



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Permissioning Process Map

Petroleum Exploration and Extraction in Ireland

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*The Commission for Energy Regulation,
The Exchange,
Belgard Square North,
Tallaght,
Dublin 24.
www.cer.ie*

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Related Documents

CER Related Document
<i>Safety Case Guidelines (as amended from time to time)</i>
<i>Safety Permit Application Guidelines (as amended from time to time)</i>
<i>The Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013 (SI No. 89 of 2013)</i>
<i>Compliance Assurance System Guidelines (as amended from time to time)</i>

Statutory Authority	Relevant Documents and websites ¹
DCENR	<ul style="list-style-type: none"> • <i>Rules and Procedures Manual for Offshore Petroleum Exploration and Appraisal Operations</i> • <i>Rules and Procedures Manual for Offshore Petroleum Production Operations²</i> www.dcenr.gov.ie/Natural/Petroleum+Affairs+Division/
DECLG	<ul style="list-style-type: none"> • <i>A New Planning and Consent Architecture for Development in the Marine Area</i> http://www.environ.ie/en/Foreshore
HSA	<p>See General Information on Control of Major Accident Hazards</p> http://www.hsa.ie/eng/Your_Industry/Chemicals/Control_of_Major_Accident_Hazards/
EPA	<ul style="list-style-type: none"> • <i>Summary of the IPPC/ IE Licencing Process</i> • <i>Ionisation radiation licensing</i> www.epa.ie
ABP	<ul style="list-style-type: none"> • <i>Flowchart for Strategic Infrastructure Development</i> www.pleanala.ie
MSO	http://www.transport.ie/maritime
IRCG	http://www.transport.ie/maritime
CIL	<ul style="list-style-type: none"> • <i>GLA Joint Navigation Requirements Policies</i> www.cil.ie
IAA	www.iaa.ie

¹ This list is non exhaustive

² Rules and Procedures are subject to review

Glossary of Terms and Abbreviations

List of Abbreviations

Abbreviation	Meaning
ALARP	As Low As is Reasonably Practicable
CER	Commission for Energy Regulation
DCENR	Department of Communications, Energy and Natural Resources
DECLG	Department of Environment, Community and Local Government
HSA	Health and Safety Authority
ABP	An Bórd Pleanála
EPA	Environmental Protection Agency
ORP	Office of Radiological Protection of EPA
MSO	Marine Survey Office
IRCG	Irish Coast Guard
CIL	Commissioners of Irish Lights
IAA	Irish Aviation Authority
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
IPPC	Integrated Pollution Prevention and Control
IEL	Industrial Emissions Licence

List of Defined Terms in this Paper

Words and phrases defined in Section 13A of the Act shall, unless the context otherwise requires, have the same meanings when used in these Guidelines.

Term	Definition or Meaning
(the) Act	The Electricity Regulation Act 1999 as amended, inter alia, by the Petroleum (Exploration and Extraction) Safety Act 2010
Designated Petroleum Activities Regulations	The <i>Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013, (S.I. No. 89 of 2013)</i> . Regulations made by the CER pursuant to Section 13D of the Act.
Framework	The Petroleum Safety Framework established under section 13I of the Act which comprises a collection of regulations, written regulatory documents and procedures which, taken together, describe the system the CER will use to regulate the activities of petroleum undertakings with respect to safety.
Good Practice	The recognised risk management practices and measures that are used by competent organisations to manage well-understood hazards arising from their activities.
High Level Design	The CER's Decision Paper on the High Level Design of the Petroleum Safety Framework as amended by the CER from time to time.
Non-production Installation	Offshore or onshore equipment involved in Well Work Activities such as drilling, interventions, workovers and well testing. Such installations do not normally carry out processing or export of well fluids although some process equipment may be involved in well testing.
Production Installation	A Production Installation is equipment used in the extraction and/or processing of reservoir fluids and includes fixed and floating offshore installations, onshore installations and associated pipelines. A floating production storage and offloading vessel is a Production Installation due to its connection to the reservoir whereas a shuttle tanker is not.
Safety Permit Application Guidelines	A document that describes the CER's assessment process, including timescales, for the safety cases submitted by petroleum undertakings. The <i>Safety Permit Application Guidelines</i> , as amended from time to time, form part of the Framework.
Safety Case Guidelines	Guidelines, as amended from time to time, prepared by the CER under section 13L of the Act relating to the preparation and appropriate contents of safety cases for petroleum undertakings. The Safety Case Guidelines form part of the Framework.

