

## 1.0 Executive Summary

As the volume of LNG produced and consumed around the world continues to expand at a rapid pace, floating storage and regasification units (FSRUs) unlock access to the global LNG market for new importing markets at a fraction of the cost and time required for the construction of an onshore LNG import terminal. Predator plans to develop a Floating Regasification and Storage Unit Project (FSRUP) for Ireland. Because this is the first project of its kind in Ireland the appropriate route through the planning and permitting process is not clearly defined by the regulator at this stage. Furthermore, the relevant Irish legislation governing the planning, consenting, development and operation of the FSRUP is changing with the planned enactment of the Marine Planning and Development Management Bill (MPDM) in Q3 2021.

To inform consultation with key stakeholders, including regulatory bodies, SLR reviewed the current and proposed marine planning framework, investigated the permitting process and timeline for historical offshore projects, and consulted with some key parties who are engaged in developing the National Marine Planning Framework. This report provides a regulatory and environmental checklist and estimated realistic timetable for approvals and makes recommendations to progress the permitting process for Predator's FSRUP.

The FSRUP has elements of offshore gas storage, offshore physical mooring structures, ship to ship LNG transfer, offshore pipeline transportation, and onshore AGI at Inch. Eighteen relevant Irish legal Acts, one European Directive and eight international treaties governing the planning, consenting, development and operation of the project were identified.

The FSRUP planning and regulatory consent timeline will be driven by two primary issues, the timetable for decommissioning of the Kinsale area infrastructure and the enactment of the MPDM Bill (Figure 1).

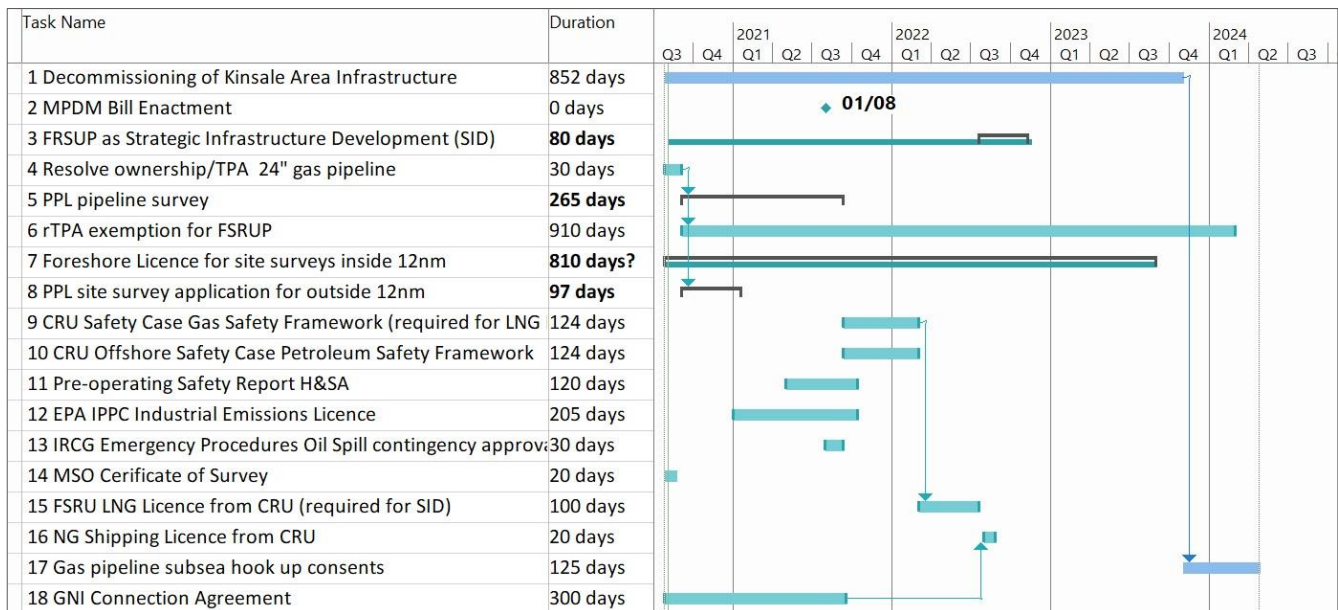


Figure 1 FSRUP Regulatory & Environmental Timeline

A two step approach is recommended (Figure 2). Before entering the planning and consent process the first step is to establish with An Bord Pleanála the strategic status of the FSRUP with respect to national policy and public perception and demonstrate that the residual HSE risk levels of the FSRUP are as low as reasonably practicable (ALARP). The environmental and regulatory permitting process will be dictated by the strategic status of the project. The new MPDM Act is likely to raise the regulatory compliance bar for projects such as the FSRUP. Obtaining some consents under the existing regime would help to establish the strategic status of the FSRUP and place it on the map for marine spatial planning.

In order to establish the strategic status of the FSRUP we recommend the following:

- Apply for a foreshore licence for site investigation within the 12 nautical mile limit to ensure that the total FSRUP project area is recorded in the context of National Marine Planning Framework, spatial designation (Marine Atlas).
- Apply to ABP for Strategic Infrastructure status – this will require EIAR/NIS/AA and CRU Safety Case
- Establish ownership of 24" export pipeline and third party access rights
- Make a PPL application for pipeline survey and site survey outside 12 nautical miles

A significant amount of documentation, such as the environmental impact assessment reports and the safety case, should be prepared under the existing regime in the knowledge that they can be updated for submission under the new MPDM regime in 2021.

