

FS006915 – Celtix Connect Ltd

Havhingsten Telecommunication Cable
Landing at Loughsinny, Fingal, Co. Dublin

Contents

Consolidated Prescribed Bodies Observations: 21/08/19 – 18/09/19	2
Water Marine Advisor.....	2
Marine Institute	14
Marine Survey Office	16
Department of Agriculture, Food and the Marine (DAFM)	17
Department of Culture, Heritage and the Gaeltacht (DCHG)	18
Consolidated Prescribed Bodies Observations: 29/01/20 – 29/02/20	20
Water Marine Advisor.....	20
Marine Institute	34
Marine Survey Office	35
Department of Agriculture, Food and the Marine (DAFM)	36
Department of Culture, Heritage and the Gaeltacht (DCHG)	37
Inland Fisheries Ireland (IFI).....	38
Sea-Fisheries Protection Authority (SFPA).....	40
Public Submissions: Consultation 21/08/19 – 27/09/19	42
Public Submissions: Consultation 29/01/20 – 29/02/20	108

Water Marine Advisor

Re Foreshore licence application by Celtic Connect Ltd/Aqua Comms for the installation of a subsea fibre optic cable (Havhingsten Telecommunications Cable) on the foreshore, with landfall at Loughshinny Co. Dublin (FS006915) - your e-mail of 22/08/2019 refers-

In relation to the above Celtic Connect Ltd/Aqua Comms has submitted an application to DHPLG for a Foreshore Licence to facilitate the installation of a subsea fibre optic cable on the foreshore extending from Loughshinny in North Dublin to Squires Gate Lane (south of Blackpool in England). This section also includes two branches onto the Isle of Man. It is intended that the subsea cable would be linked via an on-shore cable network in Ireland to the cable hub station at Loughshinny. Separately the ESB has applied for Planning Permission from Fingal Co for the development of a single storey cable landing station at ESB Loughshinny 38kv Substation (Planning Ref no F19A/0169). Other marine elements of the proposed cable in the North Sea will extend it to Denmark. The cable route will extend more than 940km in total and deliver a boost to bandwidth (maximum rate of data transfer) between Ireland/Isle of Man/UK and Denmark. The general line of the sub-sea route is show in Figure 1.1 (ref Figure 1.1 in "Planning Report " dated July 2019).The proposed cable route within Irish Foreshore domain is shown on Drawing No P2228-CORR-006 (outlined red). The cable length on foreshore is 29.8km and the 40mm diameter cable will be laid within the marine cable corridor of 500m-narrowing to a 250m corridor at nearshore/ landfall point - (this area was subject to SI on foot of a previous Foreshore Licence granted in autumn 2018 Ref No FS006746) within an area of 1446Ha.

Engineering comments are as follows:

SUBMITTED DOCUMENTATION

The following documentation was submitted to DHPLG in support of this Foreshore Licence Application

- Completed Foreshore Licence Application Form dated 5/6/2019
- "Aquacomms Company Documentation" dated July 2019
- Drawings/Maps as follows:
 - Drawing No P2228-CORR-002- entitled "Installation Corridor Republic of Ireland Route" dated July 29th 2019 – on an Admiralty Chart Base map (this shows proposed cable route within a 500m corridor-250m nearshore-)
 - Drawing No P2228-CORR-006-entitled "Foreshore Licence Map" dated July 29th 2019,-on an Admiralty chart base map (this shows proposed cable route on foreshore within a 500m corridor from HWM to 12NM section outlined red).
 - Drawing No P2228-CORR-007 entitled "Foreshore Licence Map Landfall "dated 29th July 2019 on an OS Map (this shows the proposed nearshore cable route and landfall at Loughshinny)

- ‘Foreshore Licence Application for Cable Installation-PLANNING REPORT’ dated July 2019 prepared by Intertek Consultants (containing the more detailed technical and environmental information in connection with the Foreshore Licence Application) which also contains the following sub-appendices:
 - **Appendix A** “Environmental Assessment Methodology” dated 26th June 2019 prepared by Intertek /Alcatel Submarine Network Consultants
 - **Appendix B** “Application Corridor Coordinates ” dated July 2019
 - **Appendix C** “Cable Burial Assessment” dated July 2019 and prepared by Intertek/Alcatel Submarine Network Consultants
 - **Appendix D** “Fisheries Activity Study” dated July 2019 and prepared by Intertek/Alcatel Submarine Network Consultants
 - **Appendix E1** “Marine Archaeology Desk Based Assessment” dated July 2019 and prepared by Intertek /Alcatel Submarine Network Consultants
 - **Appendix E2** “Marine Archaeology Foreshore Survey” dated July 2019 and prepared by Intertek/Alcatel Submarine Network Consultants
 - **Appendix F** “Stage 1 Screening for Appropriate Assessment ” dated July 2019 and prepared by Intertek/Alcatel Submarine Network Consultants
 - **Appendix G** “Underwater Sound Modelling’ ’dated 22nd May 2019 and prepared by Intertek/Alcatel Submarine Network Consultants.
 - **Appendix H** “Sediment Suspension for Irish component of Havhingsten” dated July 2019 and prepared by Intertek/Alcatel Submarine Network Consultants.
 - **Appendix I1** “Marine Survey Report-BU Port Erin to BMH Loughshinny’ ’dated June 2019 and prepared by Intertek/Alcatel Submarine Network Consultants.
 - **Appendix I2** “Marine Survey-Intertidal Survey report” dated July 2019 and prepared by Intertek/Alcatel Submarine Network Consultants.
 - **Appendix F4** “Benthic Characterisation Report-Ireland” dated June 2019 and prepared by Intertek/Alcatel Submarine Network Consultants
 - **Appendix J** “Pre Application Consultation ”dated July 2019

PROPOSED DEVELOPMENT

The proposed project is described in detail with reference to the "Planning Report" dated July 2019. The planned cable route on the foreshore is shown on Drawing No P2228-CORR-006 "Foreshore Licence Map" with a Landfall point at Loughshinny and will take up a total post lay area of foreshore of 0.0298km² (nominal Main Lay swathe 1.0m wide to 12 NM Limit) with a Corridor Width of 500m (250m either side of route shown on this Drawing-) based on Site Investigation Survey Corridor which takes up an initial area of 14.46KM²(1446HA)

From MHWS seaward the 40mm cable will be buried to a target depth of 1.5m to 2m below the seabed. The cable will be buried using various industry standard burial tools including water jetting and ploughing. The main offshore cable lay will be performed by an installation vessel with a dynamic positioning system which will mean that anchors are unlikely to be used

An example of the double armour fibre optic cable with an overall diameter of 40mm(including protective layers) is described with reference to Section 2.2 and Fig 2-1 in "Planning Report"

Three pre-selected Landfalls were initially considered for the east coast of Ireland:

1. Loughshinny
2. Portrane
3. Donabate

Portrane was discounted as this was to be the landing spot for another cable. The other two were subject to Cable Route Surveys and SI. The Donabate landfall options were discounted as the route would traverse strong tidal currents, rocky substrate and potentially sensitive archaeological and fishing areas. The Loughshinny landfall was selected as it presented relatively few marine constraints in comparison to the other sites investigated. Furthermore the survey data was used to inform a cable burial assessment which is provided in Appendix C and this identified that the Loughshinny cable laying area was predominantly composed of sands and clays and so there were no obvious areas where cable burial may be significantly less than the target depth of 1.5M.

The proposed cable installation consists of the following different elements:

Pre-Lay grapnel run:

Prior to the start of the marine cable lay installation a pre-lay grapnel run, as described in Section 2.5.2 of the Planning Report, will be undertaken over the length of the cable route to clear any obstructions from the route. Any debris retained from this process will be collected on board and disposed of appropriately through licenced on shore facilities

Beach Manhole BMH (inshore)

The BMH is the interface between the marine cable and terrestrial cable and is described with reference to Section 2.6.4.1 of the Planning Report. It will be constructed above MHWS in the car park at Loughshinny. From the BMH a duct will be installed beneath the car park to a point at the back of the beach. The position of the BMH will dictate the length of seaward duct, which will be installed in a seaward trench of 27m length. The seaward duct will be installed in advance of the shore end installation. The duct consists of 100mm diameter PVC or HDPE pipe buried to a depth of app 1.25m on leaving BMH increasing to 1.5m at the beach end. Duct will be installed from BMH to the edge of the beach using diggers and handheld trenching tools.(this work is not on foreshore).

Shore End (to LWM)

From the end of the seaward duct to LWM, trenching of the cable across the beach to a target depth of 2m will be undertaken. An articulated pipe (600mm diameter) will be applied to the cable across the beach for additional protection. Trench will be excavated using diggers and manual trenching. The excavated sand will be used to backfill the trench.

The beach excavation will typically be carried out using small tracked diggers. A backhoe machine and hand tools will be used to form a trench of approx dimension 0.5m width x 1.5m target depth within the intertidal area. The trench will be backfilled with excavated material following installation and the beach profile will be restored.

Offshore (LWM to 15m water depth)

The burial of the cable will be undertaken using handheld jet burial tools operated by divers supported by dive support vessels in the inshore area. Target burial depth is 1.5m.

Offshore (15m water depth to EEZ boundary)

Cable lay will be undertaken by plough burial using ASN HD3 plough from the main lay cable ship. The target burial depth is 1.5m and the plough will provide continuous depth of burial verification during the installation operation. Simultaneous cable installation with plough burial is the planned method for the majority of the offshore route. Alternative methods will be applied where target burial cannot be achieved with this method or within 250m distance of crossings.

More details in relation to Plough and Water Jetting techniques is provided in Sections 2.6.1.2 and 2.6.1.3 of the 'Planning Report'.

Offshore cable installation will commence from the Irish/UK median line and run towards Loughshinny landing site. Onshore installation (BMH and horizontal directional drilling under car park) will be completed before the marine cable reaches shore.

The target burial depth for the cable is 1.5m. In areas of stiff soil, the actual burial depth may be reduced but it is planned to be still at a depth which will protect the cable from fishing activities and generally not less than 0.4 to 0.6m subject to the nature of the geophysical nature of the seabed and burial assessment and risk categorisations.

All cable laying activities will be closely monitored and the on-board engineers will be utilizing the latest advancements in the undersea cable installation industry in order to ensure that the cable is laid according to engineered design.

The proposed cable installation is "un-repeated" meaning that there is no power supply to the cable. Therefore operation of the cable is not expected to emit any electric induced magnetic fields or heat to the surrounding sediment or seabed and there are no anticipated effects of cable operation on the environment.

More details in relation to the cable laying operations are provided with reference to the "Planning Report" in Sections 2.5 to 2.8 inclusive.

Cable Installation Programme

The cable installation programme is described with reference to Section 2.7 of the Planning Report (ref Table 2.6) and can be summarised as follows

Pre Installation Works (incl pre-lay grapnel run)	1d
Offshore installation (ploughing and cable lay)	3d (within all Irish Waters)
Shore end tie in	2-3d
Post lay burial and reinstatement (nearshore)	7d
Seaward Duct Installation at Loughshinny	2-3d
Beach Manhole Construction (non foreshore)	12-14d

It is intended that all of the above works would be carried out in November 2019. This may be subject to change arising from the licensing/permitting process, weather or operational factors.

ENVIRONMENTAL MATTERS

ECOLOGY

A Stage 1 Screening for Appropriate Assessment has been undertaken for the Havihingsten cable by the Applicants and is presented in Appendix F. Other studies undertaken to inform the Stage 1 Screening included for "Underwater Noise Assessment"-Ref Appendix G-, "Sediment Suspension and Dispersion"-Ref Appendix H"-," Survey Reports"- Ref Appendix I-.

A summary of the "Natura 2000 Screening Assessment" is also provided in Section 5 of the Planning Report. The screening assessed 17 Natura 2000 sites that were either within the direct zone of influence of the proposed activities or contain mobile Annex II species (e.g. Harbour Porpoises etc.) which could potentially travel to the area. These are shown on Figure 5.1 (Pg. 41 of Planning Report) and with reference to Table 5.3(ref Appendix F). Initial screening concluded that it was possible that there exists a pressure receptor pathway between proposed installation and maintenance activities and the Qualifying Interests (QI) of 12 of the 17 sites reviewed. Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely significant effect on any of the Natura 2000 sites screened .Table 5.2 (ref Planning Report Pg. 38/39) summarises the conclusions of the assessment of likely significant effects .

No reef areas were identified within the marine cable corridor within the Rockabill to Dalkey Island SAC. Sediment disturbance and deposition caused by the installation (ploughing, jetting), will be within the levels of natural variability experienced during storm events and no effect to reef areas is expected. Low level noise disturbance to cetacean species within 130m(conservative) of the installation vessels may occur but this will be brief (less than 24 hours),transient and set against the background of moderate shipping levels in the area. Birds from the Rockabill SPA and Skerries Islands SPA may be foraging or loafing in the marine cables corridor, however any disturbance will be set against the background shipping activities in the area and will not act as a barrier to feeding and foraging birds from protected sites or associated sites. The Impact Assessment concludes that "effects will be Slight or Not Significant". Overall there is no evidence to indicate that the works in combination

with any plan or project will produce a significant adverse effect on the habitats of the qualifying species and on the species of special conservation interest, ensuring that the integrity of sites is maintained. No significant cumulative effect is anticipated.

In conclusion the proposed project does not have the potential to give rise to significant adverse effects on the overall integrity of the Natura 2000 sites considered. This Department's own Appropriate Assessment of this project (in preparation) is likely to reach a similar finding in this regard (this will be forwarded to MFPU in due course).

Furthermore following the precautionary principal, substantial "Mitigation Measures" have been developed to minimise potential impacts from the project on the general marine environment. These are presented in Section 6 of the Planning Report at Table 6-1 "Embedded Mitigation" (10 No) and at Table 6-2 "Project Specific Mitigation" (2No) These include for the requirement of all cables to be buried to a target depth of 1.5m, Project vessel waste disposal facilities and control measures and shipboard oil pollution emergency plan to adhere to MARPOL requirements, a Fisheries Liaison Officer to be appointed prior to and during cable lay operations. These appear to be reasonable and can be made a condition of the Licence when/if granted.

FISHERIES ISSUES

A fishing activity study was conducted to review fishing activities in the Irish Sea along the proposed marine cable corridor. This is presented in Appendix D.

The marine cable corridor is within the spawning and nursery grounds for 18 species of marine fish (ref Fig3-3 and 3-4 on Pgs. 32 and 33 of the Planning Report). Due to soft sediments identified by the cable route survey, no Atlantic herring spawning is expected within the marine cable corridor. In the nearshore area dredge and net fishing occurs along the coast from N Dublin to south of Dundalk. East coast and offshore of the coast of Ireland is important commercially for lobsters, crabs, whelks, scallops and razor clams.

The greatest threat to cables from fishing activity is from dredging and trawling activities.

The cable installation activities will have an effect that has been assessed as "Not Significant" on commercial fishing.

During installation vessels will be progressing at a speed of between 0.5 and 1.5km/hr. Fishing vessels will be requested to remain at least 500m (radial distance) from the cable lay vessels for safety reasons. Fishermen deploying static gear will be asked to move pots out of marine cable corridor until the cable installation has passed through. Fishermen with mobile gear will briefly be displaced from a very small area of the available fishing ground. All ASN vessels will adhere to Collision Regulations and Notice to Mariners will be issued. The effects identified are not significant and will be controlled by compliance with the "Embedded Mitigation" measures specifically those as presented in Table 3-3 (ref Pg. 35 of Planning Report).

Furthermore as best practice ASN will also appoint a Fisheries Liaison Officer, who will liaise with the local fishing industry prior to and during cable installation. Indeed this has been included as one of the key "Project Specific Mitigation Measures" (ref 'M2' Table 6-2 Pg. 43 in "Planning Report".)

The Applicants have demonstrated satisfactorily that subject to compliance with proposed mitigation measures there should be no significant impact on commercial fisheries from the proposed cable installation works.

NAVIGATIONAL SAFETY CONSIDERATIONS

These are discussed in Section 3.1 of the "Planning Report". The overall pattern of shipping movements and density is shown in Figures 3-1 (Irish Sea) and Figure 3-2 (approach to Loughshinny) –ref Pg. 28/29 of "Planning Report". The Irish Sea is an area of high shipping intensity. The Havhingsten route will pass through some high density traffic shipping lanes. Mitigation of navigational risks is proposed. A "Notice to Mariners" will be issued prior to cable installation and maintenance operations and other sea users known to operate in the area will be contacted prior to cable installation or repair operations commencing. Subsea cable lay will be performed by a purpose built cable lay vessel which will comply fully with all requirements of the International Regulations for Preventing Collisions at Sea (COLREGS). A local marine notice giving vessel details together with a general description of operations and approximate date of commencement and completion will be published.

During installation vessels will be progressing at a speed of between 0.5 -1.5 km/hr .Other shipping in the region will be requested to remain at least 500m (radial distance) from the cable lay vessels for safety reasons. All ASN Vessels will adhere to Collision Regulations and Notice to Mariners will be issued. There is sufficient space available for shipping to make minor alterations to routes to avoid cable lay works.

The cable installation activities will have an effect that has been assessed as "Not Significant on commercial shipping" –so states the "Planning Report".

A series of Mitigation Measures (10 No) are proposed to be incorporated into the design, installation and operation (including maintenance) of the cable, these are presented as "Embedded Mitigation-Project design" in Table 6-1 (ref Section 6 of "Planning Report") which also include specific measures to minimise any navigational risks and to safeguard the marine environment (in terms of protection of water quality and prevention of marine pollution) and also protect any other form of navigation in connection with fisheries interests etc. These include for:

- Project Vessel speed limit of 14 knot
- As laid cable route position to be included on marine charts so that fishing vessels can take care along cable route
- Vessels to comply with all requirements of International Regulations for Preventing Collisions at Sea
- Project Vessels equipped with waste disposal facilities(sewage treatment or waste storage) will conform to IMO MARPOL Annex IV Prevention of Pollution from Ships standards
- Water quality environmental Control measures for vessels (including shipboard oil emergency plans, discharge of ballast water etc.) to adhere to MARPOL Convention requirements.
- Notice to Mariners will be issued before works commence and after completion of the installation activities
- A local marine notice giving vessel details together with a general description of operations and approximate dates of commencement and completion will be published

- Publication of formal Marine Notices through Dept. of Transport Tourism and Sport with appropriate level of details

It is also proposed that a Fisheries Liaison Officer (FLO) will be appointed and fisheries liaison will be undertaken prior to and during cable installation operations. (Ref Table 6-2 "Project Specific Mitigation" Pg. 43 in "Planning Report").

These appear to be reasonable and can be set as a condition of the foreshore licence when/if given subject to the views of MSO (final worded conditions for inclusion in the Foreshore Licence should reflect their views and recommendations from a navigational perspective).

MARINE ARCHAEOLOGY

This is discussed with reference to Section 4 of the "Planning Report" and also with reference to the "Marine Archaeology Technical Report " provided in Appendix E .An initial desk based assessment was updated with the results of the foreshore surveys undertaken at Loughshinny, and a review of the geophysical data collected by the cable route survey. The assessment concluded that there are no known potential cultural heritage assets or wrecks directly affected by the landing site at Loughshinny. The marine cable corridor within Ireland has not required any changes triggered by the evaluation of the data by marine archaeologists. The Marine Archaeology Technical Report has not recommended that Archaeological Exclusion Zones are implemented within the marine cable corridor.

The Applicants conclude that "the cable installation and maintenance activities will have No Significant effect on marine archaeology as summarised in Table 4-1 (Ref "Planning Report" Pg. 36) .No wrecks or archaeological assets have been identified within 140m of the installation route." The closest wreck is 140m to NW of the cable route and will not be disturbed by the installation tool. Review of the geophysical survey data has not indicated any potential for cultural heritage assets"

It is noted that as a result of this evaluation that no specific mitigation measures are proposed to address marine archaeology.

The views of the Underwater Marine Archaeology unit within the Department of Culture Heritage and the Gaeltacht will be key here as to whether they are satisfied with the Marine Archaeology assessment as presented by the Applicants. There may be a requirement for inclusion of specific conditions in the Foreshore Licence when/if given to address marine archaeological requirements based on the observations of DCHG.

OTHER

Pipeline Route/Other Subsea Pipelines/Cables

The marine cable corridor crosses the Irish Median line and reaches the Irish Coast landfall at Loughshinny as shown of Drawing No P2228-CORR-002 .The foreshore element of the cable route extending from Loughshinny to the 12 Mile Limit is approximately 29.8 km in length. There are a limited number of infrastructures in the vicinity of the marine cable corridor. The marine cable route within Irish territorial waters, does not cross any existing infrastructure. However further offshore in the Irish EEZ (beyond foreshore domain) the cable will cross the Interconnector 1 gas pipeline. A "firing practice area" has also been identified (ref Admiralty Charts) app 3.3km to north of the cable corridor and 10km offshore from the proposed landing point at Loughshinny.

The crossing of any third party infrastructure will be made with agreement of the owner following a negotiated formal Crossing Agreement. More details on the installation method selected for cable crossing is provided in Section 2.6.3. (Ref 'Planning Report' Pg. 20/21).

It should be noted that any crossings should be in accordance with the ICPC Recommendations (2014) and specifically Recommendation No 3.

In terms of any restrictions that may need to apply if relevant as a result of operations within the nearby "firing practice areas " the Applicants would need to adhere to any directions / requirements of the Department of Defence where relevant in this regard.

Type of cable

The cable is double armoured and will be "unrepeated" (i.e. not powered). It is to be an industry standard cable with capability to transmit high speed data and voice via light wave through the optical fibres contained within the core. A cut away section of the Double Armour Cable, with an overall diameter of 40mm (including protective layers), is shown in Fig 2.1(Ref Planning Report pg. 8). A more detailed description of the proposed cable is provided at '2.2 (ref Planning Report Pg. 7/8)

Aquaculture Activities

There are no licenced aquaculture sites along, or adjacent to the proposed cable route.

COMMENTS

The proposed cable lay operations will be of limited extent and duration (up to a possible 3 weeks cumulatively for all operations as outlined earlier in this report -ref "Cable Installation Programme")

Overall subject to proposed mitigation measures commercial fishing activities will not be adversely affected by the cable lay operations .While the proposed route may encroach onto some fishing areas during the main cable lay operation it is proposed to appoint a Fisheries Liaison Officer for both inshore and offshore sections of the main cable lay operations to keep commercial fishermen informed of the installation works including timelines, dates, work and locations for of all offshore cable lay operations.

The various suites of Site Investigations detected no discernible impacts on Marine Archaeology so no specific Mitigation Measures are proposed in this regard. The views of the Underwater Marine Archaeology unit within the Department of Culture Heritage and the Gaeltacht can be taken into account in order to determine whether or not any specific conditions should still be included in the Foreshore Licence when/if given to address Marine Archaeology matters. (If so any suitable worded conditions for inclusion in the Foreshore Licence should reflect their views and recommendations).

While the proposed cable route will pass through a busy shipping area, due to the limited timescale of work and implementation of the proposed mitigation measures there should be minimal impact on navigation. All ASN Vessels will adhere to Collision Regulations and Notice to Mariners will be issued. There is sufficient space available for shipping to make minor alterations to routes to avoid cable lay works. It is recommended that the nearest major Port (Dublin Port Co) should be kept fully informed of work plans including start up and completion dates.

The Applicants have demonstrated satisfactorily that the proposed project does not have the potential to give rise to significant adverse effects on the overall integrity and qualifying interests of the Natura

2000 sites considered. This Department's own Appropriate Assessment of this project (in preparation) is likely to reach a similar finding in this regard (this will be forwarded to MFPU in due course).

There will be temporary restrictions around cable laying vessels and the entrance to and from Loughshinny Harbour may be constrained during shore end tie-in. A small area on Loughshinny Beach will be required to be closed off for the short duration of trenching and reinstatement operations in connection with the nearshore/landfall cable lay operations. Appropriate health and safety procedures should be adopted to protect the public users of this beach especially in view of its popularity during the summer months as a bathing area by the provision of appropriate signage/notices. A site visit on 8/8/19 on a warm sunny day at 2pm noted app 30-40 people in the general foreshore area enjoying the various amenities provided. On this basis it is recommended that any nearshore/landfall operations on the beach between HW and Low Water should not be undertaken during the bathing season so should be undertaken between the months of October and May. It is noted in this regard that it is intended that all of the above works would be carried out in November 2019.

In advance of commencing cable lay operations the Applicants will publish local Marine Notices providing a description of the operations, locations and dates for commencement and completion. The mariner's notice will be prepared to ensure that other foreshore users are made aware of the operations.

Approaching vessels will be requested to keep a safe distance from SI Works/survey vessels in accordance with maritime regulations.

Based on the precautionary principal, substantial "Mitigation Measures" have been developed to minimise potential impacts from the project on the general marine environment. These are presented in Section 6 of the Planning Report at Table 6-1 "Embedded Mitigation" (10 No) and at Table 6-2 "Project Specific Mitigation" (2No) These include for the requirement of all cables to be buried to a target depth of 1.5m, Project vessel waste disposal facilities and control measures and shipboard oil pollution emergency plan to adhere to MARPOL requirements, a Fisheries Liaison Officer to be appointed prior to and during cable lay operations. These appear to be reasonable and can be made a condition of the Licence when/if granted.

Based on the foregoing I would consider that there should be minimal impact on the foreshore and marine environment as a result of these proposed main cable lay operations.

SUMMARY/RECOMMENDATIONS

The Applicants have demonstrated satisfactorily that, subject to the adoption of the Mitigation Measures as set out in the Application Documents the proposed main cable lay operations for the proposed cable route will not impact on fisheries, navigation or the environment (including potential impact to Natura 2000 sites).