1 Introduction

1.1 The Petroleum Safety Framework

The *Electricity Regulation Act 1999*, as amended *inter alia* by the *Petroleum (Exploration and Extraction) Safety Act 2010* (the Act) gives the Commission for Energy Regulation (CER) responsibility for the safety regulation of petroleum exploration and extraction activities in Ireland. The Act specifically includes a requirement for the CER to “establish and implement a risk-based Petroleum Safety Framework” referred to in this document as the Framework. The Framework can be understood as the entire system that the CER uses to regulate the safety of petroleum activities³, and in particular designated petroleum activities⁴, carried out by petroleum undertakings⁵. The Framework established by the Act is risk-based, recognising that hazards may be presented by the activities to be regulated and it requires petroleum undertakings to reduce risks to a level that is as low as is reasonably practicable (ALARP).

The CER *Decision Paper on the High Level Design of the Petroleum Safety Framework* (the ‘High Level Design’) sets out, at a high level, how the Framework operates.

1.2 The Permissioning System under the Petroleum Safety Framework

1.2.1 Overview

The Act establishes a permissioning system for certain petroleum activities that are classed as Designated Petroleum Activities. A petroleum undertaking shall not carry on a designated petroleum activity (other than an established petroleum activity) unless:

- a) It has submitted a safety case to the CER;
- b) The CER has approved the safety case; and
- c) A safety permit has been issued in respect of the designated petroleum activity⁶.

The CER may only issue a safety permit in respect of a designated petroleum activity where it has approved a safety case submitted in respect of that activity.

1.2.2 Classes of designated petroleum activities and required safety permit

Safety cases are required to be prepared and submitted in respect of designated petroleum activities. The *Designated Petroleum Activities Regulations*⁷ prescribe three classes of petroleum activity that are designated petroleum activities. These are:

- well work activities;
- production activities; and
- decommissioning activities.

Under the Framework, the CER will grant three broadly corresponding safety permits, each in respect of a class of designated petroleum activity. These are:

- A Well Work Safety Permit;

³ As defined in Section 13A(2) of the Act.

⁴ A designated petroleum activity is a petroleum activity designated as such by the CER by regulation pursuant to Section 13D of the Act.

⁵ As defined in Section 13A(1) of the Act.

⁶ Section 13M of the Act.

⁷ Petroleum Safety (Designation Of Certain Classes Of Petroleum Activity) Regulations 2013 (S.I. No. 89 Of 2013)

- A Production Safety Permit; and
- A Decommissioning Safety Permit.

In order for a safety permit to be issued, a safety case, or number of safety cases have to be approved, as set out in **Table 1** below.

Class of Designated Petroleum Activity	Required Safety Permit	Prerequisite Safety Case(s)
Well Work	Well Work Safety Permit	Well Work Safety Case; and Non-production Safety Case ⁸ ; <u>or</u> Production Safety Case ⁹
Production	Production Safety Permit	Design Safety Case (in some cases); and Production Safety Case
Decommissioning	Decommissioning Safety Permit	Decommissioning Safety Case

Table 1: Class of designated petroleum activity, required Safety Permit and prerequisite safety case

1.3 Agreed Regulatory Interfaces and Co-operation

As outlined in the High Level Design, the CER recognises that carrying out its functions efficiently and effectively and achieving the vision of a safe Irish petroleum exploration and extraction industry will require it to interface and co-operate with other statutory authorities in Ireland. Indeed, the Act specifically requires the CER to have regard to the functions in respect of safety performed by other regulatory bodies in the circumstances described in section 13H(3) of the Act.