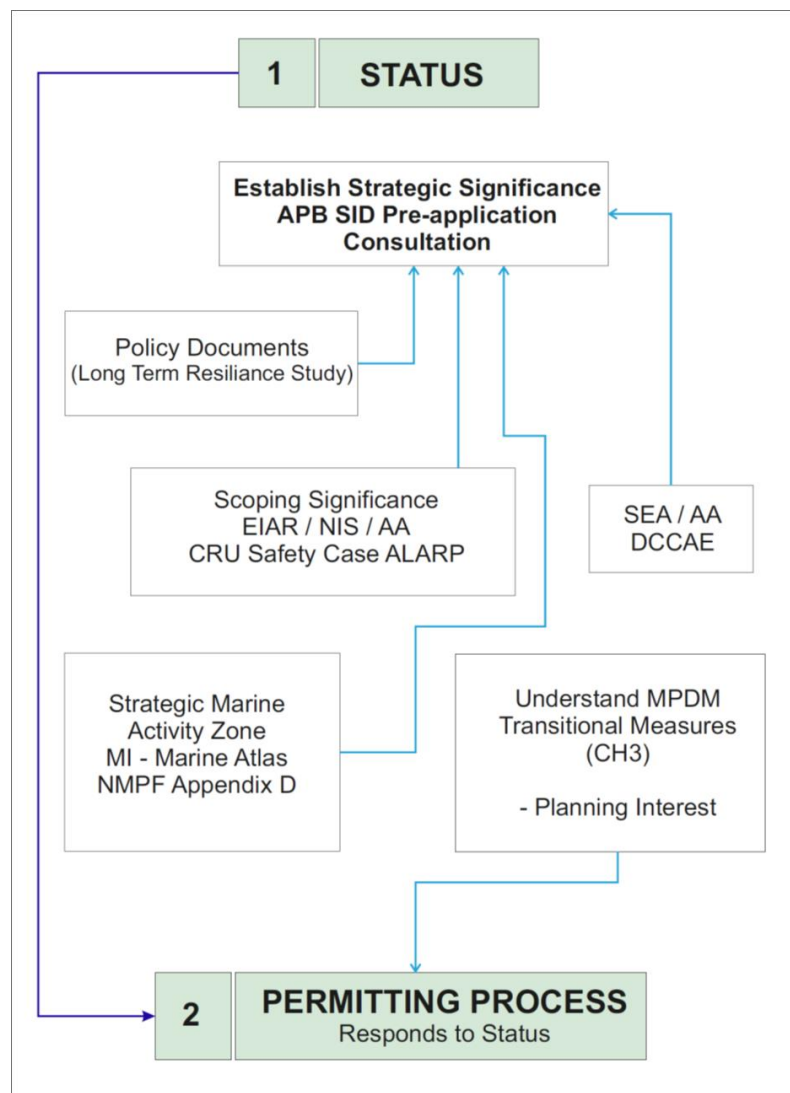


Figure 2 Regulatory & Environmental Flowchart

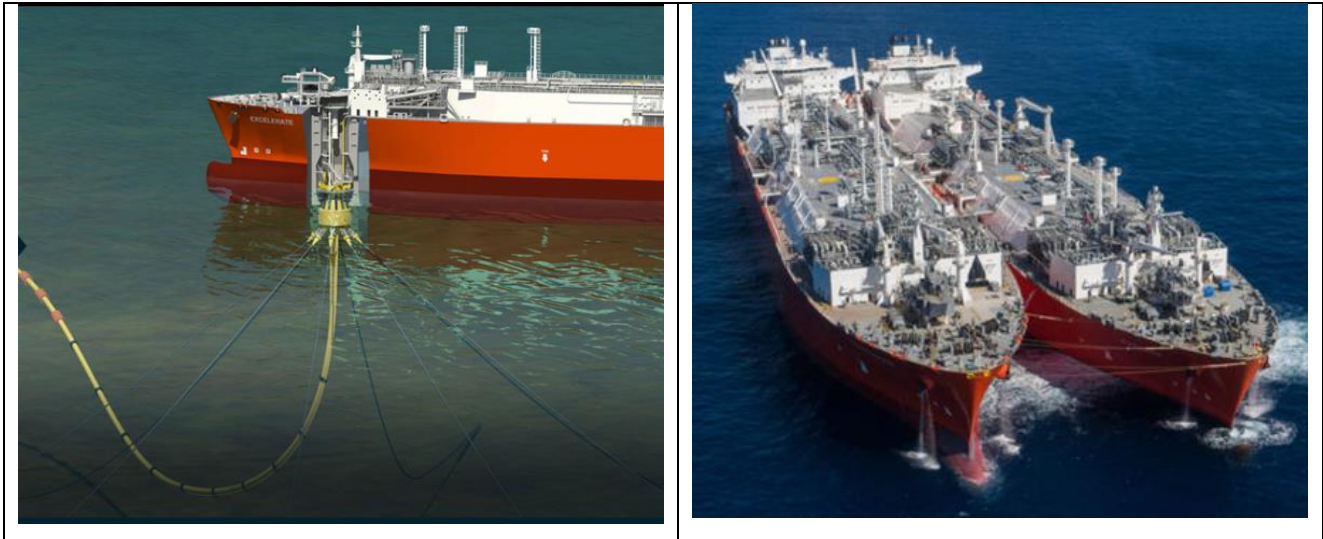
## 2.0 Introduction

As the volume of LNG produced and consumed around the world continues to expand at a rapid pace, floating storage and regasification units (FSRUs) unlock access to the global LNG market for new importing markets at a fraction of the cost and time required for the construction of an onshore LNG import terminal. Predator plans to develop a Floating Storage and Regasification Unit Project (FSRUP) for Ireland, following the execution of confidentiality agreements with a global supplier of LNG and an owner of LNG regasification vessels. Predator has also executed a confidentiality agreement with one potential purchaser of gas. SLR Environmental Consulting (Ireland) Limited has been appointed as regulatory, planning and environmental advisors to Predator LNG Ireland Limited to advance Predator's FSRUP solution for Ireland.

In advance of consultation with key stakeholders, including regulatory bodies, a regulatory and environmental checklist and estimated realistic timetable for approvals is required. SLR reviewed the current and proposed marine planning framework, investigated the permitting process and timeline for historical offshore projects, consulted with some key parties who are engaged in developing the National Marine Planning Framework and make recommendations in this report to progress the permitting process for Predator's FSRUP.

## 3.0 Project Description

Predator's FSRUP for Ireland has several elements. The FSRU acts like a land-based LNG terminal. In addition to transporting LNG, the FSRU has the onboard capability to vaporise LNG and deliver natural gas through specially designed offshore and nearshore receiving facilities. It is envisaged that