



*A consultation response from RSPB Northern Ireland*

## **Petroleum licensing proposals, Lough Neagh Basin (PI 1/13), April 2013**

### **Summary**

The RSPB believes that the challenge of climate change demands a revolution in the way we use and generate energy. We need to end our dependency on fossil fuels, massively reduce the amount of energy we use and deliver environmentally sustainable renewable energy. We want this revolution to take place in harmony with the natural environment. The RSPB has argued that the natural environment must not be sacrificed in pursuit of wider public policy objectives, and this is the context for our response.

The main concerns associated with oil and gas developments with respect to birds and other wildlife are disturbance, displacement from habitat or food resources, risks from oil spills (both major and minor from both the exploitation infrastructure and the associated shipping), and especially the cumulative effects of these, either separately or in combination. The RSPB therefore is very concerned that internationally designated wildlife sites like Lough Neagh could be at the centre for oil exploration in Northern Ireland.

The tests for development with the potential to affect sites like this are very strict. If it is not possible to prove no adverse effect on the integrity of the site, the project cannot proceed unless there are no alternative solutions, and there is an imperative reason of overriding public interest for the project to be carried out<sup>1</sup>. There are many alternatives to petroleum exploration on Lough Neagh, not least the low carbon alternatives to fossil fuel extraction and use. The RSPB is therefore concerned at the proposal to licence oil exploration within designated sites within the Lough Neagh Basin, which we consider a wholly inappropriate location for this activity.

Whilst we appreciate that these licence applications are to initiate desk-based studies of the geology and technical feasibility for oil and gas extraction, they are a precursor to eventual exploration and, potentially, exploitation and they should be assessed with this in mind.

We believe the licence application for Lough Neagh basin should be processed, in accordance with the European Birds and Habitats Directives<sup>2</sup> and national environment legislation<sup>3</sup>, to ensure protection of our most important wildlife sites.

We would welcome a statement from the licensee that there is no intention to drill in any nationally or internationally designated wildlife sites.

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<sup>1</sup> Regulation 43, Conservation (Natural habitats etc) Regulations (NI) 1005 (as amended)

<sup>2</sup> Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

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<sup>3</sup> E.g. the Environment (NI) Order 2002 (national wildlife site protection) and the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 (the EIA Regulations) (for any aspects of the project that require planning permission) (for any aspects of the project that require planning permission)

## Previous Licence Applications

We previously commented on the following licence applications and would recommend that a similar approach is adopted to the current licence application for Lough Neagh basin.

- Infrastrata Plc / eCorp Oil & Gas (UK) –County Antrim
- Providence Resources Plc –Rathlin Island
- Rathlin Energy - County Antrim and Londonderry (the ‘Rathlin Basin’)
- Tamboran Resources Pty Ltd –County Fermanagh

## Conservation (Natural habitats etc) Regulations (NI) 1995 (as amended)

These proposals are covered by regulation 43 of the Conservation (Natural habitats etc) Regulations (NI) 1995 (as amended) (the ‘Conservation Regulations’). The Department of Enterprise, Trade and Investment (DETI) is a competent authority licensing projects which may be likely to have a significant effect on a Natura site and which are not directly connected with the management of designated Natura sites<sup>4</sup>.

The proposed licence area of Lough Neagh basin contains Natura 2000 sites including Lough Neagh and Lough Beg which are a designated Ramsar, SPA and ASSI; Portmore Lough Ramsar (part of Lough Neagh), SPA and ASSI; Montiaghs Moss SAC and ASSI. For completeness the licensee should obtain a full list of designated sites, and indeed other biodiversity interest, from the Northern Ireland Environment Agency (NIEA).

An Article 6 assessment for these licence proposals must be undertaken by the competent authority. If the projects are likely to have a significant effect on a European site, then an appropriate assessment (AA) of the projects, in terms of their implications for the site conservation objectives, must be undertaken.

Aside from the map from DETI (PL1/13) there appears to be no other information for us to comment on at this stage. In the circumstances we would therefore welcome the opportunity to comment on proposed work programmes when this becomes available. We would be particularly concerned about any impact on nationally and internationally designated wildlife sites and would welcome a statement from the licensed applicant to include ruling out any drilling that would negatively affect designated sites.

The tests for development with the potential to affect sites such as Lough Neagh and Lough Beg SPA, Portmore Lough SPA and Montiaghs Moss SAC are very strict under the Conservation Regulations, which transpose the European Birds and Habitats Directives<sup>5</sup>. If it is not possible to prove no adverse effect on the integrity of the sites, the project cannot proceed unless there are no alternative solutions, and there has to be an imperative reason of overriding public interest for the project to be carried out. There are many alternatives to petroleum exploration outwith designated sites, not least the low carbon alternatives to fossil fuel extraction and use, for example, wind, wave and tidal stream energy, all of which Northern Ireland has considerable potential for, but also the potential for petroleum exploration elsewhere in Northern Ireland.

The RSPB is concerned at the proposal to licence oil exploration on the Lough Neagh basin, due to the location and potential impacts on designated sites and potential climate impact associated with the continued exploration for fossil fuels.

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<sup>4</sup> Special Protection Areas (SPAs) under the Birds Directive, and Special Areas of Conservation (SACs) under the Habitats Directive.

<sup>5</sup> The licensee should obtain full list of designated sites and other biodiversity interest from NIEA

At this stage, we have no information from government or the developer on the project and its potential effect on the environment. We believe therefore that the licence will need to contain conditions such that at each new phase, the relevant environmental assessment takes place before any consents are given for work on the ground. Other consenting regimes may also be required (environmental impact assessment (EIA), consents under the Environment (NI) Order 2002, consents relating to waste or water use, etc) and these should be made clear in the licence conditions. Each of these consents, quite likely processed by different government departments who are also competent authorities, may also require Article 6 assessment..

### **Impacts on biodiversity outside Natura sites**

The applicants will need to provide sufficient environmental information to allow the Article 6 assessments to take place at each stage. The Article 6 assessments will focus on impacts on Natura site conservation objectives. However, the RSPB would also expect *no net loss of biodiversity* as a result of the project, so we would wish to see assessments of potential environmental effects on the wider environment with appropriate avoidance and mitigation measures. Again, other consenting regimes (e.g. EIA) may be required for potential effects outside designated sites, and should be duly considered, consistent with the biodiversity duty, contained within the Wildlife and Natural Environment Act, applicable to all public bodies.

### **Socio-economic impacts**

As no information has been provided with this consultation with regards to the potential environmental effects, it is also not possible to judge the impacts on local communities and economies. The applicants should determine social and economic impacts and provide appropriate information to all those potentially affected.

We would like to know what local benefits, if any, there would be should this project proceed.

### **RSPB data**

The RSPB holds some bird data which can be provided to the individual applicants on request and on receipt of a fee. The RSPB land holdings are available to download from the RSPB website at <http://www.rspb.org.uk/ourwork/gis/datarequests.aspx>.

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