In line with these requirements under the Act, the CER has developed agreed interface, co-ordination and co-operation arrangements with a number of statutory authorities. These interface arrangements are in the form of signed Memoranda of Understanding (MOU) and outline how the CER and each relevant authority will interact during the operation of the Framework. Of particular relevance to this paper are the MOUs with the following statutory agencies¹⁰ which have a regulatory function and deal with the alignment/ co-ordination of permissioning processes across the statutory agencies:

- Health and Safety Authority (HSA);
- Environmental Protection Agency (EPA), including Office of Radiological Protection (ORP);
- Irish Maritime Administration (IMA) in the Department of Transport, Tourism and Sport;
 - Marine Survey Office (MSO);
 - Irish Coast Guard (IRCG);
- Irish Aviation Authority (IAA);
- An Bórd Pleanála (ABP);
- The Commissioners of Irish Lights (CIL); and
- The Department of Communication, Energy and Natural Resources (DCENR)

1.3.1 Alignment of permissioning/ regulatory processes

Petroleum undertakings are required to have in place different licences, permits and consents

⁸ If the well work is being carried out by a non-production installation.

⁹ If the well work is being carried out by a production installation.

¹⁰ The latest versions are available here: <http://www.cer.ie/energy-safety/petroleum/co-operation-arrangements>

from various statutory authorities to carry out petroleum activities. For example, petroleum authorisations are issued by the Minister for Communications, Energy and Natural Resources, foreshore leases and licences are issued by the Minister for the Environment, Community and Local Government, planning permission/approvals may be required from An Bórd Pleanála or local planning authority, Industrial Emissions licences (and Green House Gas (GHG) permits) may be required to be obtained from the EPA and a pre-construction notification is required by the HSA. While this is not an exhaustive list it is indicative of the permissioning environment within which petroleum undertakings operate.

The issuing of a safety permit for designated petroleum activities is within the sole and exclusive jurisdiction of the CER. However, the CER recognises the benefit to regulators, stakeholders, the general public and petroleum undertakings alike in ensuring co-ordination with the regulatory role of other statutory authorities in the issuance of licences, permits and consents. Therefore the CER, working with other statutory authorities, has produced this *Permissioning Process Map*.

1.4 The Purpose of the Permissioning Process Map

The purpose of this Permissioning Process Map is to provide high level indicative guidance to petroleum undertakings on the potential sequencing and interaction between the assessment of safety cases and the issuance of safety permits by the CER and the other licenses/permits and consents issued by the following statutory authorities:

- Department of Communications, Energy and Natural Resources;
- Department of Environment, Community and Local Government (DECLG);
- Health and Safety Authority;
 - Environmental Protection Agency, including Office of Radiological Protection;
- An Bórd Pleanála;
- Irish Maritime Administration;
 - Marine Survey Office;
 - Irish Coast Guard;
- Irish Aviation Authority; and
- Commissioners of Irish Lights.

For the purposes of illustration, the statutory processes of the various statutory authorities have been simplified. The petroleum undertaking should refer to the relevant legislation and detailed guidance of each statutory authority. With respect to the CER permissioning process, the *Safety Case Guidelines* and the *Safety Permit Application Guidelines* are particularly relevant.

It should be noted that the Permissioning Process Map is provided purely for information to petroleum undertakings and is not an exhaustive list of all statutory requirements (see section 1.5).

1.5 Using this Document

This document is divided into two sections, aligning with the Well Safety Permit and the Production Safety Permit issued by the CER for the different classes of designated petroleum activities as follows:

- Well Work Activity Permissioning Process Maps (Section 2); and
- Production Activity Permissioning Process Maps (Section 3)

Given that the permissioning/ regulatory role of some statutory agencies is dependent on whether the activity takes place onshore or offshore, each section includes both an Onshore and

Offshore/ Foreshore Process Map. The following legend, in Figure 1, applies to each of Process Map.