the proposed FSRU will be permanently moored to a subsea buoy system anchored offshore and linked by a flexible riser to an existing 24" pipeline connected to the Gas Networks Ireland (GNI) entry point at the onshore Inch Terminal. The buoy system will be used as both the mooring mechanism for the FSRU and the conduit through which natural gas is delivered to the subsea pipeline. LNG carriers moor alongside the FSRU to deliver cargos. The FSRU can receive and deliver full or partial loads in order to meet the required needs of the market at any given time. LNG supplies are delivered to the FSRU through periodic transfers from traditional LNG carriers in accordance with established Ship-to-Ship (STS) LNG transfer protocols. The process is composed of a conventional LNG carrier mooring alongside the FSRU and transferring its cargo to the FSRU via flexible cryogenic hoses. The regasification of LNG continues uninterrupted throughout the STS LNG transfer procedure, ensuring a continuous supply of gas to the local market.

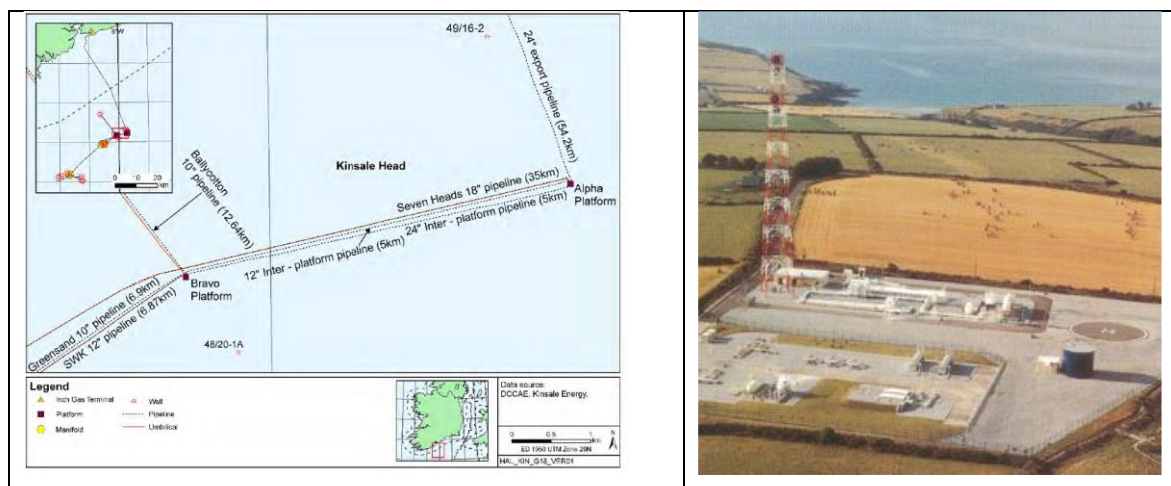


**Figure 3 FSRU Offshore Mooring System and STS (from Excelsior)**

The FSRUP will use the existing Petronas 24" export pipeline from the decommissioned Kinsale Head Gas Field that ties directly into the Irish gas transmission network at the onshore Inch Terminal where there is a Gas Networks Ireland (GNI) entry point.

The elements of the FSRUP subject to regulation and permitting are:

1. Conventional LNG Carrier
2. FSRU
3. Subsea buoy system
4. 24" export pipeline (existing)
5. Inch onshore GNI entry point (existing)



**Figure 4 Offshore pipeline and onshore Inch Terminal**

The FSRUP has elements of offshore gas storage, offshore physical mooring structures, ship to ship LNG transfer, offshore pipeline transportation, and onshore AGI at Inch.