On the basis of the information provided by the Applicant the Engineering Inspectorate is of the view that subject to Mitigation Measures being implemented, and considering the nature, scale, location and duration of the proposed works, impacts on the Marine Environment, Navigation and Fisheries interests are not likely to be significant.

Therefore Engineering has no objections to a Foreshore Licence being granted for the proposed Main Cable Lay operations as outlined in the Application Documents, subject to the following conditions:

1. All cable installation operations on foreshore shall be undertaken in accordance with the methodologies as outlined at Sections 2.6 and 2.7 of the "Planning Report" dated July 2019
2. The Licensee shall use that part of the Foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever
3. The cable shall be installed as detailed in the submitted "Planning Report" dated July 2019 and in particular the submarine cable shall be laid within the route corridor as outlined on Drawing No P2228-CORR-006 entitled "Foreshore Licence Map " dated 19/7/2019 - unless otherwise varied and approved by DHPLG. A drawing including a route position list detailing the "as laid location" for the submarine cable shall be submitted to DHPLG on completion of the cable installation works.
4. Further to 3 above the Lessee shall provide details of the final as-laid position and route of the cable to the UK Hydrographic Office for inclusion on all appropriate Nautical/Marine charts in the region
5. The Licensee shall ensure that the target burial depth for the length of the near shore (beach, shallow and intertidal zones to LWM) foreshore involved shall be at least 1.5 M as per Application documents with a target minimum depths for offshore burial as set out in the Application documents
6. Further to Condition 5 above a report detailing the location of any part of the cable that was not laid to the full planned depth (including areas where rock armour or equivalent protection was deemed necessary) should be submitted to DHPLG on completion of the cable installation works
7. During the course of the nearshore/landfall cable lay operations the Applicants shall ensure that,
 - (a) All necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation;
 - (b) Existing public access arrangements to the general foreshore area are not impeded by any vessels, plant or materials used in connection with the cable installation operations, and where relevant this access should be made safe and guaranteed by the provision of appropriate signage/notices/barriers etc. to the satisfaction of the Department of Housing Planning and Local Government;
 - (c) Procedures are adopted to ensure that the cable lay operations and any subsequent cable maintenance requirements, are not injurious to fishing, navigation, adjacent lands or the public interests
8. Where relevant the foreshore and adjacent seashore beach area shall be restored to its original condition on completion of the cable installation works to the satisfaction of the DHPLG. No open excavation shall be left on the foreshore.
9. Any nearshore/landfall operations on the beach between HW and Low Water should not be undertaken between the months of May and September

10. Appropriate methods of operation shall be adopted in order to ensure that no spillages of fuel, cement based materials or other leakages occur to the Irish Sea and Contractors arrangements for the control of pollutants should be notified to DHPLG and IFI (Eastern Regional District)
11. Marine Notices, lighting and markings as appropriate shall be carried out in consultation with the Marine Safety Directorate, Department of Transport, Leeson Lane Dublin 2
12. The Licensee shall arrange the publication of a Marine Notice, issued by the Irish Maritime Administration, giving a general description of operations and approximate dates of commencement and completion.
13. The Licensee shall arrange the publication of a local marine notice giving general description of operations and approximate dates of commencement and completion in respect of cable laying operations
14. Further to 12 and 13 above the Applicants shall keep Dublin Port Co fully informed on all work plans including start up and completion dates for all cable lay operations within Irish territorial waters.
15. All cable lay, cable ship, cable maintenance and any other vessels to be used in connection with the proposed cable installation shall have appropriate certification from the Marine Survey Office.
16. Mitigation Measures as set out in Tables 6-1 and 6-2 at Section 6 of the "Planning Report" dated July 2019, shall be implemented in full unless otherwise varied by condition of this licence.
17. The Licensee shall comply with the requirements as set out in the document entitled "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters"(January 2014) in respect of any cable laying activity on the foreshore
18. All material/debris collected as a result of the proposed pre-lay grapnel run shall be disposed on shore to a licensed Landfill site in accordance with the appropriate Waste Disposal Legislation subject to the appropriate agreement and approval of Fingal County Council
- 19 The Licensee shall notify DHPLG at least 14 days in advance of the commencement of any works on the foreshore.

XX*

*Appropriately worded condition(s) to address any Underwater Archaeology and Archaeological issues (if relevant) can be based on the views and recommendations of Dept. of Culture Heritage and the Gaeltacht when they are received in due course.

Marine Institute Comments on Forehsore Licence Application by Celtix Connect Ltd – Installation of a subsea fibre optic cable in the Irish Sea with landfall at Lough Shinny, Co. Dublin (FS006915)

Celtix Connect Ltd has submitted an application for a Foreshore Licence to facilitate the installation of a subsea fibre optic telecommunications cable on the foreshore. The works are part of a project involving the installation of a subsea fibre optic cable system (the “Havhingsten” cable), circa 940Km in length, spanning the Irish Sea and the North Sea.

In the North Sea the cable will extend from the Seaton Sluice on the east coast of the UK, (north of Newcastle), to Houstrup, on the west coast of the Jutland peninsula in Denmark.. This section will also include two stubbed cable routes from Whitley Bay (on the east coast of the UK) and Houstrup (in Denmark), both to be installed out to the respective territorial water boundaries (12nm).

In the Irish Sea the cable will extend from landfall at Loughshinny, Co. Dublin to Squires Gate Lane (south of Blackpool on the west coast of the UK). This section will also include two branches onto the Isle of Man.

The proposed cable route on the foreshore is shown on Drawing No. P2228-CORR-006 entitled “Foreshore Licence Map”, dated 29/07/2019 submitted by the applicant. The proposed cable corridor is 500m and extends for a distance of circa 29.8Km. The final cable route will only occupy a small part (40mm wide) of this corridor.

It is planned to bury all the cable in all Irish waters. The target depth for burial is 1.5m to 2m below the seabed

A pre-lay grapnel run, to clear debris from the seabed along the installation route, is proposed prior to cable installation. This is standard practice. The swathe width of the grapnel is < 1m and impacts on the seabed are considered to be minimal and not significant. All debris recovered from the seabed will be stored on board the vessel used to carry out the pre-lay grapnel run and will be disposed of onshore.

Different cable installation and burial techniques will be used depending on geological seabed conditions, water depth and environmental considerations along the cable route. Details of the cable installation methods are provided in Table 2.4 of the document entitled “Foreshore License Application for Cable Installation - Planning Report” (document reference P2228_R4693_Rev1, dated July 2019) submitted by the applicant. The cable installation methods will include:

- Trenching - from the beach manhole to the low water mark
- Diver jet burial – from the low water mark to the 15m depth contour
- Plough burial – from the 15m depth contour to the boundary of the EEZ.

It is anticipated that cable installation works on the foreshore would be completed in a 7-day period.

On the basis of the information provided by the applicant the Marine Institute is of the view that considering the nature, scale, location and duration of the proposed works, impacts on the marine environment are not likely to be significant.

The marine cable installation will cause resuspension of sediments from the seabed into the water column. Jet trenching will cause a greater level of sediment suspension compared to the use of ploughing equipment. The impacts will however be localised and temporary. Significant impacts on the benthos are not considered likely.

There are no licenced aquaculture sites along the proposed cable route and therefore impacts on aquaculture activities as a result of the proposed works are not likely. The nearest licenced aquaculture sites are located circa 50Km to the north of the cable route in Carlingford Lough.

There may be some interaction with fishing activity along the proposed cable route during the installation phase but this will be limited in scale and duration and significant interactions are not considered likely. It is noted that the applicant has stated that "A Fisheries Liaison Officer (FLO) will be appointed and fisheries liaison will be undertaken prior to and during cable installation operations". It is recommended that the appointment of a Fisheries Liaison Officer be included as a specific condition of any foreshore licence that may be granted

The Marine Institute has no objections to a licence being granted.

It is recommended that the following Conditions should be attached to any licence that may be granted:

1. The Licensee shall use that part of the Foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.
2. The Licensee shall ensure that the works are carried out and completed in accordance with the plans and particulars lodged with the application.
3. The Licensee shall appoint a Fisheries Liaison Officer who will consult with the SFPA, relevant fishermen's groups and charter boat skippers in order that appropriate actions can be taken to avoid or minimize any interactions with ongoing fishing / angling activities in the area during the course of the cable installation on the foreshore.
4. The mitigation measures set out in Section 6 of the document entitled "Foreshore License Application for Cable Installation - Planning Report" (document reference P2228_R4693_Rev1, dated July 2019) shall be implemented in full.

Marine Survey Office

Subject: FS006915 Foreshore application on behalf of Celtix Connect Lth for the purpose of laying the Hahingsten Telecommunications Cable at Loughshinny. Co. Dublin.

I refer to the above and can confirm that a careful examination of the application and in particular the mitigation measures indicated, results in no objections from this office.

Subject: RE: FS006915 Havhingsten Telecommunications Cable FS006915

Your Ref: FS006915

Our Ref: FW/4/43

Re: Havhingsten Telecommunications Cable

The Department of Agriculture, Food and the Marine has no objection to the work as detailed in the application. The following conditions are recommended to be included in any licence that may issue.

- The Licensee shall use that part of the Foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.
- The Licensee shall appoint a Fisheries Liaison Officer who will consult with the SFPA, relevant fishermen's groups and charter boat skippers in order that appropriate actions can be taken to avoid or minimize any interactions with ongoing fishing / angling activities in the area during the course of the cable installation on the foreshore.

Subject: FS006915

A chara,

Please find the heritage recommendations of the Department of Culture, Heritage, and the Gaeltacht for the above mentioned foreshore application.

Having reviewed the foreshore licence application there are no objections to the foreshore licence being granted. It is requested that the following be attached as conditions to the foreshore licence:

Exclusion Zones

An exclusion zone of at least 100m should be established around the furthest known extent of known wrecks located along the proposed cable route and any potential wreck sites discovered during the proposed marine surveys and development works. A map showing the location of all exclusion zones in relation to the proposed cable route should be forwarded to the National Monuments Service prior to the cable laying works proceeding.

Archaeological Monitoring

It is recommended that Archaeological Monitoring, as described below, be carried out of all proposed seabed disturbance works to take place as part of this development. This includes all cable installation works (such as trenching, diver jet burial and plough burial works) and the prelay grapnel run surveys. The site investigation works should avoid locations of known wreck sites.

Archaeological Monitoring shall consist of the following:

1. In order to ensure the preservation of potential archaeological sites, wrecks and features the applicant is required to engage the services of a suitably qualified underwater archaeologist to monitor all disturbance works associated with the development including beach preparations works and foreshore works at the landfall, pre-lay grapnel run operations and cable burial operations. The archaeological monitoring shall be licensed under the National Monuments Acts 1930-2004.
2. A detailed method statement shall accompany the licence application and shall include details on the proposed works, duration of works; archaeological monitoring team proposed and a find's retrieval strategy.
3. Should archaeological material be found during the course of monitoring, the archaeologist shall have the work in that area suspended, pending a decision as to how best to resolve the archaeology. The applicant shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. avoidance, preservation in situ or excavation). The applicant shall facilitate the archaeologist in recording any material found.
4. The Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

It is also recommended that an archaeological dive team should be put on standby during the cable laying operations in the advent that archaeological material is discovered during these works. This will help prevent potential delays to the project should archaeological material which needs to be dived be discovered. A dive/survey licence as issued by the Minister for Culture, Heritage and the Gaeltacht should be obtained by the archaeological dive team leader 3 weeks in advance of the works proceeding.

It should be borne in mind, that if significant archaeological remains are found, further archaeological mitigation might be required.

Consolidated Prescribed Bodies Observations: 29/01/20 – 29/02/20

Water Marine Advisor

RE Foreshore licence application by Celtic Connect Ltd/Aqua Comms for the installation of a subsea fibre optic cable (Havhingsten Telecommunications Cable) on the foreshore, with landfall at Loughshinny Co. Dublin (FS006915) – your e-mail of 29/01/2020 refers-

In relation to the above Celtic Connect Ltd/Aqua Comms has submitted an application to DHPLG for a Foreshore Licence to facilitate the installation of a subsea fibre optic cable on the foreshore extending from Loughshinny in North Dublin to Squires Gate Lane (south of Blackpool in England). This section also includes two branches onto the Isle of Man. It is intended that the subsea cable would be linked via an on-shore cable network in Ireland to the cable hub station at Loughshinny. Separately the ESB has applied for Planning Permission from Fingal Co for the development of a single storey cable landing station at ESB Loughshinny 38kv Substation (Planning Ref no F19A/0169). Other marine elements of the proposed cable in the North Sea will extend it to Denmark. The cable route will extend more than 940km in total and deliver a boost to bandwidth (maximum rate of data transfer) between Ireland/Isle of Man/UK and Denmark. The general line of the sub-sea route is show in Figure 1.1 (ref Figure 1.1 in “Planning Report” dated December 2019). The proposed cable route within Irish Foreshore domain is shown on Drawing No P2228-CORR-006-B (outlined red). The cable length on foreshore is 29.8km and the 40mm diameter cable will be laid within the marine cable corridor of 200m – narrowing to a 250m corridor at the nearshore/landfall point – (this area was subject to SI on foot of a pervious Foreshore Licence granted in autumn 2018 Ref No FS006746) within an area of 1446Ha.

Engineering comments are as follows:

SUBMITTED DOCUMENTATION

The following documentation was submitted to DHPLG in support of this Foreshore Licence application

- Completed Foreshore Licence Application Form dated 9/1/2020
- “Aquacomms Company Documentation”
- Drawings/Maps as follows:
 - Drawing No P228-CORR-002-B entitled “Installation Corridor Republic of Ireland Route” dated July 29th 2019 – on an Admiralty Chart Base map (this shows proposed cable route within a 500m corridor – 250m nearshore-)

- Drawing No P228-CORR-006-B entitled “Foreshore Licence map” dated July 29th 2019, on an Admiralty chart base map (this shows proposed cable route on foreshore within a 500m corridor from HWM to 12NM section outlined red).
- Drawing No P228-CORR-007-B entitled “Foreshore Licence Map Landfall” dated 29th July 2019 on an OS Map (this shows the proposed nearshore cable route and landfall at Loughshinny)
- ‘Foreshore Licence Application for Cable Installation-PLANNING REPORT’ dated December 2019 prepared by Intertek Consultants (containing the more detailed technical and environmental information in connection with the Foreshore Licence Application) which also contains the following sub-appendices:
 - **Appendix A** “Environmental Assessment Methodology” Rev 4 dated November 2019 prepared by Intertek /Alcatel Submarine Network Consultants
 - **Appendix B** “Application Corridor Coordinates ” dated July 2019
 - **Appendix C** “Cable Burial Assessment” Rev 4 dated Nov 2019 and prepared by Intertek/Alcatel Submarine Network Consultants
 - **Appendix D** “Fisheries Activity Study” Rev 4 dated Nov 2019 and prepared by Intertek/Alcatel Submarine Network Consultants
 - **Appendix E1** “Marine Archaeology Desk Based Assessment” Rev 4 dated Nov 2019 and prepared by Intertek /Alcatel Submarine Network Consultants
 - **Appendix E2** “Marine Archaeology Foreshore Survey” Rev 4 dated Nov 2019 and prepared by Intertek/Alcatel Submarine Network Consultants
 - **Appendix E3** “Marine Archaeology Geophysical Survey ”Rev 4 dated Nov 2019 and prepared by Intertek/Alkatel Submarine Network Consultants.
 - **Appendix F** “Stage 1 Screening for Appropriate Assessment ”Rev 5 dated December 2019 and prepared by Intertek/Alcatel Submarine Network Consultants
 - **Appendix G** “Underwater Sound Modelling’ ’dated 22nd May 2019 and prepared by Intertek/Alcatel Submarine Network Consultants.
 - **Appendix H** “Sediment Suspension for Irish component of Havhingsten” dated July 2019 and prepared by Intertek/Alcatel Submarine Network Consultants.
 - **Appendix I1** “Marine Survey Report-BU Port Erin to BMH Loughshinny’ ’dated June 2019 and prepared by Intertek/Alcatel Submarine Network Consultants.
 - **Appendix I2** “Marine Survey-Intertidal Survey report” dated July 2019 and prepared by Intertek/Alcatel Submarine Network Consultants.

- **Appendix I3** “Benthic Characterisation Report-Ireland” dated June 2019 and prepared by Intertek/Alcatel Submarine Network Consultants
- **Appendix J** “Pre Application Consultation “ Rev 5 dated Jan 2020

PROPOSED DEVELOPMENT

The proposed project is described in detail with reference to the “Planning Report” dated December 2019. The planned cable route on the foreshore is shown on Drawing No P228-CORR-006-B “Foreshore Licence Map” with a Landfall point at Loughsinny and will take up a total post lay area of foreshore of 0.0298km² (nominal Main lay swathe 1.0m wide to 12 NM Limit) with a Corridor Width of 500m (250m either side of route shown on this Drawing-) based on Site Investigation Survey Corridor which takes up an initial area of 14.46KM² (1446HA)

From MHWS seaward the 40mm cable will be buried to a target depth of 1.5m to 2m below the seabed. The cable will be buried using various industry standard burial tools including water jetting and ploughing. The main offshore cable lay will be performed by an installation vessel with a dynamic positioning system which will mean that anchors are unlikely to be used.

An example of the double armour fibre optic cable with an overall diameter of 40mm (including protective layers) is described with reference to Section 2.2 and Fig 2-1 in “Planning Report”

Three pre-selected Landfalls were initially considered for the east coast of Ireland:

1. Loughsinny
2. Portrane
3. Donabate

Portrane was discounted as this was to be the landing spot for another cable. The other two were subject to Cable Route Surveys and SI. The Donabate landfall options were discounted as the route would traverse strong tidal currents, rocky substrate and potentially sensitive archaeological and fishing areas. The Loughsinny landfall was selected as it presented relatively few marine constraints in comparison to the other sites investigated. Furthermore the survey data was used to inform a cable burial assessment which is provided in Appendix C and this identified that the Loughsinny cable laying area was predominantly composed of sands and clays and so there were no obvious areas where cable burial may be significantly less than the target depth of 1.5M.

The proposed cable installation consists of the following different elements:

Pre-Lay grapnel run:

Prior to the start of the marine cable lay installation a pre-lay grapnel run, as described in Section 2.5.2 of the Planning Report, will be undertaken over the length of the cable route to clear any obstructions

from the route. Any debris retained from this process will be collected on board and disposed of appropriately through licenced on shore facilities

Beach manhole BMH (inshore)

The BMH is the interface between the marine cable and terrestrial cable and is described with reference to Section 2.6.4.1 of the Planning Report. It will be constructed above MHWS in the car park at Loughsinny. From the BMH a duct will be installed beneath the car park to a point at the back of the beach. The position of the BMH will dictate the length of the seaward duct, which will be installed in a seaward trench of 27m length. The seaward duct will be installed in advance of the shore end installation. The duct consists of 100mm diameter PVC or HDPE pipe buried to a depth of app 1.25m on leaving BMH increasing to 1.5m at the beach end. Duct will be installed from BMH to the edge of the beach using diggers and handheld trenching tools. (this work is not on foreshore).

Shore End (to LWM)

From the end of the seaward duct to LWM, trenching of the cable across the beach to a target depth of 2m will be undertaken. An articulated pipe (600mm diameter) will be applied to the cable across the beach for additional protection. Trench will be excavated using diggers and manual trenching. The excavated sand will be used to backfill the trench.

The beach excavation will typically be carried out using small tracked diggers. A backhoe machine and hand tools will be used to form a trench of app dimension 0.5m width x 1.5m target depth within the intertidal area. The trench will be backfilled with excavated material following installation and the beach profile will be restored

Offshore (LWM to 15m water depth)

The burial of the cable will be undertaken using handheld jet burial tools operated by divers supported by dive support vessels in the inshore area. Target burial depth is 1.5m.

Offshore (15m water depth to EEZ boundary)

Cable lay will be undertaken by plough burial using ASN HD3 plough from the main lay cable ship. The target burial depth is 1.5m and the plough will provide continuous depth of burial verification during the installation operation. Simultaneous cable installation with plough burial is the planned method for the majority of the offshore route. Alternative methods will be applied where target burial cannot be achieved with this method r within 250m distance of crossings.

More details in relation to Plough and Water Jetting techniques is provided in Sections 2.6.1.2 and 2.6.1.3 of the 'Planning Report'.

Offshore cable installation will commence from the Irish/UK median line and run towards Loughsinny landing site. Onshore installation (BMH and horizontal directional drilling under car park) will be completed before the marine cable reaches shore.

The target burial depth for the cable is 1.5m. In areas of stiff soil, the actual burial depth may be reduced but it is planned to be still at a depth which will protect the cable from fishing activities and generally not less than 0.4 to 0.6m subject to the nature of the geophysical nature of the seabed and burial assessment and risk categorisations.

All cable laying activities will be closely monitored and the on-board engineers will be utilizing the latest advancements in the undersea cable installation industry in order to ensure that the cable is laid according to engineered design.

The proposed cable installation is “un-repeated” meaning that there is no power supply to the cable. Therefore operation of the cable is not expected to emit any electric induced magnetic fields or heat to the surrounding sediment or seabed and there are no anticipated effect of cable operation on the environment.

More details in relation to the cable laying operations area provided with reference to the “Planning Report” in Sections 2.5 to 2.8 inclusive.

Cable Installation Programme

The cable installation programme is described with reference to Section 2.7 of the Planning Report (ref Table 2.6) and can be summarised as follows

Pre Installation Works (incl pre-lay grapnel run)	1d
Offshore installation (ploughing and cable lay)	3d (within all Irish Waters)
Shore end tie in	2-3d
Post lay burial and reinstatement (nearshore)	7d
Seaward Duct Installation at Loughshinny	2-3d
Beach manhole Construction (non foreshore)	12-14d

It is intended that all of the above works would be carried out in April 2020. This may be subject to change arising from the licensing/permitting process, weather or operational factors.

ENVIRONMENTAL MATTERS

ECOLOGY

A Stage 1 Screening for Appropriate Assessment has been undertaken for the Havhingsten cable by the Applicants and is presented in Appendix F. Other studies undertaken to inform the Stage 1 Screening included for “Underwater Noise Assessment” -Ref Appendix G-, “Sediment Suspension and Dispersion” -Ref Appendix H-, “Survey Reports” -Ref Appendix I-.

A summary of the “Natura 2000 Screening Assessment” is also provided in Section 5 of the Planning Report. The screening assessed 17 Natura 2000 sites that were either within the direct zone of influence of the proposed activities or contain mobile Annex II species (e.g. Harbour Porpoises etc.) which could potentially travel to the area. These are shown on Figure 5.1 (Pg. 43 of Planning Report) and with reference to Table 5.3 (ref Appendix F). Initial screening concluded that it was possible that there exists a pressure receptor pathway between proposed installation and maintenance activities and the Qualifying Interests (QI) of 12 of the 17 sites reviewed. Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely significant effect on any of the Natura 2000 sites screened. Table 5.2 (ref Planning Report Pg. 40/41) summarises the conclusions of the assessment of likely significant effects.

No reef areas were identified within the marine cable corridor within the Rockabill to Dalkey Island SAC. Sediment disturbance and deposition caused by the installation (ploughing, jetting), will be within the levels of natural variability experienced during storm events and no effect to reef areas is expected. Low level noise disturbance to cetacean species within 130m (conservative) of the installation vessels may occur but this will be brief (less than 24 hours), transient and set against the background of moderate shipping levels in the area. Birds from the Rockabill SPA and Skerries Islands SPA may be foraging or loafing in the marine cables corridor, however any disturbance will be set against the background shipping activities in the area and will not act as a barrier to feeding and foraging birds from protected sites or associated sites. The Impact Assessment concludes that “effects will be Slight or Not Significant”. Overall there is no evidence to indicate that the works in combination with any plan or project will produce a significant adverse effect on the habitats of the qualifying species and on the species of special conservation interest, ensuring that the integrity of sites is maintained. No significant cumulative effect is anticipated.

In conclusion the proposed project does not have the potential to give rise to significant adverse effects on the overall integrity of the Natura 2000 sites considered. This Department’s own Appropriate Assessment of this project (in preparation) is likely to reach a similar finding in this regard (this will be forwarded to MFPU in due course).

Furthermore following the precautionary principal, substantial “Mitigation Measures” have been developed to minimise potential impacts from the project on the general marine environment. These are presented in Section 2-11 of the Planning Report at Table 2-7 “Embedded Mitigation” (10 No) and

at Table 6-1 “Project Specific Mitigation” (1 No) These include for the requirement of all cables to be buried to a target depth of 1.5m, Project vessel waste disposal facilities and control measures and shipboard oil pollution emergency plan to adhere to MARPOL requirements, a Fisheries Liaison Officer to be appointed prior to and during cable lay operations. These appear to be reasonable and can be made a condition of the Licence when/if granted.

FISHERIES ISSUES

A fishing activity study was conducted to review fishing activities in the Irish Sea along the proposed marine cable corridor. This is presented in Appendix D.

The marine cable corridor is within the spawning and nursery grounds for 18 species of marine fish (ref Fig 3-3 and 3-4 on Pgs. 34 and 35 of the Planning Report). Due to soft sediments identified by the cable route survey, no Atlantic herring spawning is expected within the marine cable corridor. In the nearshore area dredge and net fishing occurs along the coast from N Dublin to south of Dundalk. East coast and offshore of the coast of Ireland is important commercially for lobsters, crabs, whelks, scallops and razor clams.

The greatest threat to cables from fishing activity is from dredging and trawling activities.