LEGEND

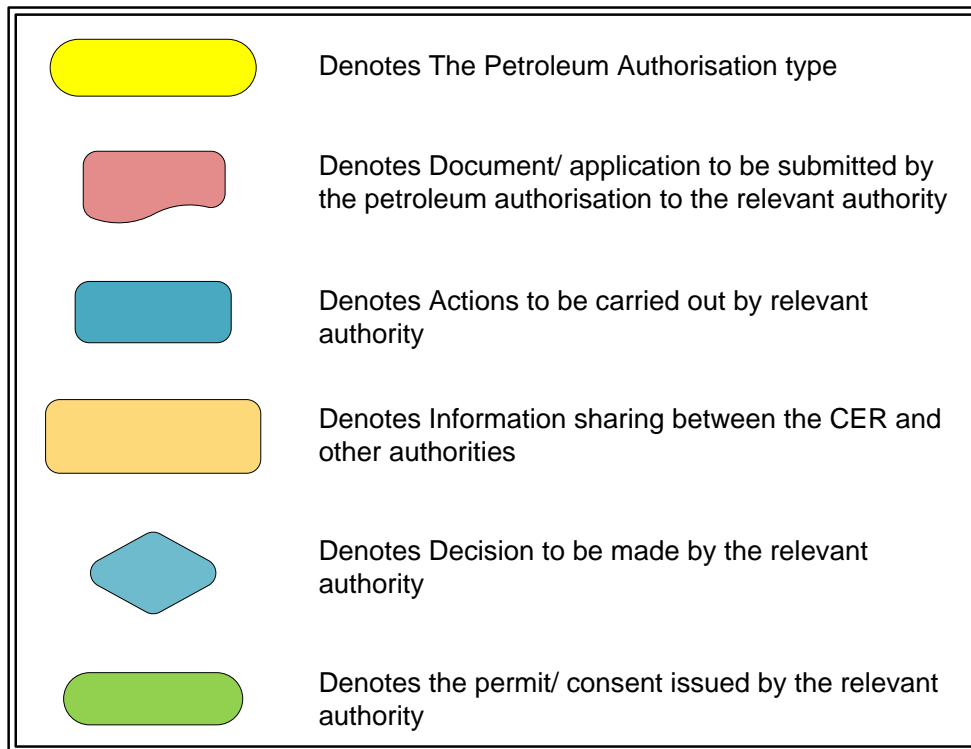


Figure 1: Legend for Permissioning Process Maps

The purpose of this document is set out in section 1.4. The information herein does not constitute legal advice or a legal interpretation of existing law and regulation. Whilst every effort is made to provide information that is useful, and care is taken in the preparation of the information, the CER gives no warranties or representations, express or implied, of any kind with respect to this document, including, without limitation, its quality, up to date nature, accuracy and completeness.

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2 Well Work Activity Permissioning Process Maps

2.1 Overview

Before the CER will consider an application for a Well Work Safety Permit (producing or non-producing) from a petroleum undertaking, the applicant must hold an Exploration Licence or a Petroleum Lease from the Minister of Communications, Energy and Natural Resources.

Alongside the requirement for a petroleum authorisation from the Minister of Communications, Energy and Natural Resources and Well Work Safety Permit from the CER, **Table 2** below highlights a number of the requirements of other statutory authorities, onshore and offshore, related to carry out a Well Work Activity.

Authority	Permit/ Consent/ Approval	Onshore	Offshore
DCENR	Permit to Use or Discharge Added Chemicals		✓
	Approval to Drill	✓	✓
IRCG	Emergency Procedures Manual		✓
	Oil Spill Contingency Plan		✓
MSO	Certificate of Survey		✓
CIL	Aids to Navigation		✓
DECLG	Foreshore Licence ¹¹	✓	✓
ABP	Planning Permission/ Approval ¹²	✓	
EPA (ORP)	Licence to handle Radioactive Sources	✓	✓
IAA	Air Operator Certificate		✓

Table 2: *Statutory Authorities and Permits/ Consents relating to Well Work Activities*

The sequencing and interrelationship between the consents/ permits and the Well Work Safety Permit are illustrated in the Well Work Activity – Offshore/ Foreshore Permissioning Process Map and the Well Work Activity – Onshore Permissioning Process Map in section 2.3 and 2.4.

¹¹ A petroleum undertaking only requires a Foreshore Licence under the Foreshore Act (1933 - 2011 as amended) if the well work is carried out in the foreshore. The foreshore is the seabed and shore below the line of high water of ordinary or medium tides and extends outwards to the territorial (twelve mile) limit