## 4.0 Review of Legal and Regulatory Framework

Gas Networks Ireland and Eirgrid, with oversight by the Department of Communications, Climate Action and Environment and the Commission for Regulation of Utilities, conducted a study into Ireland's resilience to a long-term gas disruption (Gas Networks Ireland & Eirgrid, 2018). The final report, "Long Term Resilience Study 2018" found that floating LNG is an effective low-cost solution and a preferred mitigation measure to enhance the long term security of gas supply to Ireland as well as providing access to a reliable, secure and diversified worldwide LNG market. The National Marine Planning Framework also recognises that an LNG facility would provide additional security of supply to Ireland in that it would bring diversity to Ireland's gas supply sources and would bring connectivity to the global LNG market (Department of Housing Planning and Local Government, 2019).

Given the FSRUP elements outlined above the relevant Irish legislation governing the planning, consenting, development and operation of the project will be:

- Petroleum and Other Minerals Development Act, 1960 (the "1960 Act")
- Gas (Interim) (Regulation) Act 2002 (the "2002 Act"), licences to operate an LNG facility
- Gas Act 1976 (as amended) (the "1976 Act"), arrangements for taking gas from the storage facility
- Electricity Regulation Act, 1999 (as amended) (the "1999 Act") – Gas Safety Framework
- Energy (Miscellaneous Provisions) Act 2006).
- Energy (Miscellaneous Provisions) Act 2012 which amended the Electricity Regulations Act 1999
- Competition Act, 2002 (as amended by the Competition Act, 2006) (the "Competition Act")
- Petroleum and Other Minerals Development Act, 1960 (the "1960 Act")
- Foreshore Act 1933 (as amended)
- Petroleum (Exploration and Extraction) Safety Act 2010 (the "2010 Act")
- Planning and Development Acts 2000 to 2010 (including Strategic Infrastructure Act 2006)
- Continental Shelf Act 1968 (as amended)
- applicable environmental legislation (including implementing legislation giving effect to the EIA Directive and the Habitats Directive).
- Dumping at Sea Act 1996
- Arbitration Act 2010
- Marine Planning and Development Management Bill 2019 (the future MPDM Act: currently at second stage reading in Houses of Oireachtas)
- Merchant Shipping Act, 1894
- Mercantile Marine Act, 1955

Ireland (as a member of the European Union) adheres to Europe wide law enacted by the European Union. The main EU directive relevant to the Irish gas industry is the Third Gas Directive which is transposed into Irish law through the European Communities (Internal Market in Natural Gas and Electricity) Regulations 2011 (S.I. 630 of 2011) (the "Regulations"). These regulations give effect to:

- the Third Gas Directive (save for Articles 3, 41(1)(o) and (q) and Annex I to the Directive); and
- Articles 3(4), 7(2)(j), 7(2)(k), 26(3), 35(5), 36 and 37 (save or Article 37(n) and (p)), and Article 38, of EU Directive 2009/72/EC concerning common rules for the internal market in electricity.

REMIT, the Regulation on Energy Market Integrity and Transparency, came into force across the EU on 28th December 2011 and provides for an EU-wide market rules and monitoring framework related to wholesale energy markets in electricity and gas. "Implementing Acts" specifying the criteria, format and timing for transaction reporting entered into force in Ireland on 7th January 2015.

The other relevant international treaties governing the projects are listed below:



- 1992 OSPAR Convention (1992 OSPAR Convention for the Protection of the Marine Environment of the North East Atlantic)
- 1972 London Dumping Convention (1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter)
- UNCLOS (The United Nations Convention on the Law of the Sea 1982)
- Two gas interconnector treaties with the United Kingdom
- Kyoto Protocol to the United Nations Framework Convention on Climate Change
- CER-NIAUR MoU on Common Arrangements for Gas 2008
- Maritime Labour Convention 2006 (MLC) – implemented in Ireland by a package of Regulations

Any decisions made by the Irish Government must comply with these conventions (Matheson Ormsby Prentice, 2012).

The first step is to establish which is the principle legislation that will govern the development of the FSRUP, and which government authorities will be responsible for the regulation of FSRU operations. If FSRUP was a land-based LNG facility there is a clear path established in the planning framework whereby Predator would apply to An Bord Pleanála (ABP) to obtain notice that the proposed FSRUP development is regarded as strategic infrastructure development. All other regulatory and environmental permits would be granted under the overarching planning permission under section 37E of the Planning and Development Act, 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Statement, lodged with ABP. But FSRUP is an offshore facility and until the Marine Planning Development Management Bill (MPDM) is enacted ABP has no jurisdiction in marine planning. The MPDM Act is expected to be in force within the next twelve months, during 2021. Until then another authorisation must be identified. This could be an application to the Commission for Regulation of Utilities (CRU) under section 16(1) of the Gas (Interim) (Regulation) Act 2002 for licenses to operate an LNG, a gas storage facility and a gas shipping licence. A Safety Case approved by the CRU is a condition of the Gas Shipping Licence being granted. A network connection agreement with GNI might be of value because a proposed transition protocol for relevant offshore wind projects in the context of the proposed MPDM Bill is in place. Relevant projects are offshore wind projects which applied for a lease under the Foreshore Act 1933 and are confirmed by the TSO as eligible to be processed to receive a valid connection offer. A Foreshore Licence Application and a GNI connection offer for Predator could be considered to qualify Predator LNG as a Relevant Project eligible for the MPDM Bill Transition Route. The transition route gives Relevant Projects a Planning Interest within the meaning of the MPDM Bill 2020 ( see Chapter 3 Transitional Measures (Department of Housing, Planning and Local Government, 2019). That would allow Predator to continue environmental scoping exercises and site investigations.