The cable installation activities will have an effect that has been assessed as “Not Significant” on commercial fishing.

During installation vessels will be progressing at a speed of between 0.5 and 1.5km/hr. Fishing vessels will be requested to remain at least 500m (radial distance) from the cable lay vessels for safety reasons. Fishermen deploying static gear will be asked to move pots out of marine cable corridor until the cable installation has passed through. Fishermen with mobile gear will briefly be displaced from a very small area of the available fishing ground. All ASN vessels will adhere to Collision Regulations and Notice to Mariners will be issued. The effects identified are not significant and will be controlled by compliance with the “Embedded Mitigation” measures specifically those as presented in Table 2-7 (ref Pg. 26/27 of Planning Report).

Furthermore as best practice ASN will also appoint a Fisheries Liaison Officer, who will liaise with the local fishing industry prior to and during cable installation. Indeed this has been included in one of the key “Embedded Mitigation Measures” (ref ‘E6’ Table 2-7 Pg. 27 in “Planning Report”).

The Applicants have demonstrated satisfactorily that subject to compliance with proposed mitigation measures there should be no significant impact on commercial fisheries from the proposed cable installation works.

NAVIGATIONAL SAFETY CONSIDERATION

These are discussed in Section 3.1 of the “Planning Report”. The overall pattern of shipping movements and density is shown in Figures 3-1 (Irish Sea) and Figures 3-2 (approach to Loughshinny) -ref Pg. 29/30 of “Planning Report”-. The Irish Sea is an area of high shipping intensity. The Havhingsten route will pass through some high density traffic shipping lanes. Mitigation of navigational risks is proposed. A “Notice to Mariners” will be issued prior to cable installation and maintenance operations and other sea users known to operate in the area will be contacted prior to cable installation or repair operations commencing. Subsea cable lay will be performed by a purpose built cable lay vessel which will comply fully with all requirements of the International Regulations for Preventing Collisions at Sea (COLREGS). A local marine notice giving vessel details together with a general description of operations and approximate date of commencement and completion will be published.

During installation vessels will be progressing at a speed of between 0.5-1.5 km/hr. Other shipping in the region will be requested to remain at least 500 m (radial distance) from the cable lay vessels for safety reasons. All ASN vessels will adhere to Collision Regulations and Notice to Mariners will be issued. There is sufficient space available for shipping to make minor alterations to routes to avoid cable lay works.

The cable installation activities will have an effect that has been assessed as “Not Significant on commercial shipping” –so states the “Planning Report”.

A series of Mitigation Measures (10 No) are proposed to be incorporated into the design, installation and operation (including maintenance) of the cable, these are presented as “Embedded Mitigation inherent to the Project design” in Table 2-7 (ref pg. 26 of “Planning Report”) which also include specific measures to minimise any navigational risks and to safeguard the marine environment (in terms of protection of water quality and prevention of marine pollution) and also protect any other form of navigation in connection with fisheries interests etc. These include for:

- Project Vessel speed limit of 14 knot
- As laid cable route position to be included on marine charts so that fishing vessels can take care along cable route
- Vessels to comply with all requirements of International Regulations for Preventing Collisions at Sea
- Project Vessels equipped with waste disposal facilities (sewage treatment or waste storage) will conform to IMO MARPOL Annex IV Prevention of Pollution from Ships standards
- Water quality environmental Control measures for vessels (including shipboard oil emergency plans, discharge of ballast water etc.) to adhere to MARPOL Convention requirements

- Notice to Mariners will be issued before works commence and after completion of the installation activities
- A local marine notice giving vessels details together with a general description of operations and approximate dates of commencement and completion will be published
- Publication of formal Marine Notices through Dept. of Transport Tourism and Sport with appropriate level of details

It is also proposed that a Fisheries Liaison Officer (FLO) will be appointed and fisheries liaison will be undertaken prior to and during cable installation operations. (Ref "E6" in Table 2-7 Pg. 26/27 in "Planning Report").

These appear to be reasonable and can be set as a condition of the foreshore licence when/if given subject to the views of MSO (final worded conditions for inclusion in the Foreshore Licence should reflect their views and recommendations from a navigational perspective).

MARINE ARCHAEOLOGY

This is discussed with reference to Section 4 of the "Planning Report" and also with reference to the "Marine Archaeology Technical Report" provided in Appendix E. An initial desk based assessment was updated with the results of the foreshore surveys undertaken at Loughshinny, and a review of the geophysical data collected by the cable route survey. The assessment concluded that there are no known potential cultural heritage assets or wrecks directly affected by the landing site at Loughshinny. The marine cable corridor within Ireland has not required any changes triggered by the evaluation of the data by marine archaeologists. The Marine Archaeology Technical Report has not recommended that Archaeological Exclusion Zones are implemented within the marine cable corridor.

The Applicants conclude that "the cable installation and maintenance activities will have No Significant effect on marine archaeology as summarised in Table 4-1 (Ref "Planning Report) Pg. 38. No wrecks or archaeological assets have been identified within 140m of the installation route". The closest wreck is 140m to NW of the cable route and will not be disturbed by the installation tool. Review of the geophysical survey data has not indicated any potential for cultural heritage assets within the installation corridor"

It is noted that as a result of this evaluation that no specific mitigation measures are proposed to address marine archaeology.

The views of the Underwater Marine Archaeology unit within the Department of Culture Heritage and the Gaeltacht will be key here as to whether they are satisfied with the Marine Archaeology assessment as presented by the Applicants. There may be a requirement for inclusion of specific conditions in the Foreshore Licence when/if given to address marine archaeological requirements based on the observations of DCHG.

OTHER

Pipeline Route/Other Subsea Pipelines/Cables

The marine cable corridor crosses the Irish median line and reaches the Irish Coast landfall at Loughshinny as shown on Drawing No P228-CORR-002. The foreshore element of the cable route extending from Loughshinny to the 12 Mile Limit is approximately 29.8 km in length. There are a limited number of infrastructures in the vicinity of the marine cable corridor. The marine cable route within Irish territorial waters, does not cross any existing infrastructure. However further offshore in the Irish EEZ (beyond foreshore domain) the cable will cross the Interconnector 1 gas pipeline. A “firing practice area” has also been identified (ref Admiralty Charts) approx 3.3 km to north of the cable corridor and 10 km offshore from the proposed landing point at Loughshinny.

The crossing of any third party infrastructure will be made with agreement of the owner following a negotiated formal Crossing Agreement. More details on the installation method selected for cable crossing is provided in Section 2.6.3 (Ref ‘Planning Report’ Pg. 19/20/21).

It should be noted that any crossing should be in accordance with the ICPC Recommendations (2014) and specifically Recommendation No 3.

In terms of any restrictions that may need to apply if relevant as a result of operations within the nearby “firing practice areas” the Applicants would need to adhere to any directions / requirements of the Department of Defence where relevant in this regard.

Type of Cable

The cable is double armoured and will be “unrepeated” (i.e. not powered). It is to be an industry standard cable with capability to transmit high speed data and voice via light wave through the optical fibres contained within the core. A cut away section of the Double Armour Cable, with an overall diameter of 40mm (including protective layers), is shown in Fig 2.1 (Ref Planning Report pg. 8). A more detailed description of the proposed cable is provided at ‘2.2’ (ref Planning Report Pg. 7/8)

Aquaculture Activities

There are no licenced aquaculture sites along, or adjacent to the proposed cable route.

COMMENTS

The proposed cable lay operations will be of limited extent and duration (up to a possible 3 weeks cumulatively for all operations as outlined earlier in this report -ref “Cable Installation Programme”)

Overall subject to proposed mitigation measures commercial fishing activities will not be adversely affected by the cable lay operations. While the proposed route may encroach onto some fishing areas during the main cable lay operation it is proposed to appoint a Fisheries Liaison Officer for both inshore and offshore sections of the main cable lay operations to keep commercial fishermen informed of the installation works including timelines, dates, work and locations for of all offshore cable lay operations.

The various suites of Site Investigations detected no discernible impacts on Marine Archaeology so no specific Mitigation measures are proposed in this regard. The views of the Underwater Marine Archaeology unit within the Department of Culture Heritage and the Gaeltacht can be taken into account in order to determine whether or not any specific conditions should still be included in the Foreshore Licence when/if given to address Marine Archaeology matters. (If so any suitable worded conditions for inclusion in the Foreshore Licence should reflect their views and recommendations).

While the proposed cable route will pass through a busy shipping area, due to the limited timescale of work and implementation of the proposed mitigation measures there should be minimal impact on navigation. All ASN Vessels will adhere to Collision Regulations and Notice to Mariners will be issued. There is sufficient space available for shipping to make minor alterations to routes to avoid cable lay works. It is recommended that the nearest major Port (Dublin Port Co) should be kept fully informed of work plans including start up and completion dates.

The Applicants have demonstrated satisfactorily that the proposed project does not have the potential to give rise to significant adverse effects on the overall integrity and qualifying interests of the Natura 2000 sites considered. This Department's own Appropriate Assessment of this project (in preparation) is likely to reach a similar finding in this regard (this will be forwarded to MFPU in due course).

There will be temporary restrictions around cable laying vessels and the entrance to and from Loughshinny Harbour may be constrained during shore end tie-in. A small area of Loughshinny Beach will be required to be closed off for the short duration of trenching and reinstatement operations in connection with the nearshore/landfall cable lay operations. Appropriate health and safety procedures should be adopted to protect the public users of this beach especially in view of its popularity during the summer months as a bathing area by the provision of appropriate signage/notices. A site visit on 8/8/19 on a warm sunny day at 2pm noted app 30-40 people in the general foreshore area enjoying the various amenities provided. On this basis it is recommended that any nearshore/landfall operations on the beach between HW and Low Water should not be undertaken during the bathing season so should be undertaken between the months of October and May. It is noted in this regard that it is intended that all of the above works would be carried out in April 2020.

In advance of commencing cable lay operations the Applicants will publish local Marine Notices providing a description of the operations, locations and dates for commencement and completion. The mariner's notice will be prepared to ensure that other foreshore users are made aware of the operations.

Approaching vessels will be required to keep a safe distance from SI Works/survey vessels in accordance with maritime regulations.

Based on the precautionary principal, substantial “Mitigation Measures” have been developed to minimise potential impacts from the project on the general marine environment. These are presented in Section 2-11 of the Planning Report at Table 2-7 “Embedded Mitigation” (10 No) and at Table 6-1 “Project Specific Measures” (1 No) These include for the requirement of all cables to be buried to a target depth of 1.5m, Project vessel waste disposal facilities and control measures and shipboard oil pollution emergency plan to adhere to MARPOL requirements, a Fisheries Liaison Officer to be appointed prior to and during cable lay operations. These appear to be reasonable and can be made a condition of the Licence when/if granted.

Based on the foregoing I would consider that there should be minimal impact on the foreshore and marine environment as a result of these proposed main cable lay operations.

SUMMARY/RECOMMENDATIONS

The Applicants have demonstrated satisfactorily that, subject to the adoption of Mitigation Measures as set out in the Application Documents the proposed main cable lay operations for the proposed cable route will not have any impact on fisheries, navigation or the environment (including potential impact to Natura 2000 sites).

On the basis of the information provided by the Applicant the Engineering Inspectorate is of the view that subject to Mitigation Measures being implemented, and considering the nature, scale, location and duration of the proposed works, impacts on the Marine Environment, Navigation and Fisheries interests are not likely to be significant.

Therefore Engineering has no objections to a Foreshore Licence being granted for the proposed Main Cable Lay operations as outlined in the Application Documents, subject to the following conditions:

- 1. All cable installation operations on foreshore shall be undertaken in accordance with the methodologies as outlined at Sections 2.6 and 2.7 of the “Planning Report” dated July 2019**
- 2. The Licensee shall use that part of the Foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever**
- 3. The cable shall be installed as detailed in the submitted “Planning Report” dated December 2019 and in particular the submarine cable shall be laid within the route corridor as outlined on Drawing No P228-CORR-006 entitled “Foreshore Licence Map” dated 29/7/2019 – unless otherwise varied and approved by DHPLG. A drawing including a route position list detailing the “as laid location” for the submarine cable shall be submitted to DHPLG on completion of the cable installation works**

4. Further to 3 above the Lessee shall provide details of the final as-laid position and route of the cable to the UK Hydrographic Office for inclusion on all appropriate Nautical/Marine charts in the region
5. The Licensee shall ensure that the target burial depth for the length of the near shore (beach, shallow and intertidal zones to LWM) foreshore involved shall be at least 1.5 M as per Application documents with a target minimum depths for offshore burial as set out in the Application documents
6. Further to Condition 5 above a report detailing the location of any part of the cable that was not laid to the full planned depth (including areas where rock armour or equivalent protection was deemed necessary) should be submitted to DHPLG on completion of the cable installation works
7. During the course of the nearshore/landfall cable lay operations the Applicants shall ensure that,
 - (a) All necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation;
 - (b) Existing public access arrangements to the general foreshore area are not impeded by any vessels, plant or materials used in connection with the cable installation operations, and where relevant this access should be made safe and guaranteed by the provision of appropriate signage/notices/barriers etc. to the satisfaction of the Department of Housing, Planning and Local Government;
 - (c) Procedures are adopted to ensure that the cable lay operations and any subsequent cable maintenance requirements, are not injurious to fishing, navigation, adjacent lands or the public interests
8. Where relevant the foreshore and adjacent seashore beach area shall be restored to its original condition on completion of the cable installation works to the satisfaction of the DHPLG. No open excavation shall be left on the foreshore.
9. Any nearshore/landfall operations on the beach between HW and Low Water should not be undertaken between the months of May and September
10. Appropriate methods of operation shall be adopted in order to ensure that no spillages of fuel, cement based materials or other leakages occur to the Irish Sea and Contractors arrangements for the control of pollutants should be notified to DHPLG and IFI (Eastern Regional District)
11. Marine Notices, lighting and markings as appropriate shall be carried out in consultation with the Marine Safety Directorate, Department of Transport, Leeson Land Dublin 2

- 12. The Licensee shall arrange the publication of a Marine Notice, issued by the Irish Maritime Administration, giving a general description of operations and approximate dates of commencement and completion**
 - 13. The Licensee shall arrange the publication of a local marine notice giving general description of operations and approximate dates of commencement and completion in respect of cable laying operations**
 - 14. Further to 12 and 13 above the Applicants shall keep Dublin Port Co fully informed on all work plans including start up and completion dates for all cable lay operations within Irish territorial waters**
 - 15. All cable lay, cable ship, cable maintenance and any other vessels to be used in connection with the proposed cable installation shall have appropriate certification from the Marine Survey Office**
 - 16. Mitigation measures as set out in Tables 2-7 and 6-1 at Sections 2.11 and 6, respectively, of the "Planning Report" dated July 2019, shall be implemented in full unless otherwise varied by condition of this licence.**
 - 17. The Licensee shall comply with the requirements as set out in the document entitled "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" (January 2014) in respect of any cable laying activity on the foreshore**
 - 18. All material/debris collected as a result of the proposed pre-lay grapnel run shall be disposed on shore to a licensed Landfill site in accordance with the appropriate Waste Disposal Legislation subject to the appropriate agreement and approval of Fingal County Council**
 - 19. The Licensee shall notify DHPLG at least 14 days in advance of the commencement of any works on the foreshore.**
- XX* *Appropriate worded condition(s) to address any Underwater Archaeology and Archaeological issues (if relevant) can be based on the views and recommendations of Dept. of Culture Heritage and the Gaeltacht when they are received in due course.

[Water Marine Advisor 2nd comments following review of applicant's response dated August 2020 to observations made by Prescribed Bodies](#)

Having looked through them, they seem fine. They actually covered both my reports so their responses at '2.4.1' is the more relevant one.

So I am satisfied with their responses to my observations as provided in the technical report.

Marine Institute

Subject: RE: FS006915 Celtix Connect Ltd - Havhinsten Telecommunication Cable

I provided Marine Institute comment on this application on 27th August 2019. These comments remain relevant and I have no additional comments.

Marine Survey Office

Subject: RE: FS006915 Celtix Connect Ltd - Havhinsten Telecommunication Cable

I refer to the above and wish to advise that previous MSO comments still stand with no further observations to make.

Department of Agriculture, Food and the Marine (DAFM)

Subject: RE: FS006915 Celtix Connect Ltd - Havhingsten Telecommunications Cable

If there is no material change to the application, then this Department will not need to reassess the previous response.

Department of Culture, Heritage and the Gaeltacht (DCHG)

Subject: RE: FS006915 Celtix Connect Ltd - Havhinsten Telecommunication Cable

The Department have nothing further to add.

Subject: RE: FS006915 Celtix Connect Ltd - Havhinsten Telecommunication Cable

NPWS have no comment to make on this application.

MARINE LICENCE VETTING COMMITTEE:

**Re: FS006915 Foreshore licence application by Celtix Connect Ltd – Havhingsten
Telecommunications Cable landing at Loughshinny, Co. Dublin**

This application relates to Installation and maintenance of a fibre-optic Havhingsten Telecommunications Cable - landing site is at Loughshinny, Fingal, Co Dublin. The project includes the laying of cable from a point in the Irish Sea eastward to make landfall at Loughshinny.

The Appendix C – Cable Burial Assessment document provided indicates that

- *100% of the route is expected to be subject to a burial operation: o 95.21% of the route is ploughable*
- *4.79% will be surface laid then subject to PLB. This includes pipeline crossings, BU integration and shore end.*

That report indicates that some of the ground conditions are somewhat soft and that over-burial may occur in some places. This is not considered as a negative (by IFI), in environmental terms.

“Sub-bottom profile data indicates a thick layer of sediments all the way to the mouth of Loughshinny harbour. The seabed only shows very gentle to gentle gradients and no problems are expected with steep slopes causing plough instability.”

The Table 2-2 : Trenchability Classification is very informative and gives clear indication of options and proposals for differing bed types that may be encountered along the route.

*“The target burial cover depth (depth below mean seabed) is 1.5m.
The burial equipment is primarily a seabed plough, although a remotely operated vehicle (ROV) is sometimes used to conduct post-lay burial (PLB).”*

The AA Screening Report indicates that: *“Overall there is no evidence to indicate that the works in combination with any plan or project will produce a significant adverse effect on the habitats of the qualifying species and on species of special conservation interest, ensuring the integrity of the sites are maintained. No significant cumulative effect is envisaged.*

The proposed project does not have the potential to give rise to significant adverse effects on the overall integrity of the Natura 2000 sites considered. Therefore, this assessment has stopped at Stage 1 screening and there should be no further requirement for Stage 2 Appropriate Assessment.”

IFI comment:

Inland Fisheries Ireland's (IFI) brief includes conservation of relevant fish species. Of relevance in the present case are marine sport fish species, such as tope and smoothhound (both members of the shark family and caught via off-shore deep water leisure angling), and migratory species traversing the coastline and entering into various rivers along the Dublin-Meath-Louth coast – including young and adult life stages of Atlantic salmon, sea trout, eel, sea- and river lamprey.

The documentation provided for this application – which is for cable laying out to the 12 nautical mile limit and inward to a landfall site at Loughshinny – is comprehensive. Extensive detail is provided in regard to bed conditions, trenching of cable and issues impacting on cable laying.

IFI concurs with the finding of the AA Screening Report.

IFI would welcome clarification in regard to *“4.79% will be surface laid then subject to PLB. This includes pipeline crossings, BU integration and shore end”*. The burial of the cable along 95% plus of the route is positive. IFI would like to understand how the remaining <5% of cable is to be protected – what is the procedure following surface-laying of cable in the 5% area?

IFI would welcome an indication of the proposed time-of-year of cable laying works. A series of small rivers discharge to the east coast between Dublin and Drogheda, with the large discharge of the River Boyne at Drogheda. Many of these rivers are known as housing populations of Atlantic salmon and of the migratory sea-trout. This form lives in freshwater for periods of the year and migrates to sea for periods when it actively feeds and grows. IFI is currently involved in studies on this species in the INTERREG cross-border COMPASS project and has been using telemetry to study movements of sea trout and salmon along the east coast in the area from Drogheda north to Dundalk-Carlingford and into Northern Ireland waters. Findings to date indicate that the most sensitive time is a period from approx. mid-May to mid-June, when sea trout are feeding actively in the immediate inshore areas and in locations adjoining the mouths of estuaries, such as Rogerstown estuary to the south of Loughshinny.

IFI would recommend that cable laying should not take place in areas within 1 km of the shore in the period mid-May – mid June.

[Inland Fisheries Ireland \(IFI\) 2nd comments following review of applicant's response dated August 2020 to observations made by Prescribed Bodies](#)

We have reviewed the comments and are satisfied with the response. We have no further comment to make.

Sea-Fisheries Protection Authority (SFPA)

West Pier,
Howth,
Co. Dublin

Tel: +3531 8321910
Fax: +3531 8321911
Email: sfpahowth@sfpa.ie
Direct: +353 87 9294673

Application No:		Applicant Name:	
FS 006915		Celtix Connect	
Application Category			
Aquaculture	Foreshore General	Energy	Other
	X		X
Location	Loughshinney	Species	
Date	26-03-2020	SFPA Region	Eastern

Inspectors comments

Following a review of the application and supporting documentation it is unlikely that the project will be a cause for concern on the following points below.

1. Wild Fisheries

0-6nm Main fisheries are for Whelk *Buccinum undatum*, Edible Crab *Cancer pagurus*, Razor Clam *Ensis siliqua*.

12nm + Main fisheries are for Prawn *Nephrops norvegicus* and demersal fish species. The 6-12nm zone of water now prohibits vessels greater than 18m from fishing within the zone.

Export market is for both live and processed product to Asia. Approximately 26 licenced vessels may operate within the area. The razor vessels operate no deeper than 14m depth whereas the potting for crab and whelk operate in deeper than 14m.

The Applicant has been advised by the Marine Institute in June 2018 that the project will require the appointment of a fisheries liaison officer to communicate intended operations with the fishing community directly in a timely fashion so fishing gear can be moved and or avoided. Marine notices are to be published prior to any activity taking place as is the standard operating procedure.

The likely impacts on the wild fisheries from this project are likely to be low and should only cause minimum disruption for a short duration to the local fishing fleet.

The applicant should be aware that the razor fishery operates a box dredge which typically digs into the seabed down to approximately 45cm and the cable laying process should take this into account to avoid disturbance and or damage by the fishing operations.

2. Shellfish Production Areas

Malahide/Skerries Bivalve production areas fall within the applied area/adjoining area. Malahide is currently afforded an A classification which allows for the direct placement of bivalve shellfish onto the market. Skerries has a seasonal A classification during the winter months and reverts to a B classification for the other seasons. When Skerries reverts to B classification it is usually decided by the local fishermen to refrain from fishing due to reduced price and demand for B classified product, which requires further processing to be permitted for human consumption.

3. Seafood Safety

The classification process is primarily concerned with the microbiological contamination in shellfish. As Stated above, the two bivalve production areas and the respective classifications raise concerns as it is important from a human safety perspective that any spill or break which could be deemed a pollutant within the area needs to be immediately notified to both the SFPA and Marine Institute so appropriate action can be taken to maintain the safety of the products harvested from the area.

	Date 27-03-2020
--	--------------------

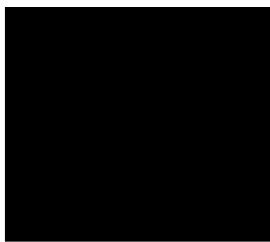
Public Submissions: Consultation 21/08/19 – 27/09/19

From: [REDACTED]
Sent: 09 September 2019 18:25
To: foreshore <foreshore@housing.gov.ie>
Subject: Fw: Celtic Connect installing a cable through the middle of Loughshinny and the Harbour.

Sent: Monday 9 September 2019 18:19
Subject: Celtic Connect installing a cable through the middle of Loughshinny and the Harbour.

To whom it may concern

We would like to register a objection against the above happening.



From: [REDACTED]

Sent: 10 September 2019 22:57

To: foreshore <foreshore@housing.gov.ie>

Subject: Celtix Connect - Havhingsten Telecommunication Cable Dublin

Hi,

In relation to the above, I have the following submissions/requests for information on the proposal:

1. What consultation was there with Loughshinny Community Association, as mentioned in Application form? I am a member of that association and do not recall any consultation. Also there is none referred to in appendix J
2. This work is clearly adjacent to archaeologically sensitive lands of Drumanagh, contrary to Application form statement.
3. What does the corridor represent?
4. Is there not a requirement to put up notice in the locality?
5. What future works are precluded in the areas near the cable?
6. Any beach disturbed by installation must be restored to original condition

Please acknowledge receipt of this email.

Regards,

[REDACTED]

From: [REDACTED]

Sent: Wednesday 11 September 2019 16:36

To: foreshore <foreshore@housing.gov.ie>

Subject: Objection to Celtix Connect cable installation

I wish to lodge an objection to the proposed cable being installed at Loughshinny by Celtix Connect.

I oppose on the following grounds :

The location is absurd, in the harbour and through the village.

The cable if installed will sterilise any future development of the harbour.

The cable will negatively impact the current Irish water project to clean the quality of our water and make it safe for our children.

Has Fingal County Council been consulted?

The town has been dug up for the last 12 months since we moved to Loughshinny, and the road has finally just been resurfaced.

Please contact me should you have any enquiries or need further information.

Kind Regards,

[REDACTED]

Residents

From: [REDACTED]
Sent: Tuesday 17 September 2019 14:34
To: foreshore <foreshore@housing.gov.ie>
Subject: FS006915

Hi.

Good afternoon.

My name is [REDACTED]

I live in Loughshinny Harbour.