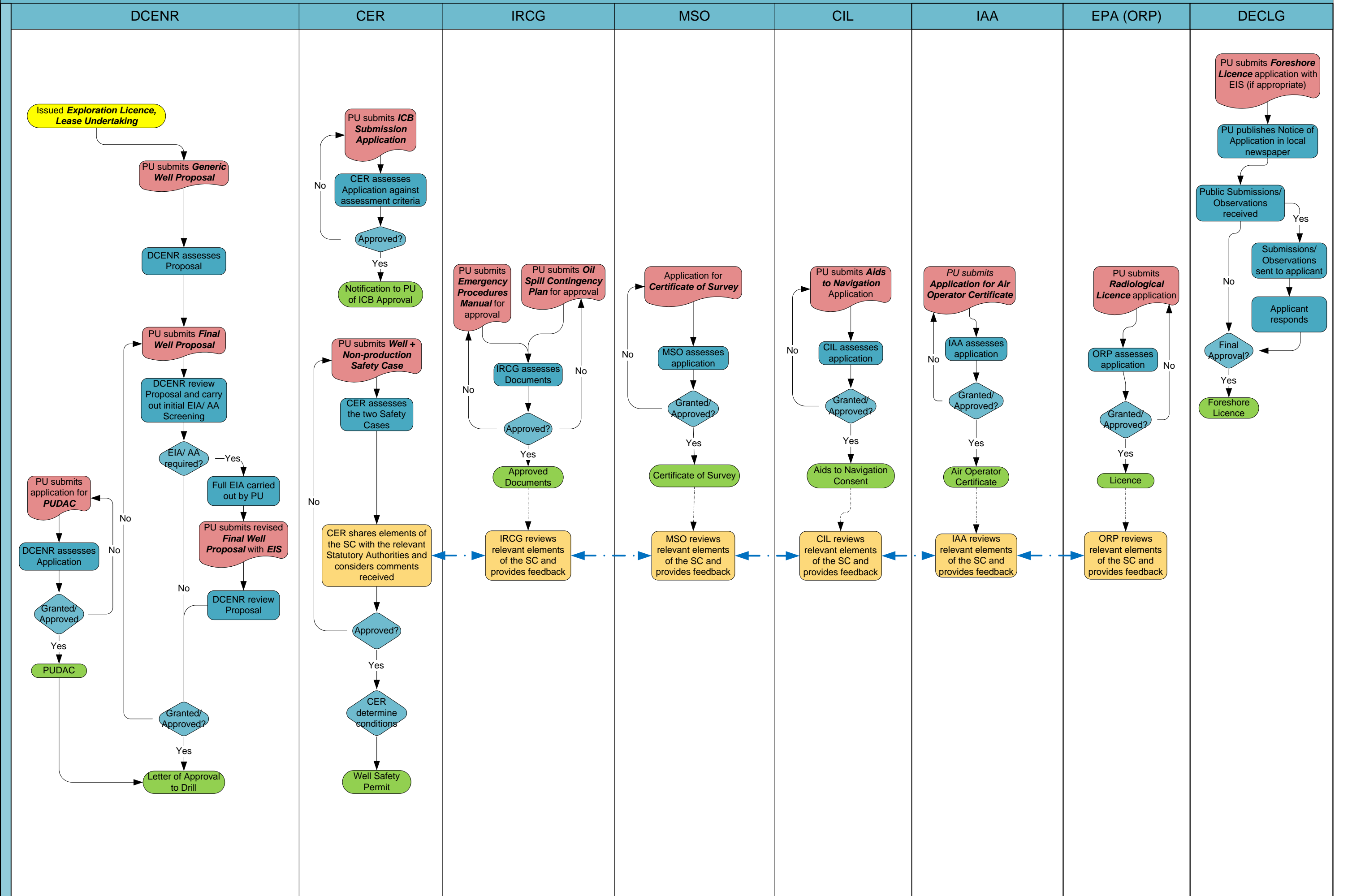
¹² Planning Permission under the Planning and Development Act, 2000 and Planning Approval under the Planning and Development (Strategic Infrastructure) Act 2006,