Alternatively, Predator could use its existing Petroleum Prospecting Licence (PPL) 4/19 to carry out site surveys and environmental scoping studies to progress the FSRUP FEED within an acceptable timeframe.

Because an FSRUP has not previously been permitted in Ireland we recommend a two-step approach to navigating the environmental and regulatory system. Before entering the planning and consent process the first step is to establish the strategic significance of the FSRUP with respect to national policy and public perception and demonstrate that the residual HSE risk levels of the FSRUP are as low as reasonably practicable (ALARP). The environmental and regulatory permitting process is designed to respond to the status of the project. A valuable first step would be to obtain notification from ABP that the FSRUP can make a strategic infrastructure development application (see Appendix 1 Strategic Infrastructure Development Flowchart). This first step would also include engagement with the Department of Housing Planning and Local Government (DHPLG) and the Marine Institute to have the FSRUP designated as a Strategic Marine Activity Zone under the new MPDM Bill (Department of Housing Planning and Local Government , 2019) (see Appendix D: Spatial Designation Process-Strategic Marine Activity Zones).

## 5.0 Definition of FSRUP as Strategic Infrastructure Development

The 7th Schedule to the Planning and Development Act 2000 (as amended by the Planning and Development (Strategic Infrastructure) Act 2006) lists the classes of infrastructure development which, if considered by ABP to be strategic infrastructure development, require direct application for permission to ABP instead of the local planning authority. To qualify as strategic infrastructure development a proposed development must first come within the scope of one or more of the classes and comply with the thresholds contained in the 7th Schedule. Secondly, the Board must come to the opinion that the proposed development, would meet one or more of the following criteria:

- is of strategic economic or social importance to the State or the region in which it would be situated,
- would contribute substantially to the fulfilment of any of the objectives of the National Planning Framework or in any regional spatial and economic strategy in respect of the area or areas in which the development would be situated,
- would have a significant effect on the area of more than one planning authority.

It is a mandatory requirement for a prospective applicant for planning permission for development listed in the 7th Schedule to enter pre-application consultations with the Board and obtain notice from the Board stating whether or not the proposed development is regarded as strategic infrastructure development. This opinion is formally given by the Board at the conclusion of the pre-application consultation stage following a request for closure of the consultations from the prospective applicant.

The Planning and Development Acts 2000 to 2010 include specific provisions in respect of infrastructure deemed to be of strategic importance to Ireland. Planning applications for certain large-scale private development, generally of a class which requires environmental impact assessment (EIA) and which An Bord Pleanála (ABP) certifies as meeting certain criteria will be made directly to ABP. There are several stages in the qualification process.

Strategic infrastructure development can generally be described as development which is of strategic economic or social importance to the State or a region. It also includes development which will contribute significantly to the fulfilment of any of the objectives of the National Planning Framework or any regional spatial and economic strategy for an area, or which would have a significant effects on the area of more than one planning authority. The criteria are listed in the 7th Schedule of the 2000 Planning Act which was inserted by the 2006 Act and other amendments (referred to as 7th Schedule development). The first stage is to confirm if the FSRUP qualifies within the 7<sup>th</sup> Schedule under any criteria. The FSRUP may qualify under several criteria.

The second stage is to enter consultation with ABP before making an application for permission for any development specified in the 7th Schedule. The purpose of consultations is to try to ensure that the subsequent application for permission is of a high standard, e.g. that correct procedures are followed and that issues relating to proper planning and sustainable development and the effects on the environment and habitats that may have a bearing on the Board's consideration of the case are addressed from the outset in the application. It could be used to indicate if the Board foresees specific issues arising with the proposal or to advise the applicant on public consultation. In the case of a 7th Schedule development and strategic gas infrastructure development, an application may only be made to ABP where it certifies in writing that the development would be of strategic economic or social importance or meets certain other criteria specified in clause 37A. Otherwise a planning application must be made in the normal way to the local planning authority with the usual provision for an appeal to ABP against the planning authority's decision.

Scoping is a discretionary procedure provided for in EU directives whereby a prospective applicant may request ABP to give an opinion in writing on what information will be required in an environmental impact assessment report (EIAR) in relation to the proposed development. The information to be contained in an EIAR is set out in article 94 and Schedule 6 of the Planning and Development Regulations 2001, as amended, and the criteria for determining whether a development would or would not be likely to have significant effects on the

environment is set out in Schedule 7 of those Regulations. These are matters to which ABP will have regard when giving a scoping opinion and prospective applicants will be required to submit sufficient information to ABP to enable it to provide such an opinion. Prescribed Bodies specified in the Planning and Development Regulations will be requested by ABP to input into this scoping process. In the case of 7th Schedule developments, the pre-application consultations must have concluded with the issuing of the Board's opinion before a request for scoping is made.