With reference to above proposal,
we have received NO proposal, request, notification
or planning notices.

Our residents association have received nothing either.

On this basis alone, we strongly object, and find it offensive
from whatever company is attempting to fast-track this
proposal.

Thank you.

[REDACTED]

Principal Officer,
Marine Environment and Foreshore Section,
Department of Housing, Planning and Local Government,
Newtown Road,
Wexford,
Co. Wexford.



PLANNING AND DEVELOPMENT CONSULTANTS
OAKDEN, HOWTH ROAD, HOWTH, CO. DUBLIN D13DK31.
Tel: (01) 8391896 Facsimile: (01) 8396423
e-mail: planmon@eircom.net

September 16, 2019.

RE: APPLICATION BY CELTIX CONNECT LIMITED FOR LICENCE UNDER SECTION 3 OF THE FORESHORE ACT, 1933 FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF THE FIBRE-OPTIC HAVHINGSTEN TELECOMMUNICATION CABLE - HAVING A LANDING SITE AT LOUGHSHINNY, FINGAL, CO. DUBLIN(REG. REF: FS006915)

A Chara,

I wish to make the following representation on the above mentioned application for a Foreshore Licence, which was lodged with the Department on August 21, 2019. I have tried to examine all of the documentation submitted and in summary I would be of the view that the application is both confusing and incomplete. At times I have found the documentation to be clearly erroneous and at other times misleading. In the following section of my representation I will try to highlight the concerns I have with the application form and the documentation submitted in support of the application. In the next sections I will try to list my comments on the application form and various documents submitted.

1.1 APPLICATION FORM

1. Item 1.1 states that the works relate to a "landing site" at Loughshinny.

This is misleading and conflicts with the entry in Item 2.5 of the application form which indicates that the works also involve 29.8 kilometres of subsea cable.

2. Item 1.7 states "America Europe Connect 2 Limited has made an application for a foreshore Licence for the Havfrue Cable System on 26th October 2019".

This is clearly incorrect as it is still only September 2019.

3. Item 2.4 states that "The application area consists of an installation corridor of the surveyed area". I find this statement to be unclear and quite confusing.

4. Item 2.4 states that "the total area of the foreshore area" is 1446 hectares (14.46 km²).

This is a massive area of foreshore and may have major implications in terms reservation or restriction of the foreshore. It is also unreasonable if, as stated, the as-laid cable footprint will be approximately 1 metre. No justification has been stated for the requirement for a Foreshore Licence covering 1446 hectares.

5. Item 5.11 of the application specifically indicates that the area does not adjoin a listed archaeological site or monument.

The headland at Drumanagh bounds Loughshinny Bay to the south and is acknowledged to be rich in archaeology with 10 monuments listed on the Record of Monuments and Places by the Archaeological Survey of Ireland and are subject to Preservation Orders since 1977. They include a Martello tower, an Iron Age coastal promontory Fort, earthen enclosures and evidence of extensive connections to the Roman world

Principal: Michael A. O'Neill BA(Hons), Dip. Town Plan., H.Dip. Stats., MRUP, MIPI



through trading (by sea), including artefacts of notable importance which include Roman coins, Gallo-Roman pottery and copper ingots. There is also the remains of a Fosse Earthwork on the eroding sea cliffs south of Loughshinny harbour. As such the entry on the application form is incorrect and misleading. Not acknowledging Drumanagh or the other coastal archaeological sites adjacent to Loughshinny and the proposed cable installation site is both a critical and material omission as it specifically disregards the archaeological significance of the site and also its potential relevance to the foreshore at Loughshinny and the surrounding area. Furthermore items 5.12 & 5.13 relate to item 5.11 and insofar as Item 5.11 does not acknowledge the archaeological site at Drumanagh, the responses in items 5.12 and 5.13 are probably also incorrect and should be considered unacceptable pending a review.

1.2 THE PLANNING REPORT

Section 2.3 of the Planning Report deals with Route Development and outlines the basis for the selection of Loughshinny.

Whilst the characteristics of Loughshinny Bay are discussed, there is no indication of any alternative routing within the bay and there is no attempt to optimise the route or to justify the routing through the middle of the bay and up the centre of the beach.

Based on Section 2.3.2.1 of the Planning Report there is every indication that there are no route constraints in the bay and particularly on the beach at Loughshinny. This suggests that a route with minimum intervention is available but no effort has been made to develop such a route and there is no indication that any alternatives were developed, let alone considered.

Of import is the fact that the Planning Report does not include detailed maps of the route in Loughshinny Bay. This is a significant omission as such maps are particularly relevant. While a map is presented as a separate drawing entitled "Foreshore Licence Map Landfall" and shows the planned route entering Loughshinny Bay and swinging in a sweeping arc, which is centred on the bay and on the recreational beach at the heart of Loughshinny, it is nevertheless unacceptable that this drawing has not been incorporated in the Planning Report.

1.3 MARINE ARCHAEOLOGY

Chapter 4 deals with Marine Archaeology and refers to a Marine Archaeology Technical Report provided as Appendix E.

However, Appendix E is titled Sediment Suspension and Dispersion and Appendix H is titled "Marine Archaeology Report". Although Appendix H contains three reports relating to Marine Archaeology, there is no reference to a Marine Archaeology Technical Report.

The matter becomes further confused on checking the listing in the on-line Application Documents. This listing includes:

- Appendix E 1 Marine Archaeology Desk Based Assessment
- Appendix E 2 Marine Archaeology Foreshore Survey
- Appendix E 3 Marine Archaeology Geophysical Survey

Reference to Appendix E 1- the Marine Archaeology Desk Based Assessment-reveals that it is not specific to the Irish Foreshore Licence. The report covers;

- The Irish Sea Offshore Route
- Landfall at Loughshinny

Isle of Man Landfalls at Port Erin and Port Grenaugh

The English Landfalls at Lytham St Anne's (Irish Sea) and Whitley Bay (North Sea)

The Irish Landfall

The only references to the Irish Landfall are at Paragraphs 5.36 and 5.37 and again at 6.14, 6.15, 6.16 and at 7.1 and 7.2 – a total of just 7 paragraphs.

Reference to Appendix E 2 – Marine Archaeology Foreshore Survey - reveals that this document covers landfalls in Ireland, Isle of Man and the UK (west coast and east coast) together with the offshore route in the Irish Sea and in English territorial waters in the Irish Sea. It is not specific to the Irish Foreshore Licence and reference to Loughshinny is covered in just 2 paragraphs (3.1 and 3.2).

Reference to Appendix E3 – Marine Archaeology Geophysical Survey - shows that it covers landfalls in Ireland, Isle of Man and UK (including two on the east coast). Loughshinny is covered in just two paragraphs (3.1 and 3.2).

Cultural heritage is an important aspect of archaeology and it is noted that the documents comprising the application are clearly lacking in this regard. There is no evidence of any assessment of the cultural heritage of Loughshinny and its hinterland and accordingly there is no assessment of any potential impacts or mitigation measures which may be required.

It is also noted that the Fingal County Development Plan has not been taken into account.

The Archaeological material which is presented is in four separate documents. The documents are not specific to an application for a Foreshore Licence. The documents have multiple errors and omissions and are unfocused, disjointed and unnecessarily complicated. They are also incomplete and misleading and it is contended that they are deficient.

1.4 ENVIRONMENTAL ISSUES

LOUGHSHINNY LANDFALL

The Foreshore Licence Application states that the trenching works in Loughshinny will be for “up to 3 days” during “November 2019”.

This is in the overwintering bird period. The AA screening mentions that large numbers of Brent Geese are noted in Loughshinny. The Light-bellied Brent Goose (*Branta bernicla hrota*) is a qualifying interest of Rogerstown Estuary SPA which is located only 2.7km from the landfall. There has been no assessment of the potential impact of this project on the foraging activity or the feeding resources for them in the intertidal area of Loughshinny. This project would not only impact this area through disturbance during the overwintering bird period but, would also impact on the feeding of Light-bellied Brent Goose for Loughshinny for the entire winter, through the destruction of the food resource on the intertidal.

There has been recent case law in relation to assessing the potential impact of projects on overwintering birds and their food resource outside the SPA's in similar potential ex-situ Bird Feeding Site e.g. St Pauls development. There has been no assessment of the impact on other overwintering bird species in this area which is close to the SPA. There are no mitigation measures proposed and should there be mitigation measures proposed to protect the qualifying interests of Rogerstown Estuary SPA this project should have gone to Stage II-Natura Impact Statement.

4a) The Foreshore Licence Application gives indicative dates of “November 2019” with a duration 7 days in total. It is not clear if this is for all elements of the project or just the landfall. Clearly the entire project

including the landfall and foreshore elements could not be done within seven days right out to the twelve mile limit. It is likely that this is an underestimation of the potential impact of the project.

4b) There is no indication of the potential impact of the proposed works in relation to coastal fish and fish of national importance species has been assessed.

4c) No sites of National importance are mentioned in section 5.4 of the Foreshore Licence Application form where it specifically states that "Is the area within or adjacent to a NHA, pNHA, SAC, SPA, or National Park?"

The project has not assessed the potential impact on pNHAs and NHAs e.g. Loughshinny Coast pNHA. In addition, this section does not include SAC and SPA's within the potential zone of influence e.g. Lambay Island SAC (@5km) where both Common and Grey Seals are mobile species and features of interest and potentially impacted by the works.

4d) "5.4 Describe any other projects or plans for the area, anticipated or developed, that in combination with this proposal, may have a significant effect on a Natura 2000 site: Please list with planning reference numbers (where available)."

The project does not include the cumulative or in combination effect of the remainder of the project elements.

4e) "5.5 Will the proposal have any potential environmental impacts? If yes, please describe. See Natura Impact Statement"

The box has also been ticked in the affirmative, but no Natura Impact Statement has been submitted. An AA screening has been submitted but this is not a Stage II Natura Impact Statement, which has been stated to have been submitted.

4f) "5.6 Are you proposing any measures to mitigate the potential environmental impacts? If yes, please describe See Natura Impact Statement"

The project is proposing to mitigate environmental impacts and submitted an AA Screening. As outlined under "An Article 6(3) assessment should focus on the implications for the site in view of the site's conservation objectives. It could in its methodology usefully draw on the methodology envisaged by Directive 85/337/EEC. In particular, an examination of possible mitigation measures and alternative solutions may make it possible to ascertain that, in the light of such solutions or mitigation measures, the plan or project will not adversely affect the site. 'In combination' effects need also to be addressed in an assessment." The project requires mitigation to protect the integrity of the Features of Interest of Rockabill to Dalkey SAC, yet these mitigation measures have not been included. There is no reference to noise level assessment of equipment including USBL's, or the mitigation measures to protect harbour porpoise. This project should be going to Stage II NIS as stated in the Foreshore Licence Application.

4g) "5.9 Any other Environmental Considerations? If yes, please specify."

The box is ticked No. However, the environmental assessment is totally inadequate. It does not assess the potential impact on National designated sites, species or habitats of National importance of the potential impact of foraging habitats for overwintering birds within Loughshinny that will be impacted by the works that will be carried out during the overwintering period.

4h) "7.2 Are there other potential impacts of the proposal on fishing/aquaculture in the area? If yes, please describe."

There is a "No" in the tick box response but, there is no supporting information or indication of consultation with Inland Fisheries Ireland.

1.5 OVERALL ECOLOGICAL ASSESSMENT.

The proposed project only appears to deal with Natura 2000 sites and Annex species by way of an AA screening. It does not assess the potential impact of the proposed works on other flora or fauna in any depth. There is no supporting Ecological Impact Assessment to deal with species, habitats and designated sites (pNHA/NHA) of National importance, that are not covered under the Habitats and Birds Directive.

NATURA IMPACT STATEMENT

The applicants have stated in their Foreshore Licence Application that the project requires a Natura Impact Statement (Section 5.2). In addition, they state in Section 5.5 and 5.6 "See Natura Impact Statement."

Under section 8.1 the entry states that a "Natura 2000 Impact Statement is seen in Appendix F". In the Enclosures Checklist it is stated (Section 10) that a hard copy and CD's of a Natura Impact Statement are enclosed. Yet no Natura Impact Statement has been enclosed or attached. It also states that a "Natura Impact Assessment is attached" (1.1). The references to it are fundamentally misleading.

The applicant is proposing to carry out works that pass through Rockabill to Dalkey SAC. Harbour Porpoise is a Feature of interest of this site. They are sensitive to underwater noise, including the use of USBL equipment, and in the absence of mitigation measures there could be significant impact on the features of interest in this SAC.

Mitigation measures will be required to protect cetaceans and pinnipeds which are features of interest of SAC's proximate and within the works area. As outlined by Habitat Regulations "mitigation" means "a measure or a combination of measures that, in relation to Article 6(3) of the Habitats Directive, has the effect of ensuring that a plan or project, individually or in combination with other plans or projects, will not have a significant effect on, or adversely affect the integrity of, a European Site". Mitigation is required to protect this feature of interest of Rockabill to Dalkey SAC (Harbour Porpoise). In addition, the mitigation in relation to *Halichoerus grypus* (Grey Seal) and *Phoca vitulina* (Harbour Seal), features of interest of Lambay Island SAC, are detailed. Mitigation measures relating to features of interest would normally be covered in a Stage II Natura Impact Statement. However, on this basis the document does not follow the EU guidance on Appropriate Assessment and the absence of a Stage II- Natura Impact Statement is a significant omission.

APPROPRIATE ASSESSMENT SCREENING

5a) Management of a Natura 2000 site

As outlined in the Habitat Regulations 2011 "(6) The public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site." No such information has been provided in the AA screening with the result that there is insufficient information for its determination.

5b) In combination effects

It is not clear from the project if there are future in combination effects? It is contended that the full context of the project should be taken into consideration. However, this has not been done and accordingly all "in combination" effects have not been assessed.

5c) The version of this document is a "Draft for client comment". It therefore appears that there may be a final version of the document.

5d) Section 2 of the report does not detail the most up to date legislation in Ireland including the Habitats Regulations 2011. Therefore it is not clear if this Appropriate Assessment screening was undertaken in accordance with Part XAB of the Planning and Development Act 2000, as amended, in addition to the December 2009 publication from the Department of Environment, Heritage and Local Government; 'Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities' and the European Communities (Birds and Natural Habitats) Regulations 2011.

In addition, as outlined in "Managing Natura 2000 sites, the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC" (European Commission, 21 November 2018) "*the purpose of the appropriate assessment is to assess the implications of the plan or project in respect of the site's conservation objectives, either individually or in combination with other plans or projects. The conclusions should enable the competent authorities to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus of the appropriate assessment is therefore specifically on the species and/or the habitats for which the Natura 2000 site is designated.*"

5e) Section 3 Table 3.1. The AA screening outlines the embedded mitigation of the project as follows:

- "Minimisation of disturbance to sediments, habitats and species" i.e. measures to protect the Reef Habitat (Feature of Interest of Rockabill to Dalkey SAC), Harbour porpoise (Feature of Interest of Rockabill to Dalkey SAC), and seals (Harbour and Grey Seals are features of interest of Lambay Island SAC)
- "Protection of marine mammals" i.e. measures to protect Harbour porpoise (Feature of Interest of Rockabill to Dalkey SAC), and seals (Harbour and Grey Seals are features of interest of Lambay Island SAC)

The implementation of these mitigation measures are specifically targeting features of interest of Natura 2000 sites which triggers a stage II Natura Impact Statement.

This is supported by the statement in section 4 where it is stated that "*The receptors which could potentially be affected by the proposed installation and maintenance activities and could be the Qualifying Interest features of Natura 2000 sites in the region are: benthic habitats; fish; birds; and marine mammals.*" The mitigation measures are therefore aiming to prevent impacts on the Features of Interest of Natura 2000 sites and therefore a Stage II NIS is required.

5f) Section 4.1.1 states that "*A4.21 (Echinoderms and crustose communities on circalittoral rock) being recorded at a depth of between 7 and 8m below sea level (BSL).*"

This is supposed to be a sediment community? Does this mean that the cable will be laid on circalittoral rock at the entrance to Loughshinny? However, it is not clear if this is actually present on the habitat map provided.

5g) The Benthic Habitats map provided is difficult to interpret. It is not known what the red lines are within Loughshinny Harbour are e.g. other cables or they survey corridor? If this is the survey corridor it does not appear to coincide with the points provided in the submission. In addition, the colours used for the habitats are too similar to understand the habitats on site in Loughshinny. This is important to an understanding of the potential for overwintering birds e.g.

All solid green labels

A1 Littoral rock

A1.2143 Fucus serratus and piddocks on lower euittoral soft rock

A1.3132 Fucus vesiculosus on mid euittoral mixed substrata

A1.3152 Fucus serratus on full salinity lower euittoral mixed substrata

A1.45 Ephemeral green or red seaweed communities (freshwater or sand-influenced) on non-mobile substrata

All solid pink purple labels

A1.311 *Pelvetia canaliculata* on sheltered littoral fringe rock

A1.3131 *Fucus vesiculosus* on full salinity moderately exposed to sheltered mid eulittoral rock

A1.413 Seaweeds in Sediment-Floored Eulittoral Rockpools

A2.245 v1 *Lanice conchilega* in littoral sand - variant 1

All solid blue labels

A2.21 Strandline

A2.22 v2 Barren or amphipod-dominated mobile sand shores - variant 2

A2.4 Littoral mixed sediment

B3.111 Yellow and Grey Lichens on Supralittoral Rock

5h) Reef is protected within Rockabill to Dalkey SAC. In section 4.1.1 of the report it states that *“Another notable habitat found near the marine cable corridor is the Annex 1 subtidal reef habitat found throughout the Rockabill to Dalkey Island SAC as intertidal and subtidal reef surrounding headlands and the offshore islands. The subtidal reefs are home to a range of species including Laminaria hyperborea, soft corals (Alcyonium digitatum), blue mussel (Mytilus edulis) and the common sea star (Asterias rubens), among other species (NPWS 2014b). No reef habitat has been identified within the marine cable corridor. The corridor passes within approximately 2km of the nearest identified reef habitat within the SAC according to the latest available reef survey data (NPWS 2013d).”*

There is clearly an outcrop of reef within the survey corridor near way point (-6.0187, 53.5505), with larger more pronounced subtidal reef areas immediately to the south of the corridor in this area. The impact of the proposed cable route on this feature of interest of Rockabill to Dalkey SAC has not been addressed sufficiently. With vessel speeds of up to 14kn being quoted it is not clear if there will be a significant impact on reef in this area.

5j) 4.2.2 “Four Annex II listed fish species are likely to be found within or near to the marine cable corridor at certain times of the year”

The source of these data has not been identified. Species protected under National legislation have not been included anywhere.

5j) Section 4.3, “SPA’s within 30km”.

The report includes SPA’s within 30 km of the route. However, Dalkey Islands SPA, Boyne Estuary SPA, River Boyne and River Blackwater SPA, Howth Head Coast SPA, North Bull Island SPA and South Dublin Bay and River Tolka Estuary are all within 30km of the proposed works and have not been listed. There are no details of SAC’s within 30km just Annex II listed pinniped species & Annex II and IV listed cetacean species.

5k) Table 5-1 Potential pressures, zones of influence and Natura 2000 search area

The assessment does not take into account acoustic noise from equipment to be used including USBL (underwater positioning), which can potentially have a significant effect on marine mammals. This table does not detail the potential impact on reef area within the Rockabill to Dalkey SAC or SAC’s.

5l) Table 5-2 Pressures scoped out of the assessment and the reason for exclusion. This states "Pressure Screened Out of EIA"

This is an AA screening and not an EIA and these pressures do not relate to the potential pressures outlined in Table 5.1.

5m) Table 5-3 Initial screening of relevant Natura 2000 sites.

There is no defined distance or details to say why these sites were chosen and other sites were excluded. The document does not include a complete list of SAC's shown within the potential zone of influence.

In relation to reef in the Rockabill to Dalkey SAC the report states that *"Seabed preparation and cable burial will cause a brief, localised increase in suspended sediment in the water column with subsequent re-deposition of sediment on surrounding habitats. Sessile and less mobile epifauna and infauna in surface sediments are most likely to be affected. Coarser sediments from the cable installation and maintenance activities will be deposited close to the cable route (within 107m)."*

There has been no modelling in this area and it does not state where these figures are coming from. Reef is within proximity to the proposed works and this would not be deemed to be sufficient objective scientific information to "Screen Out"

"Low tide bird count data for Loughshinny landing site indicate the intertidal area is not of high importance to overwintering wading birds (I-WeBS 2019)."

This has been stated in relation to several SPA's and the reason for screening out. However, in the same table it states that *"Light-bellied Brent goose have been recorded at the Loughshinny landfall site in previous winters in significant numbers, with a mean of 86 individuals between the winters of 2011/12 to 2015/16 (BirdWatch Ireland 2019)."* There are clearly inconsistencies here in this table and SPA's are getting screened out incorrectly. For example Light-bellied Brent goose is a feature of interest in Rogerstown Estuary SPA but is has been screened out with the statement *"Overwintering migratory waterfowl are unlikely to be foraging within the offshore marine cable corridor (preferring intertidal areas for foraging). Low tide bird count data for Loughshinny landing site indicate the intertidal area is not of high importance to overwintering wading birds (I-WeBS 2019)."* This clearly contradicts the reason for screening out Malahide Estuary SPA and Baldoyle Bay SPA.

A significant number of Irish SAC's within 30km of the project have been omitted. However, for some unknown reason a substantial number of UK SAC's have been included.

5n) The possibility and quantification of possible trans-boundary effects has not been addressed in the AA screening.

5o) Table 5-4 Summary of sites screened for possible likely significant effects. This table has clearly has omitted a number of Natura 2000 sites potentially impacted.

5p) The AA Screening in section 5.4.3 states that "The screening of Natura 2000 sites identified a 'possible' pressure-receptor pathway between the proposed installation and maintenance activities and the Qualifying Interests of seven sites for the pressure underwater sound changes (Table 5-3).

Two of these sites are within Irish territorial waters, Rockabill to Dalkey Island SAC and the Lambay Island SAC, designated for Annex II harbour porpoise and pinniped species respectively. The other five sites are within UK waters: "North Anglesey Marine SAC, Lleyn Peninsular and Sarnau SAC, West Wales Marine SAC, North Channel SAC and Bristol Channel SAC".

5q) Section 5.5 In combination effects.

The project does not assess the potential in combination implications of all elements of the project.

4p) The report states that in conclusion *"The proposed project does not have the potential to give rise to significant adverse effects on the overall integrity of the Natura 2000 sites considered. Therefore, this assessment has stopped at Stage 1 screening and there should be no further requirement for Stage 2 Appropriate Assessment."*

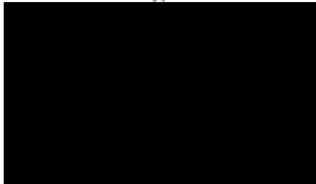
It is to be noted that the report outlines mitigation measures to protect the features of interest of Natura 2000 sites (harbour porpoise, grey seals, harbour seals and reef), which in itself, is reason alone to require a Stage II Natura Impact Statement.

This assessment suffers from;

- A significant lack of supporting objective scientific information where it clearly has not included all of the Natura 2000 sites within the 30km defined zone of assessment,
- An inherent contradiction in relation to the screening-out process in relation to overwintering birds in Loughshinny,
- The omission of reference to reef within and proximate to the survey corridor (that is within the Rockabill to Dalkey SAC),
- A failure to assess in combination effects of all elements of the project,
- A failure to assess the trans-boundary effects of the project.
- A failure to adequately assess the potential impacts on Natura 2000 sites

We would ask that all correspondence relating to the proposed development be forwarded to this address.

Yours Sincerely,



From: [REDACTED]

Sent: Wednesday 18 September 2019 09:42

To: foreshore <foreshore@housing.gov.ie>

Subject: Loughshinny Harbour

Good morning

I would like to raise a formal objection to the installation by Celtix Connect of an underwater cable through Loughshinny Harbour. I believe this would be detrimental to the best interests of local people for the following reasons:

- It will sterilise any future development and maintenance of the harbour
- The current Irish water project to clean up the quality of the water being discharged into the bay may be compromised or cancelled
- I have concerns over whether or not the correct planning notification has been submitted
- What will next steps be in terms of a cable station? If the planning for this will be denied (as seems likely) then why should the cable be installed in the first place?
- This will have severe impacts on the environment, marine archeology, cultural heritage and on fishing and tourism industry

Thank you

[REDACTED]

From: [REDACTED]

Sent: Friday 20 September 2019 08:43

To: foreshore <foreshore@housing.gov.ie>

Subject: OBJECTION TO FORESHORE LICENCE - Application by Celtix Connect Limited

Importance: High

To whom it may concern
Marine Planning & Foreshore Section
Dept of Housing, Planning and Local Government
Newtown Road
Wexford
Co Wexford

Please find attached documents outlining our objections to the above application.

Please confirm receipt of this email and its attachments

Yours sincerely

[REDACTED]

The Secretary,
Marine Planning and Foreshore Section,
Department of Housing, Planning and Local Government,
Newtown Road,
Wexford,
Co Wexford

19th September 2019

Description of proposed works/activity.

Installation and maintenance of fiber-optic Havhingsten Telecommunication Cable landing site at Loughshinny, Fingal, Co Dublin.

A planning report including a Description of the works, Shipping and navigational safety assessment, Marine Archaeology assessment, Marine and intertidal ecological impact assessment including Natura Impact Assessment is attached.

A Chara,

We, the undersigned, refer to the above planning application & wish to make the following submission / objection / observation in relation to the proposed development.