2.2 Key Points on Sequencing of Permissioning processes

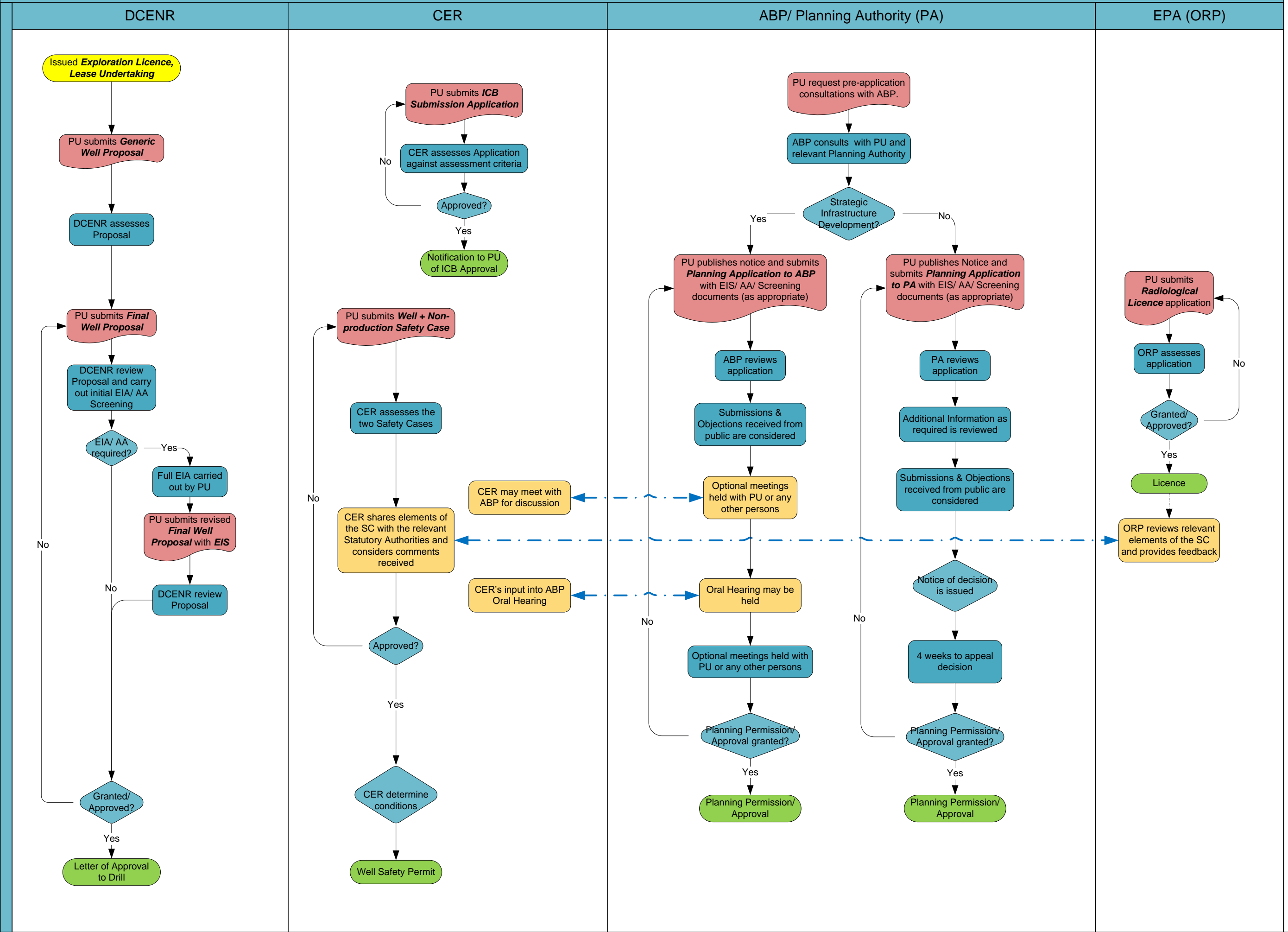
Although the process maps are at a high level, the following merit explicit emphasis:

1. With regards to the Environmental Impact Assessment (EIA), a *Letter of Approval to Drill* shall not be issued by the Minister of CENR until the *Final Well Proposal* has been the subject of screening pursuant to the EIA Directive or the Habitats Directive, and also full EIA or Appropriate Assessment (AA) as required. The EIS documents, AA or screening documents form part of the relevant application. The information in the *Final Well Proposal* shall be consistent with the information in the well work and Non-production safety cases.
2. A Foreshore licence application shall also be the subject of an EIA/ AA screening and a full EIA/ AA as required.
3. Prior to the CER sharing elements of the submitted Safety Case with other relevant statutory authorities for their observations, in accordance with the *Safety Permit Application Guidelines*, it would be expedient for all concerned if the applications for relevant consents/ approvals to have been submitted to the relevant statutory authorities. This will subsequently enable the relevant statutory authorities to be in a position to give observations to the CER on the submitted Safety Cases. The CER recognises that this may not be possible under all circumstances. The sequencing of the submissions to the various statutory authorities will vary. The sharing of elements of the submitted safety case to other statutory authorities shall have no impact on the planned timeline of the safety case assessment.
4. The following process maps focus on the sequencing of document submission and the issuance of approvals/ consents. The timelines for each of the permissioning processes will vary.
5. The following permissioning process map applies to the submission of a Well Work Safety Case for either an exploratory well and/ or a development well provided that the appropriate petroleum authorisation has been obtained.
6. In the case of a Well Work Safety Permit, an ICB Application must be submitted by the petroleum undertaking and approved by the CER prior to the submission of a Well Work Safety Case. Detail on the ICB approval process can be found in the Compliance Assurance System.
7. The following permissioning process map refers to a well work safety permit application associated with work carried out from a non-production unit. Well work may also be carried out in association with a production activity which would require the submission of a related production safety case. Further details of this can be found in the Safety Case Guidelines.