Following the scoping procedure an application for planning is made to ABP accompanied by an Environmental Impact Assessment Report (EIAR) and/or Natura Impact Statement (NIS). Where the proposal is for development which would require an Integrated Pollution Prevention and Control (IPPC) or a Waste Licence, ABP will generally request the Environmental Protection Agency (EPA) to make observations within a specified period. In cases where the Chemicals Act Regulations apply, ABP will notify the Health and Safety Authority and may seek relevant technical advice on the risk or consequences of a major accident arising from the carrying out of the proposed development. The full Strategic Infrastructure Development Flowchart giving a general indication of the stages is provided in Appendix 1.

## 6.0 CRU Licence to operate LNG facility including TPA

Natural gas suppliers who wish to operate an LNG facility must be licenced by the Commission for Regulation of Utilities (CRU) under section 16(1) of the Gas (Interim) (Regulation) Act 2002 (the "2002 Act"). In accordance with Section 13 of the 2002 Act all holders of natural gas licences are obliged, where appropriate, to publish codes of operation for the licenced facilities. The codes are subject to the approval of the CRU.

The CRU also grants a Natural Gas Shipping Licence under Section 16 of the Gas (Interim) (Regulation) Act 2002, as amended. The Safety Case is a condition of the Gas Shipping Licence. Predator must have an accepted safety case before a Gas Shipping Licence is granted. Predator would engage with the Gas Safety Division of CRU regarding submitting a Safety Case (see Section 7.0).

Section 10(A) of the Gas Act 1976 provides the framework for the granting of third party access (TPA) in respect of LNG facilities in Ireland. The TPA regime for LNG facilities is the same as that which applies to transmission pipelines. Regulated third party access (rTPA) to gas transmission and distribution systems, storage and LNG facilities is a fundamental principle of EU liberalisation of gas markets. Article 18 of the Directive 2003/55/EC provides that third parties shall be allowed access to gas transmission and LNG facilities. Article 22 allows CRU to grant exemption from rTPA for the LNG facility if five conditions are met and the European Commission is notified and has no objection. Shannon LNG made its formal application for rTPA exemption on 25th September 2008 and the overall exemption process was completed in April/May 2011.

It may be necessary to submit an environmental impact statement to the Minister for Communications, Climate Action and Environment. to obtain consent to install a subsea buoy system in a designated area by virtue of Section 5(1) of the Continental Shelf Act 1968. Other environmental licences which may be required for operation of the FSRU and the STS LNG transfer process include an Integrated Pollution Prevention and Control ("IPPC") licence from the Environmental Protection Agency, a dumping at sea permit from the EPA under the Foreshore and Dumping at Sea (Amendment) Act 2009 and a work permit for dangerous activities from the Minister for Enterprise, Trade and Employment.

## 7.0 FSRU Safety Case – CRU

It is recognised that some natural gas operations, such as LNG undertakings, fall under the safety requirements of the Seveso III Directive and S.I 209 of 2015. As a result, there is significant overlap between the requirements for the LNG Safety Cases as required by the CRU as safety regulator under the Electricity Regulation Act 1999 (as amended) and the Pre-Operating Safety Report required by the Health and Safety Authority (HSA) as the Central Competent Authority under the Seveso III Directive and S.I 209 of 2015.



As part of the licence application for an LNG facility to the CRU the Gas Safety Framework requires that a Safety Case, outlining how risks associated with the activities of the LNG facilities are managed, is submitted to the CRU for acceptance. Safety cases must be assessed every five years by an independent reviewer. The CRU monitors compliance with an undertaking's safety case through regular audits and inspections of facilities. The CRU has significant enforcement powers set out in the Energy (Miscellaneous Provisions) Act 2012 which amended the Electricity Regulations Act 1999.

Because the FSRUP includes offshore facilities not covered by the Gas Safety Framework it is likely that the Petroleum Safety Framework may apply. The FSRU may be required, under the Petroleum (Exploration and Extraction) Safety Act 2010 in addition to the Gas Safety Framework, to obtain safety permits issued by the CRU and prepare safety cases for CRU approval for offshore facilities including the subsea buoy system, FSRU and conventional LNG tanker. In addition, the 2010 Act prescribes a statutory duty on oil and gas undertakings to ensure that petroleum activities are carried on in such a manner as to reduce any risk to safety to a level that is as low as is reasonably practicable ("ALARP") and that petroleum infrastructure is designed, constructed, installed, maintained, modified, operated and decommissioned in such a manner as to reduce any risk to safety to a level that is ALARP. The 2010 Act also contains notification requirements in respect of "petroleum incidents" and the actions the CRU may take following such incident. In parallel with the CRU's responsibility with respect to the safety case the Health and Safety Authority (HSA) has responsibilities in relation to the inspection of offshore workplaces under the 2005 Safety Health and Welfare at Work Act and the Safety, Health and Welfare (Offshore Installations) Act 1987.

The Irish Coast Guard (IRCG) has responsibility for the national system of marine communications, surveillance and emergency management in Ireland's Exclusive Economic Zone (EEZ). It is responsible for response to, and coordination of, maritime accidents which require Search & Rescue and Counter Pollution & Ship Casualty operations. It also has responsibility for vessel traffic monitoring.