We, the undersigned, wish to object to the 'GRANTING OF A FORESHORE LICENCE' based on our concerns outlined below:

- This application is one part of a project which also includes planning application F19A/0169 along with 'other parts' (either in progress / planned / to be planned), whose purpose is to link the submarine cable to the 'T50' fibre network and, therefore, under EU Directives the entirety of the 'project' must be assessed as one.
- We have concerns regarding the 'METHODOLOGY USED' as detailed below
- We have concerns regarding the 'LACK OF SCIENTIFIC EVIDENCE TO BACKUP THE APPLICANTS VARIOUS CLAIMS OF 'no impact / minimal impact / no long term impact' as detailed below.
- We have concerns regarding the ACCURACY OF INFORMATION submitted with the application.
- We have concerns regarding the PLANNING PROCESS as it applies to this 'project' as detailed below

- We have concerns regarding the **ENVIRONMENTAL IMPACT** as detailed below.

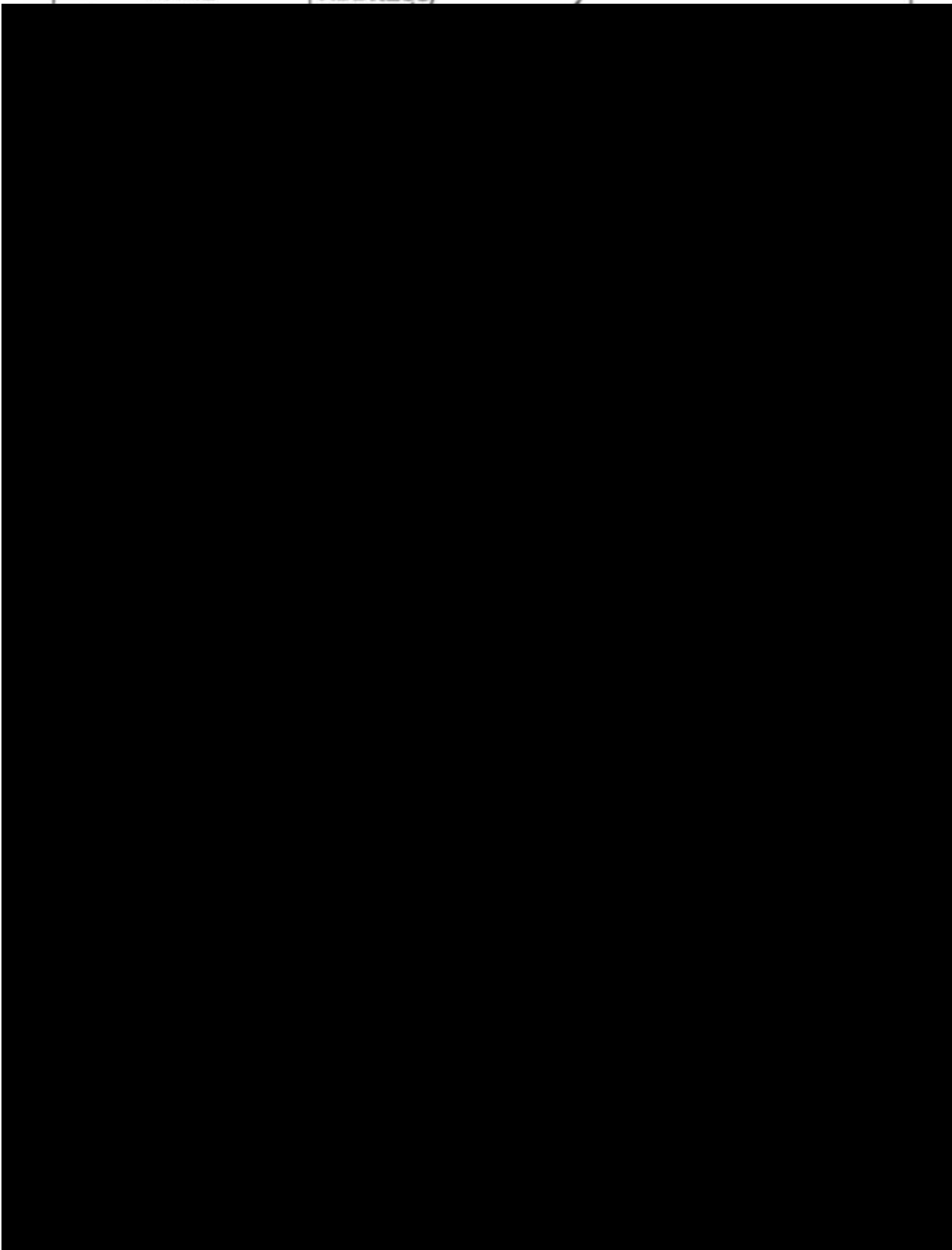
On the basis of the above, we, the undersigned, trust our concerns/observations/objections will be taken into consideration prior to a decision being reached on this 'foreshore licence' application.

Yours Sincerely,

Signed for and on behalf of the 'undersigned'



OBJECTIONS TO PLANNING APPLICATION # 1900103 by RESIDENTS

NAME	ADDRESS,
	

NAME	ADDRESS
[REDACTED]	

BACKGROUND INFORMATION

Case C-258/11

Peter Sweetman and Others

v

An Bord Pleanála

▽ (1) (Request for a preliminary ruling from the Supreme Court (Ireland))

(Environment — Directive 92/43/EEC — Article 6 — Conservation of natural habitats — Special areas of conservation — Assessment of the implications for a protected site of a plan or project — Criteria to be applied when assessing the likelihood that such a plan or project will adversely affect the integrity of the site concerned — Lough Corrib site — N6 Galway City Outer Bypass road scheme)

Summary — **Judgment of the Court** (Third Chamber). 11 April 2013

1. *Environment — Conservation of natural habitats and of wild fauna and flora — Directive 92/43 — Special areas of conservation — Sites, included in national lists, eligible for identification as sites of Community importance — Protective measures — Obligation of the Member States to safeguard their ecological interest*

(Council Directive 92/43, Arts 4(1) and 6(2) to (4))

2. *Environment — Conservation of natural habitats and of wild fauna and flora — Directive 92/43 — Special areas of conservation — Obligations of the Member States — Assessment of a project's implications for a site — Authorisation for a plan or project on a protected site — Condition — No adverse effect on the integrity of the site — Concept of adversely affecting the integrity of the site*

(Council Directive 92/43, Art. 6(3))

1. See the text of the decision.

(see paras 22, 23)

2. Article 6(3) of Directive 92/43 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that a plan or project not directly connected with or necessary to the management of a site will adversely affect the integrity of that site if

it is liable to prevent the lasting preservation of the constitutive characteristics of the site that are connected to the presence of a priority natural habitat whose conservation was the objective justifying the designation of the site in the list of sites of Community importance, in accordance with the directive. The precautionary principle should be applied for the purposes of that appraisal.

More specifically, authorisation for a plan or project, as referred to in that provision, may be given only on condition that the competent authorities are certain that the plan or project will not have lasting adverse effects on the integrity of the site. However, the competent national authorities cannot authorise an intervention where there is a risk that it will bring about the disappearance or the partial and irreparable destruction of a priority natural habitat type present on the site concerned.

(see paras 39, 40, 43, 48, operative part)

▽ (2) National Parks & Wildlife Service (Ireland)

Objective To maintain the favourable conservation condition of harbour porpoise in Rockabill to Dalkey Island SAC, which is defined by the following list of attributes and targets

Target 2 Human activities should occur at levels that do not adversely affect the harbour porpoise community at the site.

☑ Proposed activities or operations should not introduce man-made energy (e.g. aerial or underwater noise, light or thermal energy) at levels that could result in a significant negative impact on individuals and/or the community of harbour porpoise within the site. This refers to the aquatic habitats used by the species in addition to important natural behaviours during the species annual cycle.

☑ This target also relates to proposed activities or operations that may result in the deterioration of key resources (e.g. water quality, feeding, etc) upon which harbour porpoises depend. In the absence of complete knowledge on the species ecological requirements in this site, such considerations should be assessed where appropriate on a case-by-case basis.

☑ Proposed activities or operations should not cause death or injury to individuals to an extent that may ultimately affect the harbour porpoise community at the site.

▽ (3) Joint Nature Conservation Committee (Wales)

Table A2 Full assessment of level of impact of activities on harbour porpoise in UK waters

Activities	Pressures	Impacts	Current level of impact risk
Noise from shipping, drilling, dredging and disposal, aggregate extraction, pile driving, acoustic surveys, underwater explosion, military activity, acoustic deterrent devices and recreational boating activity	Anthropogenic underwater sound	<ul style="list-style-type: none"> • Mortality • Internal injury • disturbance leading to physical and acoustic behavioural changes (potentially impacting foraging, navigation, breeding, socialising) 	Medium

The implication is that this site provides good foraging habitat and it may also be used for breeding and calving. However, because the number of harbour porpoise using the site naturally varies, there is not an exact number of animals within the site above which the species is viable or below which it will become unviable.

For that reason, the intent of this objective is to minimise the risk posed by activities within the site to the species viability. Activities that kill, injure or significantly disturb harbour porpoise have the potential to affect species viability within the site.

▽ (4) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora


The Habitats Directive 92/43/EEC (together with the Birds Directive (79/409/EEC)) forms the cornerstone of Europe's nature conservation policy. The directive protects over 1000 animal and plant species and over 200 "habitat types" which are of European importance. In the Directive, Articles 3 to 5 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of conservation sites (NATURA 2000). These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Birds Directive). Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect NATURA 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the NATURA 2000 site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

As outlined in the guidance document on Article 6(4) (January 2007):

"Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect these objectives must be identified in the light of the best scientific knowledge in the field."

- Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field.
- It should include a comprehensive identification of all the potential impacts of the plan or project likely to be significant on the site, taking into account cumulative impacts and other impacts likely to arise as a result of the combined action of the plan or project under assessment and other plans or projects.

 The applicant has failed to produce any 'scientific evidence' in his application documents to prove the absence of such effects as referred to in items (1) to (4) above


We have concerns regarding the **'METHODOLOGY USED'**

(a) Appendix A - Environmental Assessment Methodology

1.2.1 Characterisation of the baseline environment

To assess the potential impacts resulting from the project, it is necessary to first establish the physical, biological, and socio-economic conditions that currently exist along and within the vicinity of the proposed marine cable route

 The applicant has completely failed to scientifically establish the 'baseline' as exists today

 The applicant has ruled out the effects of 'other cable laying projects' because they are not concurrent with this project which is a false premise to begin with and runs counter to objectives as listed in Background information above

(b) 1.1 Project Background (Appendix F)

This Stage 1 Screening for Appropriate Assessment covers the Irish marine components of the Havhingsten cable from mean high-water springs (MHWS) at the Irish landfall at Loughshinny, North County Dublin to the Ireland/UK median line (Figure 1-2). This is defined as the project and comprises:

- Installation of one fibre-optic telecommunications cable;
- All associated works required to install, test, commission and complete the aforementioned cable;
- All associated works required to operate, maintain, repair and decommission the aforementioned cable, including repair events over the lifetime of Havhingsten.



This approach of segmenting different portions of the overall project runs contrary to the Habitats Directive 92/43/EEC (together with the Birds Directive (79/409/EEC) as described below.

- **One example of where this approach benefits the applicant is the Irish sea where 2 protected species (harbour porpoise and bottlenose dolphins), reside.**


The entirety of the Irish sea is of prime importance to both species.

- **An Impact Assessment carried out by ALTEMAR Marine & Environmental Consultancy on behalf of ESB TELECOMS LTD, for planning application F19A/0169 shows that there will be an adverse effect on the harbour porpoise (should not cause death or injury) but they hope this will not have a long-term effect. This relates to 'seismic surveying'.**
- **Intertek Energy & Water Consultancy Services (Intertek) in their report state that '... The Oslo and Paris (OSPAR) Convention (2012) considered that sound associated with the installation, removal or operation of submarine cables is less harmful compared to impulsive sound activities such as seismic surveys, military activities or construction work involving pile driving (OSPAR Convention 2012).**


Clearly segmenting the 'project' into just two segments ['submarine cable route surveying' and 'submarine cable laying' in Irish territorial waters] is to the benefit of the applicant. The above species are also found residing off the Welsh coast but this application excludes that portion of the 'project'

(c) 2.1.3 Stage 2 - Appropriate Assessment

"[The Appropriate Assessment] cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned".

 The report provided by Intertek Energy & Water Consultancy Services (Intertek) does not provide any conclusions based on '...complete, precise and definitive findings and conclusions capable of removing all scientific doubt...'

We have concerns regarding the **'LACK OF SCIENTIFIC EVIDENCE TO BACKUP THE APPLICANTS VARIOUS CLAIMS OF 'no impact / minimal impact / no long term impact'**

 Below are a few samples from the application documentation of the 'non-scientific evidence based' conclusions being put forward by the applicant

(a) P19 Appendix F

4.1.2 Sediment contaminants

are unlikely to cause a detrimental effect

In conclusion, the sediments within the Irish cable corridor are not contaminated

We do know that 'oil' has been leaking out from ESB submarine cables in Dublin bay for quite some considerable time (years) – which was denied by the ESB and only came to the public's attention through a 'whistle-blower' within the ESB. Sea currents drift 'northward' from Dublin bay thus bringing the 'contaminants' into the 'Rockabill to Dalkey SAC'

(b) P24/25 Appendix F

Harbour porpoise distribution is linked to the availability of their preferred prey items (gobies, sandeel, whiting, Atlantic herring and sprat) however, further studies are required to identify if there is a migratory pattern within the Irish Sea as is observed in the North Sea (JNCC 2015).

As indicated by Table 4-1, harbour porpoise are likely to be present along the marine cable corridor throughout the year, but densities will be highest during the summer and autumn months.

(c) P26 Appendix F

It is possible that bottlenose dolphin maybe present in low numbers around the marine cable corridor as they disperse to the offshore area and move northwards in the winter.

(d) P20 Appendix F

The National Otter Survey of Ireland 2010/12 provides the most recent information on the Irish otter population and the range of their habitat. The results of this survey determined that the stretch of coastline where the Havhingsten cable will make landfall is out of the current range of otters. As such the species has been assessed to not be found within the footprint of the cable corridor and will not be considered any further in this report.

(e) 5.4.2.1 Rockabill SPA

... cable landing site at Loughshinny is **not of primary importance** to this species. As such, there will be **no adverse effect** on the purple sandpiper

As such it is **likely** that the breeding terns will **already be habituated** to a low level of shipping activity.


Screening Conclusion: No likely significant effects. AA is not required (Applicant opinion)


These factors, combined with the fact that the tern species have a foraging range **within a radius** surrounding Rockabill island as opposed to coastal nest sites with a **restricted seaward range**, means that the terns will **only be briefly disturbed** for a small area of their total foraging range

Screening Conclusion: No likely significant effects. AA is not required (Applicant opinion)

Therefore, there will be **no reduction** in available habitat for both species on a **long-term basis**.

Screening Conclusion: No likely significant effects. AA is not required (Applicant opinion)

 The Applicant simply states 'no likely significant effects' for each and every impact as it affects any species that they have not already excluded from their report on subjective grounds. This approach to 'screening for Appropriate Assessment' does not meet the requirements of the Supreme Court Judgement or EC Directives

 Cormorants for example show a considerable variation in hatch date, ranging from mid-February to early July. Why is this important? Survival rates for fledglings are low and are very dependent on available 'local' feeding sites. This years fledglings will all be under 1 year old when the submarine cable is being buried, which we know will disturb the sea bed and scare away fish in the area

Q: What factors influence the cormorants' choice of their feeding sites?

A: As with any predator, cormorants attempt to catch the necessary food with minimum effort (energy expenditure) at maximum perceived security. In energetic terms, flying 'costs' are at least eight times – and diving six times –


than the birds' resting metabolism. The choice of feeding sites is therefore particularly governed by a) the distance they are from the roost or nesting area, b) fish densities, and c) the experience with certain prey and foraging sites. Other factors such as 'how safe the birds feel' at the site can also influence foraging site selection.

Q: What is the lifespan and mortality rate of cormorants?

A: The observed maximum age is 24 years, but due to a high mortality – death – rate among juvenile birds the average life expectancy is far less. Usually at least 40% of those birds leaving the nest die in their first year of life. According to a detailed Danish study, first year mortality ranged from 25 - 68% depending on year. Mean ('average') mortality in the second year of life was 13%, and mean natural annual mortality among older birds was 12%. This study demonstrated that mortality among cormorants in the Danish breeding population was markedly higher in cold winters, especially after the expansion of the European population of cormorants. Other studies indicate that only 30% of the fledged young (those that leave the nest in which they were born) reach the age of three, but that survival chances becomes much better after the first and second winter, with estimates for annual mortality among adult birds varying between 10 - 20%.

Q: About 40% of juveniles and about 12% of adult cormorants die each year. What are the main causes of these mortalities?

A: There are a number of causes, albeit that they have rarely been studied in detail. It is likely that **exhaustion and starvation are the most frequent reasons for premature deaths**, and this will likely be linked to prevailing weather conditions. Shooting has become a more important factor in recent years, with some estimates of shot birds in Europe exceeding 100,000 birds per year. Drowning in fishing gear is a common cause of death in some areas, especially in the first autumn of life. Predation by White-tailed Eagles occurs, but seems to be of marginal importance. Very little is known about the occurrence and effects of disease and the impacts of parasites

 There is a clear requirement for a reputable authority to carry out a 'stage 2 Appropriate Assessment (NIS) for the entire project as defined by ESB Telecoms Ltd in the planning application F19A/0169 and described below

The Project as defined below is the 'New Jersey – Denmark' fibre route

ESB Telecoms have been approached by a sub-sea fibre cable provider who are landing a new fibre cable at the beach at Loughshinny. The fibre cable landing at Loughshinny forms part of a larger New Jersey - Denmark fibre route, linking Dublin to Blackpool and the North of England, carrying on as a subsea cable to Denmark. The aim of the cable is to provide resilience to the North Atlantic and Northern European telecoms networks, offering an alternative fibre connection to the London-New York cables route which have dominated the North Atlantic fibre market to date. In response to the substantial increase in data centre provision in Ireland over the last number of years, online services providers are keen to increase investment in this growing sector. The new subsea cable is one of strategic national importance to the telecommunications industry in Ireland as it will enhance the country's global connectivity, which is critical to the further development of the sector over the coming decade.

We have concerns regarding the **'ACCURACY OF INFORMATION'** being submitted



Mr David Lyons (Dept of Culture, Heritage and the Gaeltacht) specifically instructed Intertek to look at impacts on Harbour Porpoise and reefs specifically

From: David Lyons <David.Lyons@chg.gov.ie> Sent: 13 September 2018 12:20 To: Paula Daghish Intertek <paula.daghish@intertek.com> Subject: RE: Havhingsten Telecommunication Cable

*Dear Paula Thank you for forwarding the information. From what I understand you have already secured permission to undertake surveys in 2018. I would suggest that the detail you will need to make a formal application for cable lay would be dependent on the outcome of those surveys. Perhaps could you come back to me when you've a better indication of the cable route? Your outline of a requirement for Habitats Directive Assessment (or Natura Impact Statement as it's called here) is correct and this will need to **incorporate an evaluation of potential impacts to harbour porpoise and reef specifically**. It would also be beneficial to have a wider examination of marine mammals to ensure the wider protection was included. This*

could be a separate document or it could be included within the NIS. Best regards
David Dr David Lyons An Roinn Cultúir, Oidhreachta agus Gaeltachta

Department of Culture, Heritage and the Gaeltacht



Intertek relied on outdated reef survey data to claim there will be no impact

... no reef habitat has been identified within the marine cable corridor. The corridor passes within approximately 2km of the nearest identified reef habitat within the SAC according to the latest available reef survey data (NPWS 2013d).



Appendix F P4/5 Table 1 Consultation for Cable Intertek lists 3 local fishermen they consulted but not Mr Lynch who they also contacted but didn't mention in their documentation. His email reply is outlined below

From: Peter <peterlynch@live.ie> Sent: 13 June 2019 18:54 To: Paula Daghish Intertek <paula.daghish@intertek.com> Subject: Re: Havhingsten Telecommunication Cable - Marine Installation proposals

Hi Paula I'm based in howth but fish that ground a lot. From about a mile offshore and further out so that would be the area **I'm worried about**.

Kind regards, Peter Lynch MFV Atlantic Freedom

From: Peter <peterlynch@live.ie> Sent: 13 June 2019 11:45 To: Paula Daghish Intertek <paula.daghish@intertek.com> Subject: Re: Havhingsten Telecommunication Cable - Marine Installation proposals

Hi Paula

I got that info already from my po. Couple of questions For you. If foreshore licence expected 27th of

October. When do you think work will start in that area And how long it will take? Also who is liaison officer And how close can we work to cable route?

What will happen if we can't work this area and can't go fishing **You can't expect us to just move from fishing grounds Just like that?**

Kind regards,

Peter Lynch

MFV Atlantic Freedom Howth



Appendix E3 P4

In total, the proposed cable route will run for approximately 607.7km.

Appendix F P7

This Havhingsten open cable system (hereafter referred to as Havhingsten cable) will span more than 940km

- ✚ A simple metric like overall cable length seems to be beyond the applicant's ability to measure as does knowing the cable route itself

The cable will run from Blackpool in the North of England to a landing point at Loughshinny, and forms part of a larger US to Europe fibre route, linking Ireland, the Isle of Man, the UK and Denmark.

AQUA COMMS NEWSLETTER
DELIVERED TO RESIDENTS OF
BALDUNGAN CLOSE, LOUGHSHINNY

- ✚ At a site meeting with local residents at the proposed location for the Cable Landing Station Mr Kevin Foley, Chief Financial Officer of AQUA COMMS, stated the Submarine cable landing in Loughshinny harbour was being connected to the T50 Fibre Network in Dublin.

- ✚ Mr Kevin Foley also stated one of the reasons for choosing the ESB site in Ballykea was that ESB Telecoms Ltd had an 'overhead fibre cable' at this site. No such cable exists.

The ESB substation located 1.7 km east of Loughshinny village on the L1285 road is connected to Ireland's fibre optic telecommunications network so it is proposed to locate the Cable Landing Station within the grounds of the ESB site.

AQUA COMMS NEWSLETTER
DELIVERED TO RESIDENTS OF
BALDUNGAN CLOSE,
LOUGHSHINNY

- ✚ The newsletter claims the cable will be buried in an 'existing duct'. This civils work to lay this duct only commenced on 13th June 2019 and the work was carried out without having received 'planning approval'. The sub-contractor who laid this duct worked for M+M contractors who were employed by AQUA COMMS

The Cable Route

The cable will run from the existing manhole to a Cable Landing Station located 1.7 metres away at the ESB Substation. This section of the cable will be buried in an existing underground duct that runs underneath the main Loughshinny road (the L1256) and will not require any excavation or disruptive ground works along the road.

AQUA COMMS NEWSLETTER
DELIVERED TO RESIDENTS OF
BALDUNGAN CLOSE, LOUGHSHINNY

We have concerns regarding the '**PLANNING PROCESS**' as it applies to this 'project' as detailed below

- ✚ On the 13th June 2019 a letter from the residents was sent to the enforcement section of Fingal Co Council stating that 'civils work had commenced to lay a duct from Loughshinny Harbour to the proposed ESB 'cable landing station' site a distance of approx. 2km. The council were provided with photographic evidence of this work, contractor details and details linking this contractor to AQUA COMMS

On the 17th June 2019 Fingal Co Council sent a warning letter to the contractor carrying out this work and to the applicant.

Further documentary evidence was provided to Fingal Co Council as this work progressed over the next few weeks until the duct line arrived outside the entrance to the 'proposed cable landing site' in Ballykea.

Following 12 weeks of 'silence' from Fingal Co Council a letter, dated 13th September 2019, finally arrived on 17th September 2019 and stated '...A recent inspection of lands at Featherbed Lane, Ballykea, Loughshinny, Co Dublin revealed that the works undertaken on the site have been carried out in accordance with plans submitted under the approved Planning Permission Register Reference F17A/0691. Accordingly there is no further enforcement action open to the Council in relation to this matter. The file is now closed.

These same works were pointed out to Mr Kevin Foley, Chief Financial Officer of AQUA COMMS, at the site meeting mentioned above and he identified the work as being '... bought and paid for by AQUA COMMS'. When shown a copy of the letter received from Fingal Co Council dated 13th September 2019 he could not explain how Fingal CO Council thought the duct was part of planning application F17A/0691. F17A/0691 involved a development carried out by ESB Telecoms Ltd and Three Ireland involving the erection of a 20m mobile phone mast on the same site. How Fingal Co Council decided a 'duct line' laid in June'19 by contractors identified as working for AQUA COMMS and running from the site over 2km to the beach was part of F17A/0691 development which was carried out 12 months earlier for THREE Ireland is anyone's guess

We have concerns regarding the
'ENVIRONMENTAL IMPACT' as it applies to
this 'project' as detailed below

- ✚ Please refer to submissions made to Fingal Co Council regarding the planning reference below and which under EEC Directives concerning habitats can be linked to this 'foreshore licence application'.
(copy appended).

Planning Application Reference Number: F19A/0169

Applicant: ESB TELECOMS LIMITED

Description of Development: Permission for the development of a single storey cable landing station, together with associated cabling, plant and ancillary works, enclosed within a palisade fenced compound.

Date 24th May 2019

The Secretary,
Planning Department,
Fingal County Council,
County Hall,
Main Street,
Townparks
Swords

24th May 2019



Planning Application Reference Number: F19A/0169

Applicant: ESB TELECOMS LIMITED

Description of Development: Permission for the development of a single storey cable landing station, together with associated cabling, plant and ancillary works, enclosed within a palisade fenced compound.

