitive emissions, with attention to be paid to storage methods and mitigation measures.
- MDC recommend that lighting at drilling sites should be optically controlled and directed in such a manner as to minimise light pollution from glare and spill.

- MDC expect these matters to be covered in any Application for Consent to Drill and subsequent approval. However, they welcome early dialogue with the Licensee to discuss all these issues.

Contact:

Peter Mawdsley
Head of Environmental Health & Enforcement
Moyle District Council
Sheskburn House
7 Mary Street
Ballycastle BT54 6QH
Tel: 028 2076 2225

11. Health & Safety Executive

- Licensees are advised that many petroleum-related operations are subject to control under Northern Ireland health and safety legislation, particularly exploration well drilling. In the first instance Licensees should contact HSENI to determine what consents are needed for different operations.

Contact:

HSENI Headquarters
83 Ladas Drive
Belfast
BT6 9FR
Tel: 028 9024 3249
Fax: 028 9023 5383
Email: hseini@detini.gov.uk

12. Department of Justice

If the applicant company should wish to use explosives this Department and the Firearms & Explosives Branch of the Police Service of Northern Ireland should be informed and provided with a method statement outlining the company's proposals, explaining their requirements and addressing issues such as the security, transportation and storage of those explosives. The proposals can then be assessed.

Contact:

Richard Murphy
Firearms and Explosives Branch
Department of Justice
Castle Buildings
Stormont
Belfast BT4 3SG
Tel 028 90520760
Fax 028 9052 0194
E-mail: Richard.Murphy@dojni.x.gsi.gov.uk

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For further information on this guidance Licensees should contact

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BT9 5BF**

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For technical or geoscience queries please contact:

**Geological Survey of Northern Ireland
Department of Enterprise, Trade and Investment
Colby House
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