The Mercantile Marine Office (MMO) is part of the Irish Maritime Administration (IMA) of the Department of Transport, Tourism and Sport. The functions of the MMO have their statutory origins in two pieces of legislation, the Merchant Shipping Act, 1894 and the Mercantile Marine Act, 1955. There are numerous functions and duties imposed on both the Superintendent and the Mercantile Marine Office in these Acts including to process applications for Ministerial Approval sought under the Mercantile marine Act 1955.

The Marine Survey Office (MSO) is part of the Irish Maritime Administration (IMA). MSO is responsible for the implementation of all national and international legislation in relation to safety of shipping and the 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.

## 8.0 Gas pipeline subsea hook up consents

When the decommissioning by PSE Kinsale Energy Ltd (KEL) of the Kinsale Head Gas Field is completed the perpetual residual liability of the 24" export pipeline (offshore and onshore section) remains with the owner of the original infrastructure at the time of decommissioning according to OSPAR (Oil and Gas UK, 2013) (Royal Academy of Engineering, 2013). It is assumed that Predator will acquire the decommissioned pipeline from PSE Kinsale Energy. Under Section 40 of the 1976 Act Predator will require the consent of the Minister to operate the pipeline. In accordance with section 13 of the 2002 Act, Predator is obliged to publish codes of operation for the pipeline. The codes are subject to the approval of the CRU.

KEL confirmed Cessation of Production (CoP) at the Kinsale area gas fields on July 6th 2020. Following CoP KEL intends to immediately commence the process of making the facilities "hydrocarbon free" including pipeline contents displacement of the 24" export pipeline with inhibited sea-water to limit corrosion. The onshore section of 24" export pipeline will be filled with grout (if a viable re-use option is not identified). Rock cover

remediation of freespan and remaining exposed sections of pipeline in the offshore section will be used to mitigate the potential snagging risk.

As a licensed operator of an LNG facility and owner of the 24" gas pipeline Predator will apply for consent to install a subsea buoy system anchored offshore and link it by a flexible riser to the existing 24" pipeline.

## 9.0 SEA/EIA/AA EAU PAD Process

The Environment Advisory Unit (EAU) of the Department of Environment, Climate and Communications (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 (Habitats Directive) in respect of applications made to the Minister for permission to undertake 'activities' under a petroleum prospecting licence, such as PPL 4/19 held by Predator. Regulations 3 and 4 of the European Union (Environmental Impact Assessment) (Petroleum Exploration) Regulations 2013 (S.I. 134 of 2013), as amended by the European Union (Environmental Impact Assessment) (Petroleum Exploration) (Amendment) Regulations 2019 (S.I. 124 of 2019) provide for the EIA screening and assessment procedures.

The European Communities (Birds and Natural Habitats) Regulations 2011 – 15, as amended (Birds and Natural Habitats Regulations) give effect to the Habitats Directive as a matter of Irish law. It requires a public authority to carry out screening for Appropriate Assessment of a project for which an application for consent is received. The EAU is responsible for carrying out AA screening assessments (and any required Stage 2 Appropriate Assessment) in accordance with the Regulations, in respect of applications to the Minister for permission to undertake 'activities' under a petroleum prospecting licence, such as PPL 4/19 held by Predator.

The application to undertake activities, such as a site survey, is sent to the Petroleum Affairs Division, along with evidence that the required statutory consultees have been notified in accordance with the Rules and Procedures for Offshore Petroleum Exploration and Appraisal Operations May 2014. On receipt of an application, the Petroleum Affairs Division in 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 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 Petroleum Affairs Division in the Department who will make a recommendation to the Minister of State regarding whether consent should be given for the proposed 'activities'.

The Environmental Impact assessment (EIA) and Appropriate Assessment (AA) process maps are provided in Appendix 2.

## 10.0 MPDM Process, Planning Interest, Development Consent, State Consent Process

A General Scheme of the Marine Planning and Development Management (MPDM) Bill, which has evolved from the Maritime Area and Foreshore Amendment Bill, was approved by Government in December 2019. According to Conor McCabe of the Department of Planning, Housing and Local Government the MPDM Bill will be enacted by Q2 2021. The MPDM Bill will establish in law a completely new regime for the maritime area which will replace existing State and development consent regimes and streamline arrangements by providing a single consent principle i.e. one state consent (Maritime Area Consent) to enable occupation of the Maritime Area and one development consent (planning permission), with a single environmental assessment. The MPDM Bill incorporates a forward planning model, with decisions to be taken in a manner that secures the objectives of the National Marine Planning Framework (NMPF) which provides the spatial and policy context for decisions about the maritime area.

The spatial and policy context will be set by the National Marine Planning framework which includes elements such as the Marine Planning Policy Statement, the Marine Spatial Plan, development management guidelines and a common spatial data platform which will provide up to date information and spatial representations of applications and granted consents. Prospective developers will be required to apply to a relevant Minister for a planning interest. This process assesses the abilities of the developer to complete the project and is intended to act as a gate into the planning process and not a development consent. Should a planning interest be granted, prospective developers can then proceed to apply for and secure a development consent through the planning permission system within a specific timeframe. If planning permission is granted, prospective developers can then apply for a Maritime Area Consent which will deal with financial terms and certain contractual matters and obligations. Any material changes to a particular proposal cannot be made through this process and will have to be assessed within the planning permission system.