A Chara,

We, the undersigned, refer to the above planning application & wish to make the following submission / objection / observation in relation to the proposed development.

We, the undersigned, wish to object to the proposed development based on the points outlined below:

- We have concerns regarding the **TITLE OF LAND – CONFLICT OF INFORMATION SUPPLIED** as detailed below.
- We have concerns regarding the **PURPOSE OF 'LANDING STATION'** (must align with Rural objective & vision) as detailed below
- We have concerns regarding the **ABSENCE OF A SITE NOTICE – (not maintained as per planning regulations)** as detailed below.
- We have concerns regarding the absence of a **LANDSCAPING PLAN** not being submitted with the planning application. There are many trees/hedgerows located on the site which enhance our community and in our opinion must be kept. Further concerns outlined below
- We have concerns regarding the **APPLICATION FORM ERRORS**
 - (1) Location
 - (2) Classification as 'utility installation'

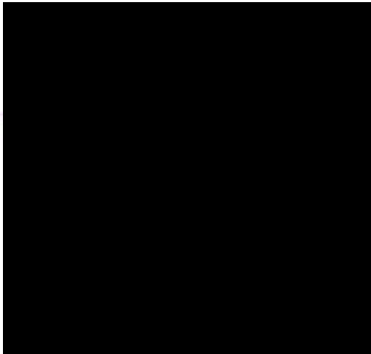
- (3) Extent/Nature of Development
- (4) Noise impact on residents
- (5) No provision for water supply
- (6) Negative Impact on 'fundamental grounds' for granting planning development F17A/0691 as detailed below.

• We have concerns regarding the **ENVIRONMENTAL IMPACT** as detailed below.

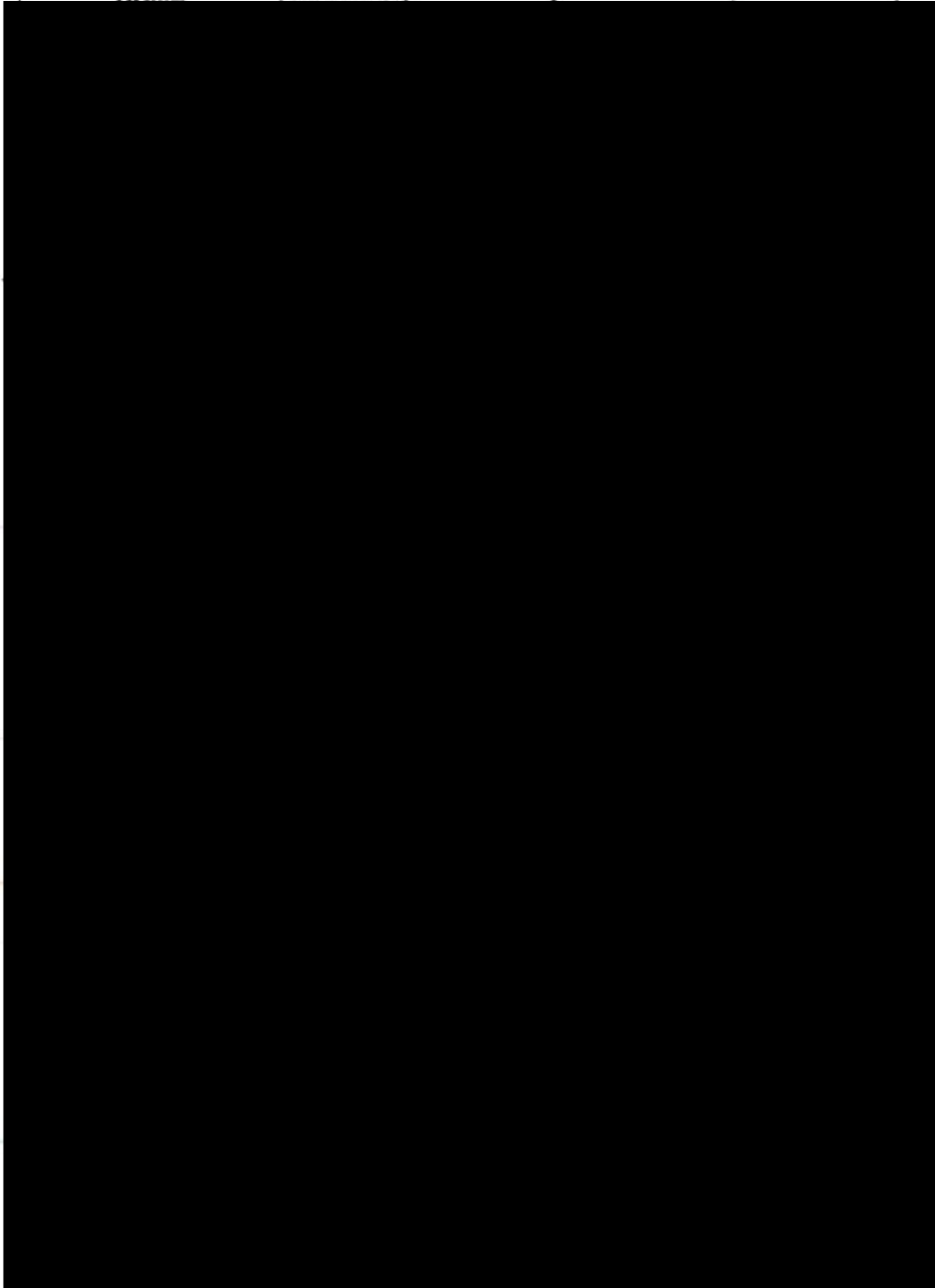
On the basis of the above, we, the undersigned, trust our concerns/observations/objections will be taken into consideration prior to a decision being reached on this planning application.

Yours Sincerely,

Signed for and on behalf of the 'undersigned'



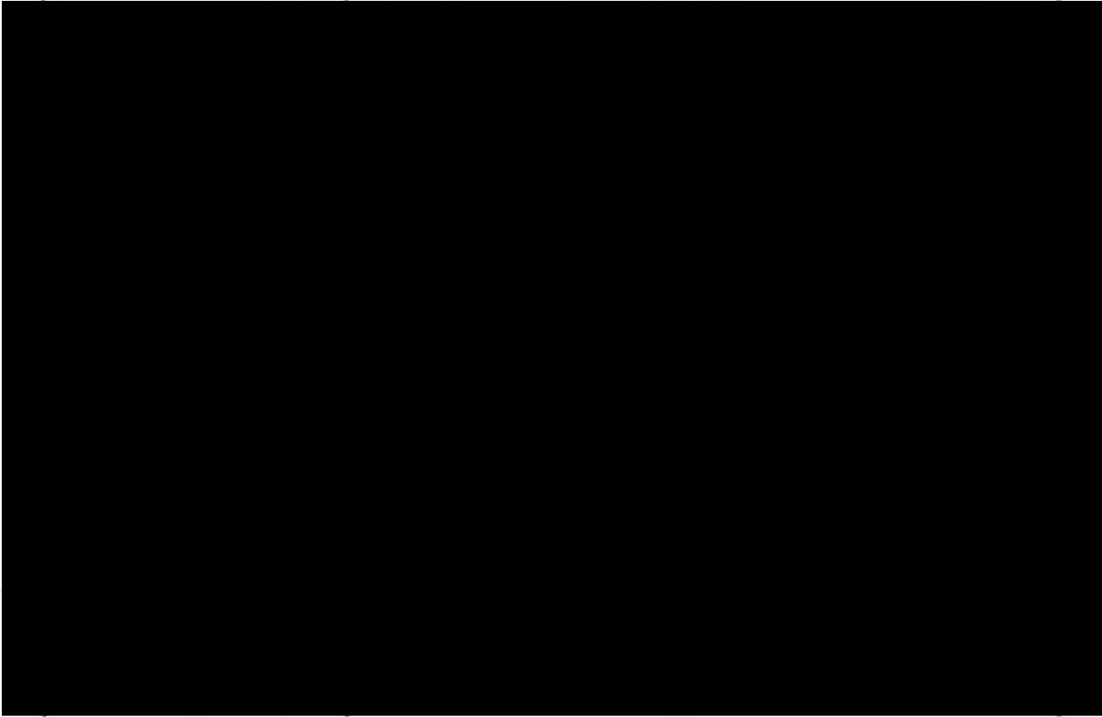
OBJECTIONS TO PLANNING APPLICATION F19A0169 by RESIDENTS

NAME	ADDRESS, /
	

OBJECTIONS TO PLANNING APPLICATION F19A0169 by RESIDENTS

NAME	ADDRESS
[REDACTED]	

OBJECTIONS TO PLANNING APPLICATION F19A0169 by RESIDENTS

NAME	ADDRESS
	

SECTION : PLANNING APPLICATION ISSUES

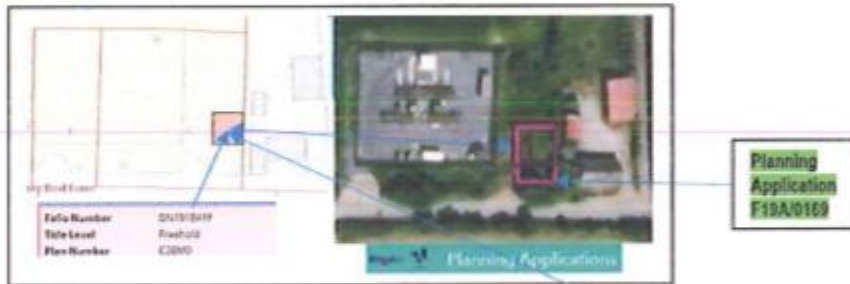
1. TITLE OF LAND – CONFLICT OF INFORMATION SUPPLIED

ESB TELECOMS LTD erected a mobile phone mast on **FOLIO DN 191841F** (Planning application **F17A/0691**) in August 2018.

FOLIO DN19184F is completely owned by ESB TELECOMS LTD and being a Limited company is a separate legal entity from ESB Networks

ESB Networks do not own any part of FOLIO DN191841F and should not have been entered as part owner on planning application **F17A/0691**

On planning application **F19A/0169** submitted by ESB Telecoms they describe their legal interest in **FOLIO DN191841F** as 'occupier'



10-11-17 **F17A/0691**
FINGAL CO. CO. PLDEPT

10. Legal Interest of Applicant in the Land or Structure:

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	<input checked="" type="checkbox"/>	B. Occupier	<input type="checkbox"/>
	C. Other	<input checked="" type="checkbox"/>		
Where legal interest is 'Other', please expand further on your interest in the land or structure	ESB Networks own part of the application site. ESB Telecoms own part thereof			
If you are not the legal owner, please state the name and address of the person who is and supply a letter of consent from the owner to make the application as listed in the accompanying documentation	ESB Networks DAC Clonsilla House, Clonsilla Place, Dublin 2			

PLANNING APPLICATION **F19A/0169** by ESB TELECOMS LTD is seeking permission for a cable landing station

9. Description of Proposed Development:

Brief description of nature and extent of development	Permission is sought for the development of a single story cable landing station, together with associated cabling plant and ancillary works, enclosed within a purpose fenced compound.
---	--

And located at

Location of Proposed Development: F19A/0169	
Postal address or Townland or Location (as may best identify the land or structure in question)	ESB's Loughshinny 38 kV substation, Featherbed Lane, Loughshinny, Skerries, Co. Dublin
Ordnance Survey Map Ref No (and the Grid Reference where available)	OS Mapping No. 2722-C 1828 Coordinates: Easting: 325584 725507 Northing: 256918 756934
TYPE OF PLANNING PERMISSION (PLEASE TICK APPROPRIATE BOX): <input checked="" type="checkbox"/> Permission	
FINGAL COUNTY COUNCIL Permission is sought by ESB Telecoms Ltd of 43 Merrion Square East, Dublin 2 for the development of a single storey cable landing station, together with associated cabling, plant and ancillary works, enclosed within a palisade fenced compound at ESB Telecoms compound within ESB Loughshinny 38kV substation Featherbed Lane, Loughshinny, Skerries, Co. Dublin. The planning application may be inserted or purchased at a fee	

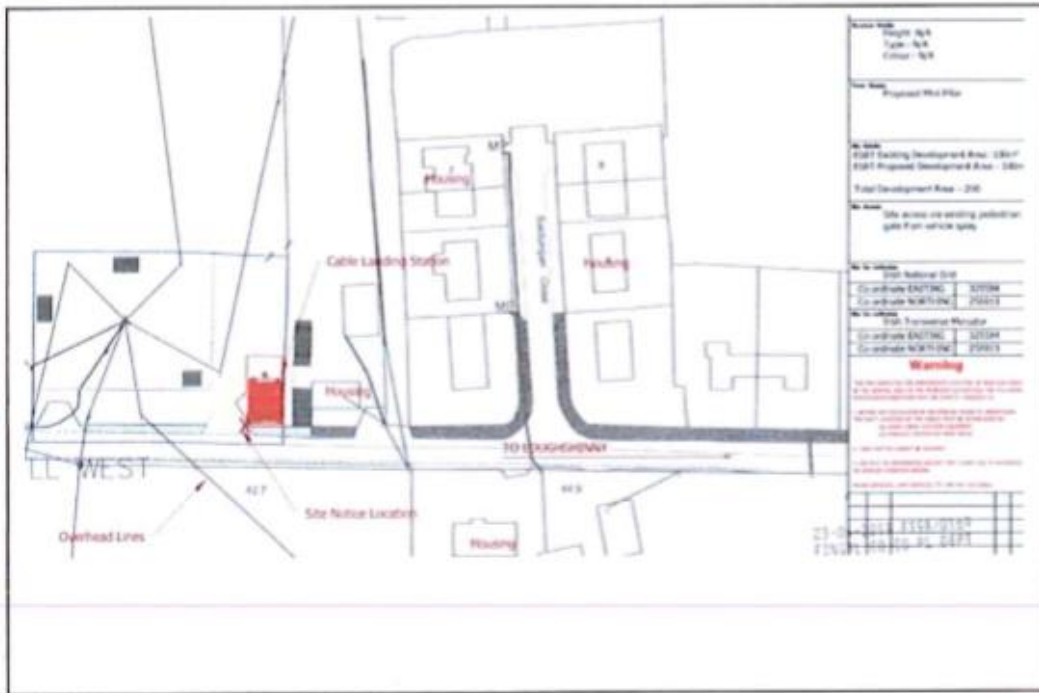
ESB TELECOM LTD describe their interest in the land as 'occupier'

Please tick appropriate box to show applicant's legal interest in the land or structure Where legal interest is 'Other', please expand further on your interest in the land or structure If you are not the legal owner, please state the name and address of the person who is and supply a letter of consent from the owner to make the application as listed in the accompanying documentation	A. Owner <input type="checkbox"/> B. Occupier <input checked="" type="checkbox"/> C. Other <input type="checkbox"/> ESB Group 2 Gullyway East Wall Dublin 3
---	---

However according to the 'site location' map below, supplied by ESB TELECOMS LTD, with planning application F19A/0169 the location of the 'landing station' will straddle approx. half of FOLIO DN19184F (up to butt of mast) and part of FOLIO DN3746 as shown below. This means that the information provided in section INTEREST OF APPLICANT IN LAND OR STRUCTURE of the planning application (F19A/0169) form conflicts with the

information provided in the section INTEREST OF APPLICANT IN LAND OR STRUCTURE of the planning application (F17A/0691).

The information as provided both above and below by ESB TELECOMS LTD clearly shows that planning application F19A/0169 overlaps the same 'land' as planning application F17A/0691.



2. PURPOSE OF 'LANDING STATION' (must align with Rural objective & vision)

The 'CLAIM' by ESB TELECOMS LTD has 2 parts

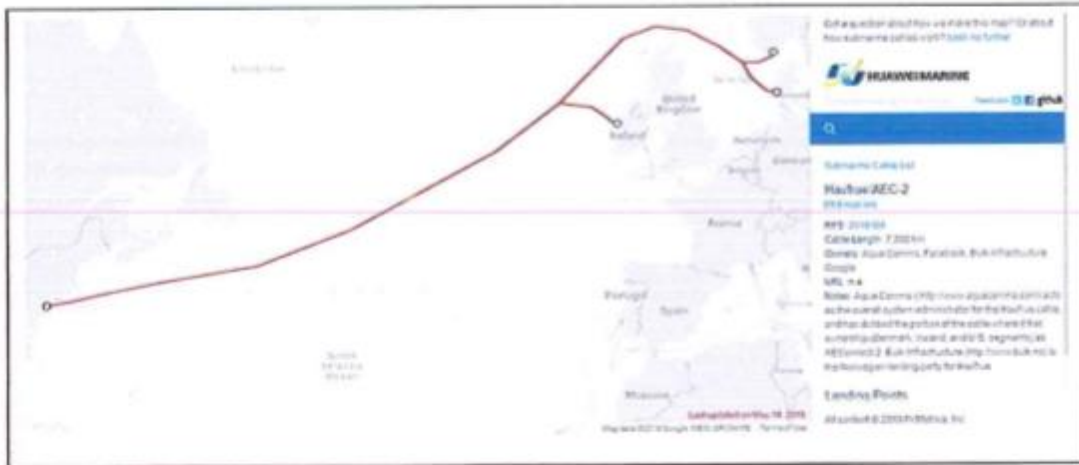
- ❖ Provide resilience to the North Atlantic and Northern European telecoms networks
- ❖ Strategic national importance to Ireland

ESB Telecoms have been approached by a sub-sea fibre cable provider who are landing a new fibre cable at the beach at Loughshinny. The fibre cable landing at Loughshinny forms part of a larger New Jersey - Denmark fibre route, linking Dublin to Blackpool and the North of England, carrying on as a subsea cable to Denmark. The aim of the cable is to provide resilience to the North Atlantic and Northern European telecoms networks, offering an alternative fibre connection to the London-New York cables route which have dominated the North Atlantic fibre market to date. In response to the substantial increase in data centre provision in Ireland over the last number of years, online services providers are keen to increase investment in this growing sector. The new subsea cable is one of strategic national importance to the telecommunications industry in Ireland as it will enhance the country's global connectivity, which is critical to the further development of the sector over the coming decade.

What C.E.O of AQUA COMMS believes – make money for AQUA COMMS and their partners
FACEBOOK, GOOGLE, and BULK

(Nigel Bayliff, CEO for Aqua Comms)

"When economic opportunity came along for Aqua Comms, we jumped on it and worked with partners such as Facebook, Google, and Bulk," commented Bayliff. "OTTs have massive requirements between a couple of points across an ocean and are leveraging private network links – not public telecom networks."



The difference with Aqua Comms is that we are only a carriers' carrier. We do not service directly the end customers in any geographic location. We don't sell to enterprises, we don't sell to consumers, we don't sell to any end-users. We simply provide capacity for the companies that use telecoms as part of their businesses – ISPs, major content providers and carriers.

This technical description is built with the following assumptions: (Note: FB = Facebook - AQ = Aquacomms - BU = Bulk)

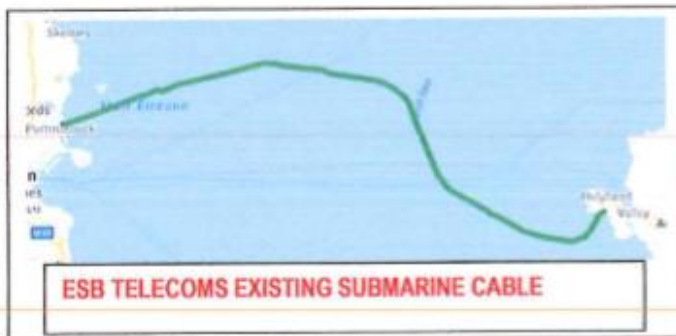
LOUGHSHINNY and BLACKPOOL

	ASN	FB	AQ	BU	Total
Initial Capacity (kW) Day 1	0,5	5	4	2	11
Total Capacity (kW) EoL	0,5	33	12	3	58
Total Area (rack 600x600)	1*	15	7	1	23+CTR

1 RTI/RTI-C	SEA-US	HK Guam (HKG)	JGA-North	JGA-South	HK America (HKA)
2 Aqua Comms	AEC-1	AEC-2/Mavfrue	CeltixConnect-1	CeltixConnect-2	North Sea Connect
3 Seaborn Networks	Seabras-1	ARBR	SABR		
4 Super Sea Cable Networks	SEAX-1	SEAX-2	SEAX-3		
5 Eualink	EllaLink	GoyaLink	Coriolink		
6 SAEX International Ltd.	SAEX-1	SAEX-2			RFS: Operational
7 Hawaiki Cable Company	Hawaiiki				RFS: 2019
8 Peace Cable Networks Co. Ltd.	PEACE				RFS: 2020
9 Pacific Light Data Communications Co. Ltd. (PLDC)	PLCN				RFS: 2021
10 IOX Cable Ltd.	IOX				RFS: Not announced

AQUA COMMS are one of the biggest owners of submarine cable in the world. This new cable is just one of many more planned for the next few years. For them, and ESB TELECOMS Ltd, it is only about profit and that means working with very large 'multi -million' pound companies located in the major cities of the world. Their partners in this venture openly state "We don't sell to enterprises, we don't sell to consumers, we don't sell to any end-users" (Nigel Bayliff, CEO for Aqua Comms) so this 'landing station and submarine cable' are of no strategic importance to the people living in this area or Fingal in general.

ESB Telecoms Fibre Network is concentrated between the M50 and the IFSC centre in Dublin City centre. It is also connected to their existing submarine cable to Wales which comes ashore in



Portmarnock (presumably to a landing station there). Any connection between ESB Telecoms Ltd 'fibre network' and this new cable / landing station will only be for the benefit of their major customer in Dublin City centre area.

Therefore the proposed landing station and associated works fail to meet the requirements of the

area as outlined in the development plan 2017 – 2023 and which are

Objective: *Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.*



Vision: *Protect and promote the value of the rural area of the County. This rural value is based on:*

- *Agricultural and rural economic resources*
 - *Visual remoteness from significant and distinctive urban influences,*
 - *A high level of natural features.*
- Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of*

rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.

In addition there are more suitable sites available to ESB Telecoms Ltd to build a 'landing station' including a site they already own in Portmarnock as shown here. There is adequate space on their site to build a 10m x 8m 'landing station' if they so choose. This site is also adjacent to their fibre network as shown above.



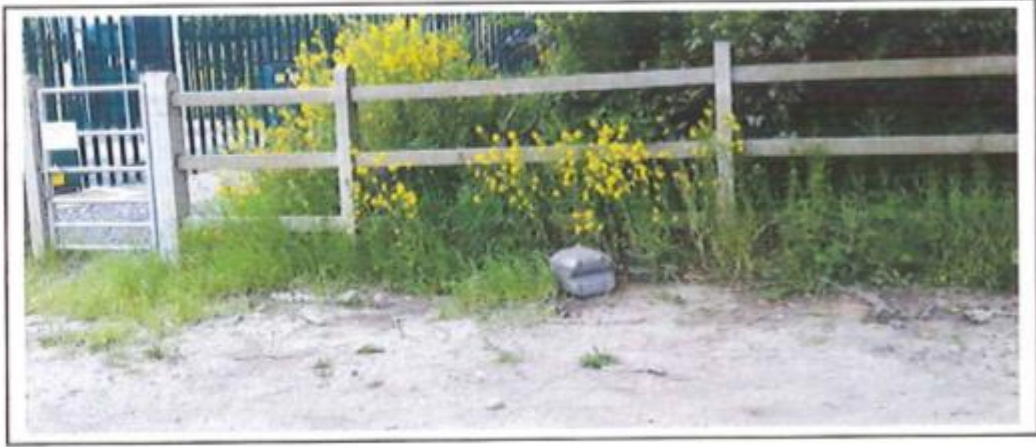
By choosing Portmarnock as the 'landing station' they would achieve their aim of 'resilience to the



North Atlantic and Northern European telecoms networks'. Other operators seem to use the 'one landing site' for multiple cables as can be seen from the submarine cable map below. This allows the 'limited number of landing locations' along the coast to be used by other operators thus avoiding a 'monopoly' situation which is not in the strategic interest of the country

3. SITE NOTICE

The site notice was absent from the site from Saturday 18th May 2019 onwards



4. APPLICATION FORM ERRORS

- (1) The location of the 'landing station' as given by the co-ordinates (Easting 725507 Northing 756934) above is on private property adjacent to the ESB Substation



- (2) ESB Telecoms Ltd are claiming their 'landing station' is a 'utility' installation and therefore allowed in an area zoned RU

ESB TELECOMS APPLICATION F19A/0169

The site is zoned RU – Rural, the objective of which is to “protect and promote, in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”. A review of the zoning matrix shows that telecommunications infrastructure is “permitted in principle” as a utility installation. Given the existing telecoms usage of this site, the proposed location for this telecoms exchange is the obvious location in the vicinity.

Fingal Development Plan 2017 – 2023 Appendix 4 defines 'Utility Installations' as

Utility Installations Appendix 4 fingal development plan 2017 2023

A structure composed of one or more pieces of equipment connected to or part of a structure and/ or a facility designed to provide a public utility service such as the provision of heat, electricity, telecommunications, water or sewage disposal and/or treatment.

The CRO (Companies Registration Office) lists ESB Telecoms Limited as a private company whose customers are mainly located in Dublin City area.

Details https://search.cro.ie/company/CompanyDetails.aspx?id=339991&type=C	
Type	LTD - Private Company Limited by Shares
Number	339991
Name	ESB TELECOMS LIMITED

Their partners in this venture openly state "We don't sell to enterprises, we don't sell to consumers, we don't sell to any end-users" (Nigel Bayliff, CEO for Aqua Comms).