2.3 WELL WORK ACTIVITIES – OFFSHORE AND FORESHORE



2.4 WELL WORK ACTIVITIES - ONSHORE



3 Production Activities Permissioning Process Maps

3.1 Overview

Before the CER will consider an application for a Production Safety Permit from a petroleum undertaking, the applicant must hold a Petroleum Lease. Before the CER considers a Production Safety Case the petroleum undertaking must have obtained approval for the Plan of Development from the Minister of Communications, Energy and Natural Resources

Alongside the requirement for a Petroleum Lease from the Minister of Communications, Energy and Natural Resources and Production Safety Permit from the CER, **Table 3** below highlights a number of the consents/permits required from other statutory authorities, onshore and offshore, related to carry out a Production Activity

Authority	Permit/ Consent/ Approval	Onshore	Offshore
DCENR	Plan of Development Approval	✓	✓
	- Approved Management Plan	✓	✓
	- Consent to Construct upstream pipeline	✓	✓
	- Consent to Operate upstream pipeline	✓	✓
- Approval for First Gas and Oil	✓	✓	
IRCG	Emergency Response Procedures Manual		✓
	Oil Spill Contingency Plan		✓
MSO	Certificate of Survey		✓
CIL	Aids to Navigation		✓
DEHLG	Foreshore Licence ¹³	✓	✓
ABP	Planning Permission/Approval	✓	
EPA (ORP)	Licence to handle Radioactive Sources	✓	✓
EPA	IPPC/ Industrial Emissions	✓	✓
IAA	Air Operator Certificate	✓	✓
HSA	Emergency Response Procedures Manual	✓	✓
	Pre-construction Safety Report	✓	
	Operational Safety Report	✓	

Table 3: Statutory Authorities and Permits/ Consents under an Offshore Petroleum Lease

The sequencing and interrelationship between the consents/permits and the Production Safety Permit are illustrated in the Production Activity – Offshore Permissioning Process Map and the Production Activity – Onshore Permissioning Process Map in section 3.3 and 3.4.