## 11.0 Inch AGI Planning

KEL plan to decommission the onshore Inch Terminal with full removal and reinstatement to agricultural use, as per the terms of the site planning permission, Cork County Council planning reference 2929/76). KEL will make a separate planning application for the decommissioning of the Inch Terminal (PSE Kinsale Energy Limited, August 2019). Predator will need to engage with KEL, DECC prior and/or during that separate planning application by KEL.

## 12.0 Regulatory & Environmental Checklist with Realistic Timelines

The Predator regulatory timeline will be driven by two primary issues, the timetable for decommissioning of the Kinsale area infrastructure and the enactment of the MPDM Bill with the new marine planning framework coming into force (see Figure 5). In advance of the enactment of the MPDM Bill it would be advantageous to obtain a notification from ABP that the FSRUP qualifies as Strategic Infrastructure Development.

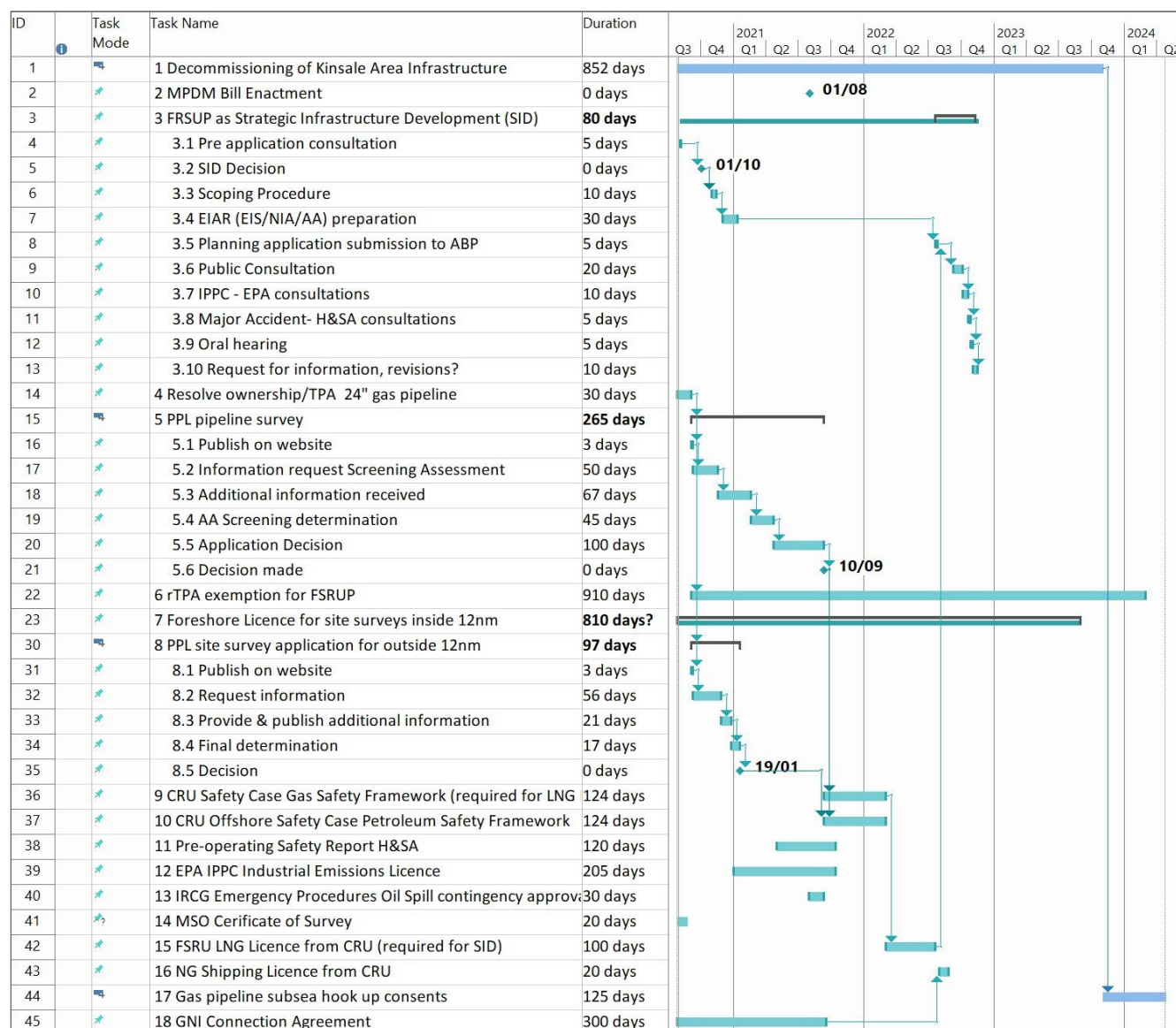


Figure 5 Regulatory timeframe for FSRUP

The ownership of the 24" export pipeline when decommissioning is completed needs to be clarified with DCCAE (soon to be called DECC). If ownership remains with the operator KEL, as would be the case in the UK, then an application for third party access should be made through DCCAE under the 2007 Licensing Terms.

To counteract competing licence applications for the same maritime space (e.g. Simply Blue's Emerald offshore floating wind project) Predator should apply for a foreshore licence to carry out a site survey within the 12