The definition of a 'public utility' is

Definition and meaning. A public utility is a company that operates as a public-service corporation, and provides essential services to the public such as electricity, telephone service, natural gas, water or postal services. The public utility is typically regulated by the national, state or local government

Neither AQUA COMMS not ESB TELECOMS meet this definition and are therefore not providing a 'public utility service' as defined in Appendix 4 of the Development Plan.

(3) ESB Telecoms Ltd don't seem to be sure what the actual extent of the development is.

The height is variably shown as 3.65m or 3.7m

The dimensions of the station are variably shown as (8.1m x 10m) or (10m x 10m)

The generators might be inside or possibly outside

The stated (200m²) development area does not match that outlined on the drawings

The equipment contained within the building requires 'humidity' control and a 'fire suppressant system' both of which require a water connection and drainage piping but no drainage outlet system has been shown on the drawings and no water supply has been applied for

The application seeks permission for the locating of a new telecoms cable landing station measuring 8.1m x 10m x 3.7m (height) located to the front of the utility site (south). The reason for needing to locate the landing station at this location is to allow for the potential future expansion of the ESB Networks substation site to the northern end of the site. Proposals to add an additional 2 busbars to accommodate future solar and/or wind development in the area are currently being considered by ESB Networks.

As such, the potential impacts on the residential amenity of the nearby dwellings has been taken into account. Upon the request of ESB, the cabin has been reduced in height from 3.85m to 3.65m. This is the minimum height required by the developer

gross floor space of proposed works in m ²	81
---	----

compound at ESB's Loughshinny 38kV substation site. The proposed structure is single story and 3.65 metres above ground level at the highest point. The structure has a total floor area of 81m². The layout of the proposed development is provided in Appendix I.

As an option, ONLY for OUGHSHINNY (IRELAND), the diesel generators module, shall be detachable from the MCLS. This constrains is linked to the piece of land where the MCLS will be installed within a total surface equal to 100m² (10m x10m)

<p>Site Details</p> <p>ESBT Existing Development Area:-100m²</p> <p>ESBT Proposed Development Area:- 100m²</p> <p>Total Development Area :- 200</p> <p>Site Status: <i>Site reserved for existing development</i></p>

(4) NOISE IMPACT – BASED ON WHICH HEIGHT AND WHAT FLOOR AREA

Noise impact is greatly affected by dimensions of the building and ESB Telecoms are unsure of actual dimensions of the landing station.

A Noise Impact assessment has been carried out on behalf of MKO Planning Consultants by Aona Environmental and has been submitted as part of the planning application and is included in Appendix 3. The assessment conclusions, set out on page 18 of the report, broadly determines that "there will be no significant residual impact from the operation of the Loughshinny ESB Cable Station". A Construction

Even then Aona Environmental can only say "...broadly determines that "there will be no significant ... impact".

Aona Environmental did not take into account the 'singing noise' from the existing mast when they arrived at their vague conclusion.

In addition Aona Environmental also did not take into account that the diesel generators may not be positioned within the building as envisaged in the 'noise impact' assessment study

3.5. GENERATOR ROOM 'noise impact' assessment study

The generator room shall be sound-proofed in order to obtain an overall noise level, measured outside (with door closed) at 2 meters from any wall, which does not exceed 65 dBA.

As an option, ONLY for OUGHSHINNY (IRELAND), the diesel generators module, shall be detachable from the MCLS. This constrains is linked to the piece of land where the MCLS will be installed within a total surface equal to 100m² (10m x10m)

(5) NO PROVISION FOR A WATER SUPPLY

The planning application states room conditions will be controlled within the following parameters. A water connection will be required to maintain humidity within the stated parameters

The modules temperature and humidity shall be maintained at the following internal conditions:

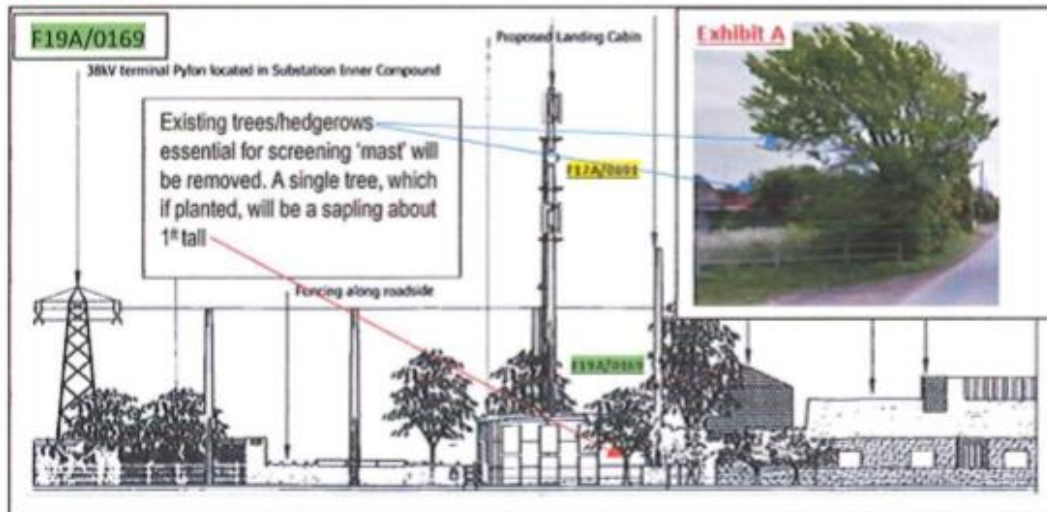
Module	Temperature	Relative humidity (RH)
Equipment Area (ASN / FB / AQ)	20 ° C + 5 ° C	50% +10 % /- 20%
Power (except Diesel Generator)	22 ° C +/- 4 ° C	50% +/- 30%

- Have an internal environment that is clean with controlled temperature and humidity.

A water supply is also an essential in order to meet the safety requirements of the MCLS.

The fire suppression system shall be implemented with FM200 gas or equivalent (e.g., Ecaro25, NOVEC) for the equipment (FB, BU, AQ, and common) and power room and based on water mist (eg .Hi-Fog® or equivalent) in the generator room

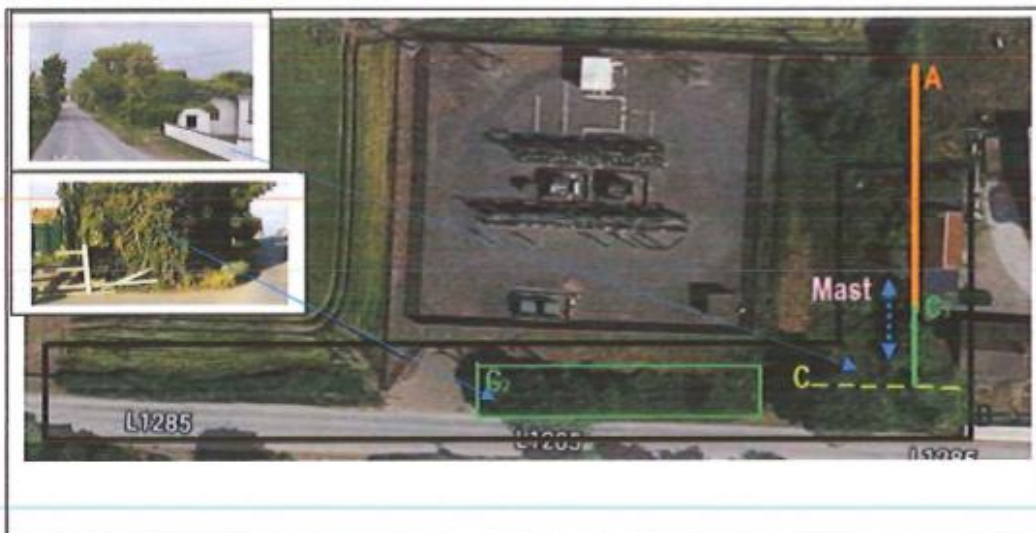
IMPACT ON F17A/0691



This implies that some of the 'infrastructure' as provided under planning application F17A/0691 will be moved to make way for the 'landing station'.

It also means that the 'natural screening' as provided by the hedgerows and scrub which were an 'essential part' of planning application F17A/0691 will be removed.

The 'proposed screening' as part of planning application F17A/0691 along the eastern boundary (A) of FOLIO DN19184F (which has yet to be provided) would not now be possible to plant. Along the Line (C₁) essential screening for the mast to the east will be removed or severely cut back. Anything to the north of (C) will be removed, anything to the south of (C) will be cut back to the



line to allow 'line of sight' for vehicles departing the site. The extent of the hedgerows / trees to be affected by this development is enclosed in box (B)

Compare this devastation of views / hedgerows to points (1) and (2) below

1) What was to be according to Fingal Co Council when granting planning application F17A/0691 was granted

If permission for planning application F19a is granted then permission for planning application F17A/0691 has to be revoked as they are mutually exclusive planning applications. F17A/0691 requires extensive 'natural screening' to meet the conditions of the application whereas F19A/0169 needs to clear away all the 'natural screening' to make space for the landing station

measuring 10m x 10m. New landscape planting could be undertaken at the eastern side of mitigate as much as possible against visual obtrusion to adjoining property. The structure would be made available to all operators as

A 20m brown wooden pole structure was chosen for this site. Given the existing landscape sensitivity in this area, this structure is deemed the most suitable in terms of height and limiting visual impact on nearby residential properties. This coupled with the proposed landscaping will ensure that the structure is not obtrusive and accords with the zoning whilst also allowing for a continued telecommunication service to the area.

solely on the impact on residential amenity and devaluation of property. Whilst the planning history on the site is noted, on balance and having regard to the siting of the proposed structure within an existing ESB compound alongside existing pylons, fencing and overhead wires, the presence of extensive screening along the eastern boundary of the site, in the absence of any national or local

accommodates a 38kV substation. The monopole structure is to be situated alongside an existing compound which comprises pylons, fencing and overhead wires. These existing structures together with mature trees and hedgerow in the vicinity of the site afford some mitigation in terms of visual impact with the majority of the lower part of the monopole structure being entirely screened. The upper element of the monopole structure where it is proposed to locate the dishes and antennae will however be visible being above the tree line and given the undulating topography in the vicinity will be visible from the R128 to the south-east. Notwithstanding the designation of the area as a

2) Fingal Co Councils stated objectives in the Development Plan 2017 - 2023

Objective RF59

- (b) Protect existing trees, hedgerows, townland boundaries and watercourses which are of amenity, historic or biodiversity value and ensure that proper provision is made for their protection and management in future development proposals.
- (d) Require appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

The hedgerow network throughout Fingal is a valuable natural resource and should be protected. While it is recognised that development sometimes necessitates the loss of trees and hedgerows, this should be minimised and where removed should be compensated and replaced on site. In general, the retention of trees and hedgerows is critical in protecting the positive attributes of landscape character and heritage features and providing for an attractive living environment. Existing trees, hedgerows, townland boundaries and watercourses which

3) Planning requirements for Rural dwellings

Objective RF63

Ensure the retention of hedgerows and other distinctive boundary treatments in rural areas. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary/provision of agreed species of similar length will be required within the site.

- Minimum Separation Distances Between the gables of non-adjoining dwellings - 4 metres
- Minimum Building Set Back from Public Road Local County Road – 18 metres
- The existing roadside boundary should be retained save where it may be interfering with the provision of adequate sightlines, and there is no alternative site available. Where a roadside boundary has to be set back to achieve sightlines a new boundary hedge, set behind the sightlines shall be constructed. All remaining existing natural boundaries should be retained and supplemented where practical

Objective NH24

Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquility.

Objective NH35

Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks and large agricultural/horticulture units which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve.

Objective NH36

Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm
- Introduces incongruous landscape elements
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

Objective NH37

Ensure that new development meets high standards of siting and design.

Objective NH38

Protect skylines and ridgelines from development.

Objective NH39

Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.

ESB Telecoms believe that a 1st sapling will be enough to meet all the objectives listed opposite

The Trees and Hedgerow shown at Exhibit A, along with Trees and Hedgerows shown along LINE (C) were not included in the 'impact assessment' provided by ESB Telecoms, thereby invalidating the entire assessment report.

5. Existing Fence and Equipment - F17A/0691

The proposed vehicle parking spaces (2) and the oil storage tank for the diesel generators will be located within the existing fenced area containing the mast. This has not been highlighted on the plans submitted.

In order for the parking area to be incorporated as above it requires the landing station to be moved forward towards the road thereby reducing / eliminating the 'road offset' requirement of planning regulations.

According to the drawings submitted there is also an exit door from the building, facing northward, which requires a 'clearance area' around it. It seems improbable that there is sufficient space within the proposed 200m² development area to cater for the building, parking spaces, oil tank, entrance ramps, palisade fencing, entrance gates, clearance distances from boundaries, ditches, road offsets and all the other requirements for a new building, not to mention the possibility of the generators being located outside also.

5. ENVIRONMENTAL IMPACT

Planning application F19A/0169 cannot be considered in isolation as there would be no requirement for a 'landing station' if the proposed submarine cable route did not arrive in Loughshinny Harbour.



The 'proposed submarine cable route' passes straight through

'Rockabill to Dalkey Island SAC (special area of conservation)

The Habitats Directive 92/43/EEC (together with the Birds Directive (79/409/EEC)) forms the cornerstone of Europe's nature conservation policy. The directive protects over 1000 animals and plant species and over 200 "habitat types" which are of European importance. In the Directive, Articles 3 to 9 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of conservation sites (NATURA, 2000). These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Birds Directive). Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect NATURA 2000 sites (Annex I.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the [NATURA 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implication for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

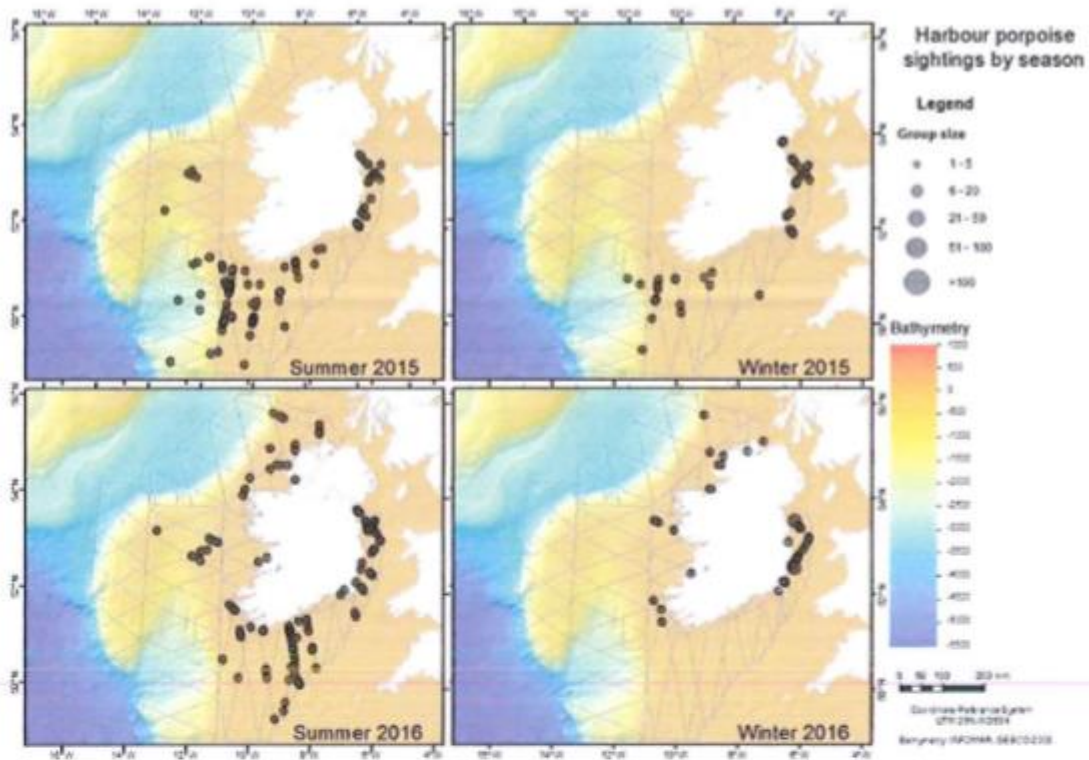
As outlined in the guidance document on Article 6(4) (January 2007):

"Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field."

National Parks and Wildlife Service

Under the EU Habitats Directive all cetacean species are included in Annex IV and two species, **harbour porpoise** and bottlenose dolphin, are included in Annex II requiring the designation of Special Areas of Conservation

The Irish Sea appeared to be an important area for this species, both in summer and winter of 2015-17, with this area consistently having higher densities than the other strata.



Impact Assessment carried out by ALTEMAR Marine & Environmental Consultancy on behalf of ESB TELECOMS LTD shows that there will be an adverse effect on the harbour porpoise (should not

<p>Objective: To maintain the favourable conservation condition of harbour porpoise in Rockabill to Dalkey Island SAC, which is defined by the following list of attributes and targets</p>	<p>cause death or injury) but they hope this will not have a long-term effect.</p>
<p>Target 1 Species range within the site should not be restricted by artificial barriers to site use. This target may be considered relevant to proposed activities or operations that will result in the permanent exclusion of harbour porpoise from part of its range within the site, or will permanently prevent access for the species to suitable habitat therein. It does not refer to short-term or temporary restriction of access or range. Early consultation or scoping with the Department in advance of formal application is advisable for proposals that are likely to result in permanent exclusion.</p>	
<p>Target 2 Human activities should occur at levels that do not adversely affect the harbour porpoise community at the site. Proposed activities or operations should not introduce man-made energy (e.g. aerial or underwater noise, light or thermal energy) at levels that could result in a significant negative impact on individuals and/or the community of harbour porpoise within the site. This refers to the aquatic habitats used by the species in addition to important natural behaviours during the species annual cycle. This target also relates to proposed activities or operations that may result in the deterioration of key resources (e.g. water quality, feeding, etc) upon which harbour porpoises depend. In the absence of complete knowledge on the species ecological requirements in this site, such considerations should be assessed where appropriate on a case-by-case basis. <u>Proposed activities or operations should not cause death or injury to individuals to an extent that may ultimately affect the harbour porpoise community at the site.</u></p>	<p>The Appropriate Assessment</p>

(AA) is inadequate as Article 6 (2) and 6 (3) have not been fully carried out. The AA did not assess the potential impacts of the seismic waves from the survey on the Grey Seal, Harbour Porpoise, Bottle-nosed Dolphin, all of which are an Annex II species.

In addition, it is of concern that indirect impacts on prey abundance and foraging activity of species have not been addressed at all.

Offshore Survey

3.15 A continuous bathymetric swathe (Multibeam Echosounder), along with side scan sonar imagery and sub-bottom profile will be obtained, centred on the preliminary route and along all wing lines needed to complete the corridor coverage. A minimum depth accuracy of 0.5% is required. Sub-bottom equipment will be able to discern the nature and density of upper 3m of seabed, and is to be used on a non-interfering basis with other sounding systems. Additional sounding lines may be necessary to develop any obstacles or archaeological features that may be encountered, and/or to meet the overlap and corridor requirements.

3.18 An acceptable sample is defined as;

- Grab Sample – recovery of approximately a full bucket of soils. Recovery of rocks and/or large size granular material will be taken as indication of a hard seabed and be deemed an acceptable sample.
- Gravity Core – recovery of no less than a 2m deep core of soil. If stiff or hard soils are encountered below 1m of seabed and are clearly indicated in the sample, a 1m+ soil sample will be deemed acceptable. Any sample site yielding less than 1m of recovery must be investigated a second time unless there is obvious damage to the coring equipment indicating a hard or rocky substrate.
- CPT – Penetration to the 2m below seabed. Any push resulting in less than 2m penetration will warrant a second attempt.

Under the Wildlife (Amendment) Act 1976-2005, all cetaceans and seals are protected species listed on the 5th Schedule. The acoustic emissions from the seismic surveying equipment are likely to affect the cetacean communities in the area.

From: [REDACTED]
Sent: Tuesday 24 September 2019 19:29
To: foreshore <foreshore@housing.gov.ie>
Subject: Planning Ref FS006915 :APPLICATION FOR A LEASE/LICENCE/CONSENT UNDER THE FORESHORE ACT 1933 (AS AMENDED)

To whom it may concern,

I would like to make a formal objection to this cable landing application Ref FS006915 :APPLICATION FOR A LEASE/LICENCE/CONSENT UNDER THE FORESHORE ACT 1933 (AS AMENDED) at Loughshinny Harbour based on no local consultation with residents of Loughshinny or the local Loughshinny fishermen that both form an integral part of Loughshinny community life and as such should form an integral part of deciding a project of this nature that may impact community life in the village.

The local community have not been afforded any expression of concerns or indeed no input into the drawing up of this application therefore making it void as their wishes or needs have not been catered for.

I read in the Foreshore Licence Application that Loughshinny Fisherman and the Loughshinny Community Association were consulted as per section 4.3 and then backed up with correspondence in Appendix J.

When I look at Section 4.3 of the application I see the question **"Describe any consultations undertaken to date with other foreshore users"** and is duly answered with **"Loughshinny Fishermen and Loughshinny Community Association have been consulted - see Appendix J to planning report"**.

But when I look up the reference to Appendix J there are no correspondence referring to communication with the Loughshinny Community Association. As I am involved with the Community Association and have spoken to all members of the committee I can say that no member of the Committee was consulted..

I've also spoken to the local fishermen that have boats docked in the harbour and are dependent on the boats coming to and from the harbour every day, to allow them earn a living. While they had heard about the cable coming into Loughshinny Harbour they admitted they don't fully understanding the implications or disruption that these works will have on them and have expressed grave concerns on how this may impact their comings and going while this project is in progress.

I see again a reference in Appendix J (Pre-Application Consultation) to local fisherman being informed. But on taking a closer look at the appendix the 3 fishermen referenced in Table 1.1 (Mr Hickey, Mr Faulkner and Mr Peter Lynch) with respect, are not local to the Loughshinny harbour. Mr Hickey is in fact an Area Officer employed by Bord Iascaigh Mhara and not a fisherman. Mr Faulkner while mentioned in the table 1.1 there are no correspondence that I could find within the Appendix So I was not able to talk to him to confirm any consultation. It is worth noting that the fisherman I spoke to on the harbour did not seem to know him.

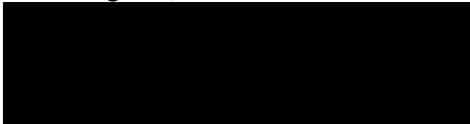
Lastly Mr Peter Lynch who is mentioned within the correspondence, by his own admission is based in Howth and only fishes the surrounding waters off Loughshinny and while he will have disruption, there was no clear answer to any of the questions he posed in relation to fishing these waters while the project was ongoing. Moreover this will less likely affect him in the same way as the fishermen based at the Loughshinny Harbour.

One last real concern I myself has is how this project may impact the local environment and the quality of the water. We have only recently improved the quality of water to allow bathing at the harbour and beach area and concerns have been expressed by the wider community that this proposed work may have an impact on the quality of the bathing water.

There is a flier circulating around the houses of the community which feeds hugely into peoples fears. I attach this flier for your perusal but anything within this flier cannot be confirmed or denied without proper local consultation which would have aired these views in a public arena. I fear it is an opportunity missed by the project owners and with these concerns circulating I urge you to make the owners of this project more accountable to the community of Loughshinny and at least have the decency to sit down with them to allay any fears that they may have in relation to the future of their community.

I hope you will give this objection your careful consideration.

Kind Regards,



Save Loughshinny Harbour



As concerned long-time residents of Loughshinny town and surroundings we would like to draw your attention to a CURRENT application for a Foreshore Licence by a company called Celtix Connect to install a cable through the middle of Loughshinny Harbour and through our town . Apparently this process which has been undertaken without proper local consultation is now publicly advertised. The period for objection closes on 18th September 2019.

**PUBLIC NOTICE
APPLICATION FOR A FORESHORE LEASE/LICENCE**

Notice is hereby given pursuant to Section 19 of the Foreshore Act, 1933 that Celtix Connect Ltd., 51-54 Pearse Street, Dublin 2 has applied to the Minister of Housing, Planning and Local Government for a licence under Section 3 of the said Act for the purpose of installation and maintenance of the fibre-optic Havhingsten Telecommunication Cable - landing site at Loughshinny, Fingal, Co Dublin.

A copy of the application, and the relevant maps, plans, and drawings, are available for inspection for the next 21 working days, free of charge, at Balbriggan Garda Station, Drogheda Street, Tankardstown, Balbriggan, Co. Dublin.

The documentation is available on the Department's website

<https://www.housing.gov.ie/planning/foreshore/applications/havhingstencommunications-cable-dublin>

Any person who wishes to make an objection to, or a representation in respect of the grant of the license sought should do so in writing, giving reasons, within 21 working days of publication of this Notice (quoting ref: FS006915), to the Marine Environment and Foreshore Section, Department of Housing, Planning and Local Government, Newtown Road, Wexford, Co. Wexford or foreshore@housing.gov.ie. The closing date for submissions close of business on 18th September 2019.

All objections and representations received will be forwarded to the applicant for comment prior to any decision being made in the matter. Material upon which the Minister shall determine this application may be published on the Department's website. In this regard the Department wishes to draw attention to its policy on defamatory material that may be contained in submissions it receives, which may be found at: <http://www.housing.gov.ie/planning/foreshore/public-participation/foreshore-consent-process>

Dated 21st August 2019

Celtix Connect Ltd.