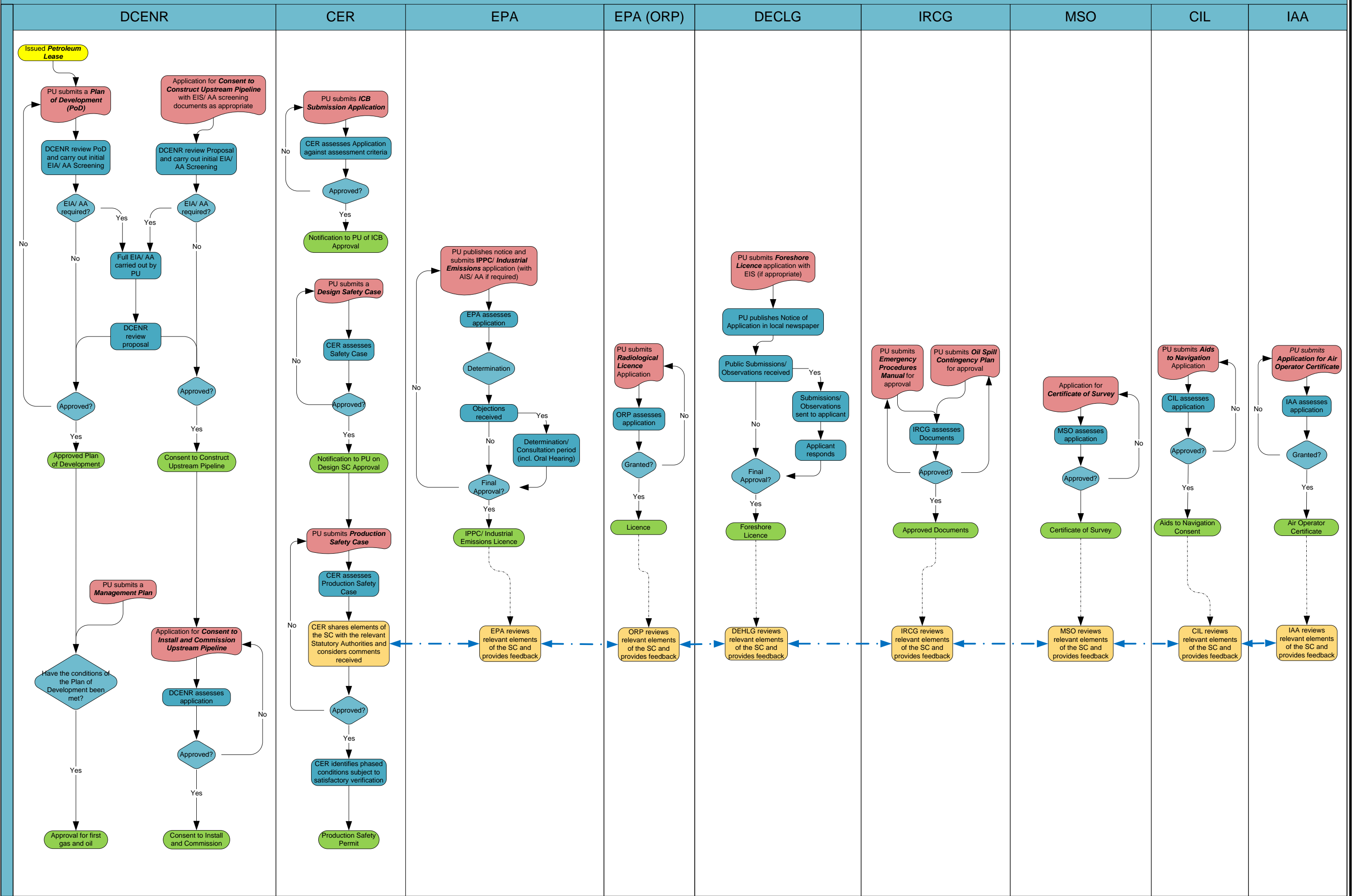
¹³ A petroleum undertaking requires a Foreshore Licence under the Foreshore Act (1933 - 2011 as amended) if production activities are carried out in/ crosses through the foreshore, eg. pipelines and cables. The foreshore is the seabed and shore below the line of high water of ordinary or medium tides and extends outwards to the twelve mile limit.

3.2 Key Points on Sequencing of Permissioning processes

The following points must be taken into consideration, when reading the Offshore and Onshore Permissioning Process Maps under a Petroleum Lease.

1. The Plan of Development becomes the subject of screening pursuant to the EIA Directive or the Habitats Directive, and also full EIA or Appropriate Assessment (AA) as required. The EIA/AA screening form part of the application for approval of the Plan of Development.
2. The Consent to Construct Upstream Pipeline may be subject to separate EI/AA screening and EIS as the assessment to be carried out by the minister is under different legislation.
3. A Foreshore Licence Application is also subject to EIA/ AA screening and potentially a full EIA/ AA.
4. The HSA process is based on the assumption that the development of the petroleum undertaking is classified as an Upper-Tier site under the Seveso II Directive, which requires the petroleum undertaking to prepare a Pre-construction and Operational Safety Report to the HSA. In the case of the petroleum undertaking being classified as a Lower-Tier site, a safety report is not required.
5. The following process maps focus on the sequencing of document submission and the issuance of approvals/ consents. The timelines for each of the permissioning processes will vary.
6. In the case of a Design Safety Case, an ICB submission must be made at the same time as, or before, the Design Safety Case is submitted to the CER. Detail on the ICB approval process can be found in the Compliance Assurance System Guidelines.

3.3 PRODUCTION ACTIVITIES – OFFSHORE AND FORESHORE



3.4 PRODUCTION ACTIVITIES - ONSHORE