51-54 Pearse Street

Dublin 2

D02 K4

ning
ting
(B)
and
sion
22
The
aed
king
ning
ces,
iblic
day.
the
ning
(00)
date
such
I by
the
rant
may

ning
side
291.
sting
und
use
may
the
is of
k 4,
lin 8
.m.),
the
ning
(00)

We urge
applicat
harbo
and

We urge you and your neighbours to strongly oppose this absurd application and protect the long term viability and future of our town and harbour. The documents are available to view at Balgriggan Garda Station and online at:-

<https://www.housing.gov.ie/planning/foreshore/applications/celtix-connect-havingsten-telecommunication-cable-dublin>

The grounds for objections are numerous but the following are the key points:-

1. This is an absurd location to install a cable, right through the middle of Louhshinny Harbour and right through the middle of the town.
2. The cable, if installed through the harbour will sterilise any future development of the harbour or even the maintenance of the harbour. Simple things like dredging to maintain useable water depths will be impossible and the use of the harbour for fishing and as an amenity will be totally compromised.
3. The cable will negatively impact and might even cancel the current Irish Water project to clean up the quality of the water being discharged into the bay.
4. Has Fingal County Council been consulted and have they approved of this development in the harbour and the town. It certainly does not appear in any current County Development Plan nor has any Part 8 planning notification been proposed. Does Fingal County Council agree to the effective sterilisation of the harbour and disruption to the town.
5. What digging up of the roads in and to the town will take place and when are these works planned for.
6. This Foreshore Application is totally premature as the same company has applied for planning permission for a totally unsuitable Cable Station on the approach to the town. The reference is F19A/0169. Fingal County Council have requested additional information on the 10th June 2019 and to date this company has failed to provide this information. Numerous objections have been lodged against this and it is likely that An Bord Pleanála will rightly refuse this cable station in such a crazy location.

- ② Already dug up the Road in Relation to this
surrounding proposed Station
7. It should be noted that in addition to the planning application for the cable station at the ESB substation physical works have apparently already been carried out as this company has dug our roads from the ESB substation to the harbour. This is totally presumptuous and wrong. *No Application Consultation*
8. In this regard this Foreshore Licence application is premature and constitutes Project Splitting as the licence application and indeed the planning application do not consider the project in its totality nor its cumulative impacts. This is planning by stealth.
9. The installation of the cable into Loughshinny harbour will have severe impacts on the environment, on marine archaeology, on our cultural heritage, on the fishing industry and on tourism in the town.
10. On the companies foreshore licence application it asks if Loughshinny harbour is abutting any site of Archaeology interest and this company answered NO. Do they not know about the significance of Drumanagh. This company has no local knowledge and no interest in the people of Loughshinny.
11. After scanning through the companies submission for a Foreshore Licence the company makes reference to the Natura 2000 impact assessment and guess what, there is NO such document submitted. This whole application is ill conceived, has major short comings and should not be allowed in the harbour of Loughshinny.

In summary this cable will provide no benefit to Loughshinny and its surrounding area and will only generate massive disruption in the short, medium and long term.

Please support us by lodging a formal objection to the foreshore licence application to:

Marine Planning and Foreshore Section, Department of Housing, Planning, and Local Government, Newtown Road, Wexford, Co. Wexford or foreshore@housing.gov.ie. Submissions must be received by 18th September 2019.

There is no fee associated with submitting an objection.

Thank you for your support.

Your Faithfully,

Concerned residents of Loughshinny

From: [REDACTED]

Sent: Friday 27 September 2019 19:50

To: foreshore <foreshore@housing.gov.ie>

Subject: Foreshore Application

A chara,

I only became aware of the newspaper notice below this evening, and I am now both confused and bothered by its wording, so much so that I am unaware of the legal status of the notice, and the legal status of the submission I made to the department with regard to what appears to be the same Foreshore application. Could you please revert to me asap in order to explain the genesis and legality of the said advertisement, an examination and review of same I have clearly been excluded from.

Regards,

[REDACTED]



O'Neill Town Planning,
Oakdene, 81B Howth Road,
Howth, Co. Dublin.
ph. 353.1.8391896
FAX 353.1.8396423

From: [REDACTED]
Sent: Saturday 28 September 2019 11:37
To: foreshore <foreshore@housing.gov.ie>
Subject: Foreshore Notice

A chara,

Please ignore my earlier email sent last night, and accept this one which is hopefully now without any spelling errors.

I only became aware of the newspaper notice in the Northside News last evening relating to a Foreshore licence, and I am now both confused and bothered by its wording, so much so that I am unaware of the legal status of the notice, and the legal status of the submission I made to the department with regard to what appears to be the same Foreshore application. Could you please revert to me as soon as possible in order to explain the necessity and legality of the said advertisement, an examination and review of same I have clearly been excluded from.

Regards,

[REDACTED]

O'Neill Town Planning,
Oakdene, 81B Howth Road,
Howth, Co. Dublin.
ph. 353.1.8391896
FAX 353.1.8396423



www.inshore.ie



nifa.secretary@gmail.com

nifo.secretary@gmail.com

Office Light,
Cahirciveen,
Co. Kerry,

16/02/20

To whom it may concern,

With reference to planning application reference number FS006915 , by Celtix Connect Limited, 51-54 Pearse Street, Dublin 2, regarding the Installation and maintenance of a fibre-optic Havhingsten Telecommunications Cable, east of Loughshinny, County Dublin. The National Inshore Fishermen's Association (NIFA) and the National Inshore Fishermen's Organisation (NIFO) wish to make the following joint submission. The scope of this submission is limited to the geographical area of interest to our members which lies in the area between Loughshinny harbour and the Irish 12nm territorial limit.

While we have not been consulted with directly by the applicant to date, we acknowledge that the applicant has consulted with the fishing Industry, which has included some of our members. We would always advocate that applicants consult directly with operators likely to be directly affected on such projects and commend the applicant on their efforts in this regard to date. We would also commend the applicant on the comprehensive range of documentation provided to aid this consultation. That's said however we have members that have raised, what we feel are valid concerns regarding this application. This submission is based on the same, the main points being as follows

Underestimation of Inshore Fishing Activity

In general we are concerned that Inshore fishing activity in that area has been significantly underestimated. We acknowledge the difficulties in terms of ascertaining the spatial footprint of Inshore Fishing activity, (Vessels of less than 12 meters length overall (<12mLOA) are not required to use vessel monitoring systems (VMS) or automatic identification systems (AIS) therefore few do. Data from EU logbooks and sales notes does not give information on spatial activity of any great resolution.) However it is our opinion that the methodology used to gauge fishing activity outlined in Appendix D is not suitable for quantifying inshore fishing activity. Fishing activity in the area of our interest, appears to be assessed mainly on the following, Volume of landings, Value of landings, and hours fished by vessel >15m. In relation to inshore vessels in the area, which are predominantly be <12m,

they may not contribute significantly to overall landings in terms of volume and value. They are however significant in terms of overall number of vessels operating in the area and number of people employed in that operation and furthermore they are significant in terms of wider socio economic benefit to the local coastal communities. We feel a methodology taking this into account would have been more appropriate.

Our members inform us that the proposed cable corridor, particularly the generally area from Loughshinny Harbour, east to the “prawn ground” hosts a high density of static gear fishing operations on a year round basis. This would mostly be, but not limited to potting for crab and whelk. The area is fished by mainly <12m many static gear boats from the harbours of Skerries, Rush, Loughshinny and Howth. In addition to points noted in the minutes of a meeting with DAFM in Howth on June 20th 2019 (minutes published, Appendix J page 9/10) our members inform us that potting activity is not limited to “between Lambay Island and the mainland” and is extensive in the wider area. This was also outlined in the correspondence (also published in Appendix J pages 24-26) between the operators of two potting boats based in Howth and the applicant, which predates this meeting. Also contrary to the point noted in the minutes of the meeting with DAFM that “September/October would have little impact on their fisheries” our members inform us that they are most active in this area from the months of June to December when engaged in the Brown Crab potting fishery. A number of our members have traditionally fished this area for years. Many with the previous generations also having fished in this specific area. This area accounts for a significant part of the economic return of these members operations.

Underestimation of short-term disruption to Inshore fishing activity.

Partly based on the above concern regarding an underestimation of Inshore Fishing Activity, we are also concerned that short term disruption to that activity has been underestimated. In the published application form part 7.1, the applicant acknowledges that the cable route will pass through fishing grounds but in 7.2 answers “No” when asked “Are there other potential impacts of the proposal on fishing in the area. We do not agree with that response our rationale being as follows

As outlined above our members inform us of a significant amount of static gear operation of a high density in the area. Based on the application we understand that the applicant intends to lay the cable inside the 12nm limit over a fifteen hour period. While it’s in everyone’s best interest to complete any project in a timely manner such a target may present logistical challenges to static gear operators with gear set in the cable corridor. Basically all the boats with gear in or near the corridor will be required to move all that gear shortly prior to commencement of operations in that area. Given the described density of gear in the general area, it may not be easy to find alternative nearby locations to move gear to especially when having to compete with all other vessels moving gear in the area to do so. Meeting this challenge (if at all possible) will undoubtedly have a negative economic impact on our members. Operators may choose to move gear well in advance to meet this challenge but that is likely to have a significant negative economic impact on their operations. Worst case scenario we fear that they will have no alternative to bring gear ashore which is economically unviable from their perspective. This would be an unacceptable solution from our point of view. We are also of the view that this will present challenges in terms of communication and cooperation between fishing operators, who by

the very nature of their business must compete with each other and challenges in terms of communication and cooperation between the applicant and these fishing operators.

We also have members that alternate their operations between Howth and Loughshinny harbours, In section 6.1 of the application form the applicants outlines how access to Loughshinny harbour may be “constrained” during operations to tie in the shore end of the cable. These constraints may lead to disruption of our members fishing operations.

Underestimation of Medium/long-term disruption to Inshore fishing activity.

Members have also outlined concerns regarding medium to long term disruption to their operations. These concerns centre mainly on burial of the cable but also to a lesser extent around cable maintenance.

Members report that mainly due to local tidal conditions, static gear must be secured at each end with substantial anchors. During fishing operations, when retrieving gear, these anchors can drag to some degree, particularly in poor weather and strong tides and inadvertently act as grappling hooks, which can potentially snag objects on or partially buried in the seabed. Such snagging incidents most importantly pose a safety risk to smaller fishing vessels, but also have an adverse economic impact on operations due to lost fishing time and at times loss of equipment. Members have also reported that after spells of poor weather anchors can get buried in the seabed to a depth unknown but not estimate it to be not insignificant, based on the difficulty they have in recovering them.

The application outlines an intention to try and bury the cable at a minimum depth of 1.5 meters. Members are concerned that this depth may be insufficient and based on their own experience of the seabed are sceptical that this minimum will even be achievable in patches of “hardground”. The presence of hardground in “localised areas” is acknowledged in Appendix I page 6 in Inshore or shallow waters. The application outlines that where its not possible to bury the cable successfully in the existing seabed, it will be buried by “rock drops” which will create a rock armour over the cable. Any such rock armour presents a significant risk in terms of snagging static gear anchors and may also pose as an issue for mobile gear operators such as scallop dredgers, although we have none currently with our membership. Members inform us that concerns raised about difficulties regarding cable burial and the use of rock drops are based on previous experience with similar cables in the wider area. A situation where lengths of the cable route become areas that our members must avoid when fishing in the future is unacceptable from our member’s perspective.

As per above members are concerned that any future maintenance on the cable will cause disruption to their fishing operations and have a negative economic impact.

Finally to conclude, we would like to thank DPLHP for the opportunity to make this submission, we commend the applicant on consultation with industry date and trust it will continue should permissions be granted. We have concerns that our members will experience disruption to their fishing operations in the short, medium and long term. Our position is that any disruption should be kept to an absolute minimum, even if this involves exploring alternative routes for the cable, but when disruption is unavoidable and in cases

where it has a negative economic impact on our members they should be reimbursed for that impact.

From: [REDACTED]

Sent: 24 February 2020 12:58

To: foreshore <foreshore@housing.gov.ie>

Subject: RE: Reference F19A/0169

To Whom it may concern

We wish to put in an objections against the above application at Loughshinny Harbour.

Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]

Sent: 24 February 2020 20:36

To: foreshore <foreshore@housing.gov.ie>

Subject: Re celtix application for telecommunications cable - loughshinny

I would like to register my objection to the proposed application by Celtix to install a telecommunications cable through Loughshinny harbour.

There has been absolutely no public consultation on this proposal what so ever with the people of this village.

What is it for? Who will it benefit? Where is the cable going? What distribution should the residents expect.

How will this impact on the harbour? Will it destroy marine life? Will it affect the quality of life of residents and will it affect the amenity for our visitors...it is questions like these that need to be answered in a public forum so that we can understand what this is all about and allow us to make an informed decision.

I strongly object to this application and hope that you ask the questions that we are not given the opportunity to ask. I hope that you will ensure that the future of this beautiful village is protected and that we stand together against these large corporate bodies coming in to destroy our country with no purpose only greed.

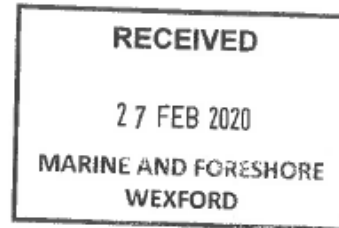
Yours faithfully

[REDACTED]

foreshore@housing.gov.ie.

Submission in connection with

Celtix Connect / Havhingsten Telecommunication Cable / Dublin
Reference Number: FS006915



To whom it may concern

Objective NH15 of the Fingal Development Plan 2017-2023 states 'strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) including any areas that may be proposed for designation or designated during the period of this Plan.'

This foreshore application is one element of an overall project titled 'North Atlantic Loop' and under EU Directives the EIS must address the 'cumulative impact' of the project.

Nothing in the re-submitted EIS dated 9th January'20 relating to this foreshore application is fundamentally different from the original EIS submitted in October'19, despite the many changes in 'wording'

Fingal Co Council Planning found that

' ...The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.' ...

On the basis that no 'scientific evidence' has been added to the re-submitted EIS to substantiate the claim by the applicant that '... Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely effect on any of the Natura 2000 sites screened...' and bearing in mind that the original EIS was available to Fingal Co Council when making their decision to 'refuse permission' for a related element of the 'North Atlantic Loop' project concerning the same SAC it is our considered opinion that the application should be refused.

Yours Sincerely



foreshore@housing.gov.ie.

Submission in connection with

Celtix Connect / Havhingsten Telecommunication Cable / Dublin
Reference Number: FS006915

RECEIVED

27 FEB 2020

MARINE AND FORESHORE
WEXFORD

To whom it may concern

Objective NH15 of the Fingal Development Plan 2017-2023 states 'strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) including any areas that may be proposed for designation or designated during the period of this Plan.'

This foreshore application is one element of an overall project titled 'North Atlantic Loop' and under EU Directives the EIS must address the 'cumulative impact' of the project.

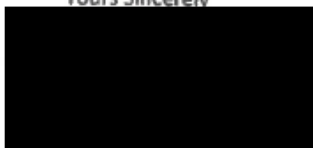
Nothing in the re-submitted EIS dated 9th January'20 relating to this foreshore application is fundamentally different from the original EIS submitted in October'19, despite the many changes in 'wording'

Fingal Co Council Planning found that

'...The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.'...

On the basis that no 'scientific evidence' has been added to the re-submitted EIS to substantiate the claim by the applicant that '... Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely effect on any of the Natura 2000 sites screened...' and bearing in mind that the original EIS was available to Fingal Co Council when making their decision to 'refuse permission' for a related element of the 'North Atlantic Loop' project concerning the same SAC it is our considered opinion that the application should be refused.

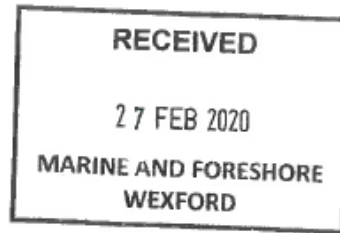
Yours Sincerely



foreshore@housing.gov.ie.

Submission in connection with

Celtix Connect / Havhingsten Telecommunication Cable / Dublin
Reference Number: FS006915



To whom it may concern

Objective NH15 of the Fingal Development Plan 2017-2023 states 'strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) including any areas that may be proposed for designation or designated during the period of this Plan.'

This foreshore application is one element of an overall project titled 'North Atlantic Loop' and under EU Directives the EIS must address the 'cumulative impact' of the project.

Nothing in the re-submitted EIS dated 9th January'20 relating to this foreshore application is fundamentally different from the original EIS submitted in October'19, despite the many changes in 'wording'

Fingal Co Council Planning found that

'...The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.'...

On the basis that no 'scientific evidence' has been added to the re-submitted EIS to substantiate the claim by the applicant that '... Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely effect on any of the Natura 2000 sites screened...' and bearing in mind that the original EIS was available to Fingal Co Council when making their decision to 'refuse permission' for a related element of the 'North Atlantic Loop' project concerning the same SAC it is our considered opinion that the application should be refused.

Yours Sincerely



foreshore@housing.gov.ie.

Submission in connection with

Celtix Connect / Havhingsten Telecommunication Cable / Dublin
Reference Number: FS006915

RECEIVED

27 FEB 2020

MARINE AND FORESHORE
WEXFORD

To whom it may concern

Objective NH15 of the Fingal Development Plan 2017-2023 states 'strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) including any areas that may be proposed for designation or designated during the period of this Plan.'

This foreshore application is one element of an overall project titled 'North Atlantic Loop' and under EU Directives the EIS must address the 'cumulative impact' of the project.

Nothing in the re-submitted EIS dated 9th January'20 relating to this foreshore application is fundamentally different from the original EIS submitted in October'19, despite the many changes in 'wording'

Fingal Co Council Planning found that

'...The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.'...

On the basis that no 'scientific evidence' has been added to the re-submitted EIS to substantiate the claim by the applicant that '... Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely effect on any of the Natura 2000 sites screened...' and bearing in mind that the original EIS was available to Fingal Co Council when making their decision to 'refuse permission' for a related element of the 'North Atlantic Loop' project concerning the same SAC it is our considered opinion that the application should be refused.

Yours Sincerely

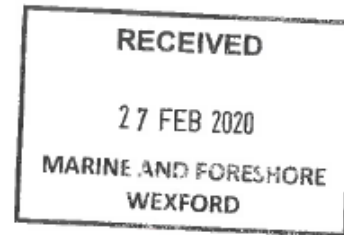


25/2/20

foreshore@housing.gov.ie.

Submission in connection with

Celtix Connect / Havhingsten Telecommunication Cable / Dublin
Reference Number: FS006915



To whom it may concern

Objective NH15 of the Fingal Development Plan 2017-2023 states 'strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) including any areas that may be proposed for designation or designated during the period of this Plan.'

This foreshore application is one element of an overall project titled 'North Atlantic Loop' and under EU Directives the EIS must address the 'cumulative impact' of the project.

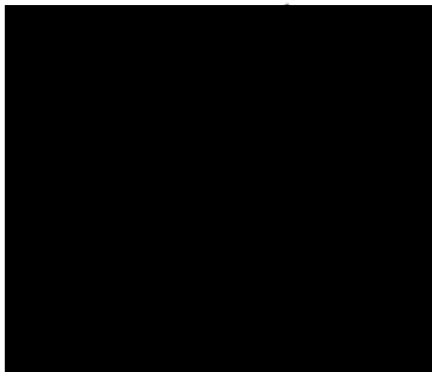
Nothing in the re-submitted EIS dated 9th January'20 relating to this foreshore application is fundamentally different from the original EIS submitted in October'19, despite the many changes in 'wording'

Fingal Co Council Planning found that

'...The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.'...

On the basis that no 'scientific evidence' has been added to the re-submitted EIS to substantiate the claim by the applicant that '... Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely effect on any of the Natura 2000 sites screened...' and bearing in mind that the original EIS was available to Fingal Co Council when making their decision to 'refuse permission' for a related element of the 'North Atlantic Loop' project concerning the same SAC it is our considered opinion that the application should be refused.

Yours Sincerely

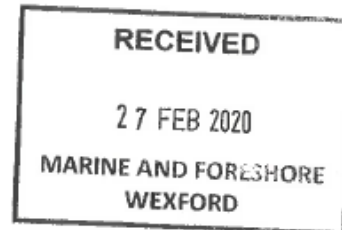


25th Feb, 2020

foreshore@housing.gov.ie.

Submission in connection with

Celtix Connect / Havhingsten Telecommunication Cable / Dublin
Reference Number: FS006915



To whom it may concern

Objective NH15 of the Fingal Development Plan 2017-2023 states 'strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) including any areas that may be proposed for designation or designated during the period of this Plan.'

This foreshore application is one element of an overall project titled 'North Atlantic Loop' and under EU Directives the EIS must address the 'cumulative impact' of the project.

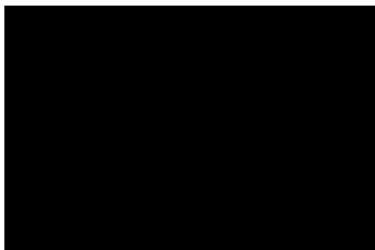
Nothing in the re-submitted EIS dated 9th January'20 relating to this foreshore application is fundamentally different from the original EIS submitted in October'19, despite the many changes in 'wording'

Fingal Co Council Planning found that

'...The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.'...

On the basis that no 'scientific evidence' has been added to the re-submitted EIS to substantiate the claim by the applicant that '... Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely effect on any of the Natura 2000 sites screened...' and bearing in mind that the original EIS was available to Fingal Co Council when making their decision to 'refuse permission' for a related element of the 'North Atlantic Loop' project concerning the same SAC it is our considered opinion that the application should be refused.

Yours Sincerely



foreshore@housing.gov.ie.

Submission in connection with

Celtix Connect / Havhingsten Telecommunication Cable / Dublin
Reference Number: FS006915

To whom it may concern

Objective NH15 of the Fingal Development Plan 2017-2023 states '**strictly protect** areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) including any areas that may be proposed for designation or designated during the period of this Plan.'

This foreshore application is one element of an overall project titled 'North Atlantic Loop' and under EU Directives the EIS must address the 'cumulative impact' of the project.

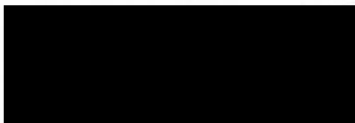
Nothing in the re-submitted EIS dated 9th January'20 relating to this foreshore application is fundamentally different from the original EIS submitted in October'19, despite the many changes in 'wording'

Fingal Co Council Planning found that

'...The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.'...

On the basis that no 'scientific evidence' has been added to the re-submitted EIS to substantiate the claim by the applicant that '... Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely effect on any of the Natura 2000 sites screened...' and bearing in mind that the original EIS was available to Fingal Co Council when making their decision to 'refuse permission' for a related element of the 'North Atlantic Loop' project concerning the same SAC it is our considered opinion that the application should be refused.

Yours Sincerely

A solid black rectangular box redacting the signature of the sender.

foreshore@housing.gov.ie.

Submission in connection with

Celtix Connect / Havhingsten Telecommunication Cable / Dublin
Reference Number: FS006915

To whom it may concern

Objective NH15 of the Fingal Development Plan 2017-2023 states '**strictly protect** areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) including any areas that may be proposed for designation or designated during the period of this Plan.'

This foreshore application is one element of an overall project titled 'North Atlantic Loop' and under EU Directives the EIS must address the 'cumulative impact' of the project.

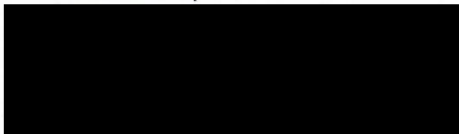
Nothing in the re-submitted EIS dated 9th January'20 relating to this foreshore application is fundamentally different from the original EIS submitted in October'19, despite the many changes in 'wording'

Fingal Co Council Planning found that

'...The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.'...

On the basis that no 'scientific evidence' has been added to the re-submitted EIS to substantiate the claim by the applicant that '... Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely effect on any of the Natura 2000 sites screened...' and bearing in mind that the original EIS was available to Fingal Co Council when making their decision to 'refuse permission' for a related element of the 'North Atlantic Loop' project concerning the same SAC it is our considered opinion that the application should be refused.

Yours Sincerely



Principal Officer,
Marine Environment and Foreshore Section,
Department of Housing, Planning and Local Government,
Newtown Road,
Wexford,
Co. Wexford.



PLANNING AND DEVELOPMENT CONSULTANTS
OAKENE, HOWTH ROAD, HOWTH, CO. DUBLIN D13DK31.
Tel: (01) 8391896 Facsimile: (01) 8396423
e-mail: planmon@eircom.net

February 27, 2020.

RE: APPLICATION BY CELTIX CONNECT LIMITED FOR LICENCE UNDER SECTION 3 OF THE FORESHORE ACT, 1933 FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF THE FIBRE-OPTIC HAVHINGSTEN TELECOMMUNICATION CABLE - HAVING A LANDING SITE AT LOUGHSHINNY, FINGAL, Co. DUBLIN(REG. REF: FS006915)

A Chara,

I wish to make the following representation on the above-mentioned application for a Foreshore Licence, which was lodged with the Department on January 9, 2020. I have tried to examine all the documentation submitted and in summary I would be of the view that the application is both confusing and incomplete. At times I have found the documentation to be error prone and at other times misleading. In the following section of my representation I will try to highlight the concerns I have with the documentation submitted in support of the application.

1.1 PUBLIC NOTICE

PROCEDURE

In the original application in 2019 there was a series of public notices and a corresponding series of closing dates for the public consultation process. This was utterly confusing and would have compromised the Public Consultation process if the original application had gone ahead.

In the case of the current application the date of receipt is stated to be 9th January 2020 and the documents were published on the website of the Foreshore Unit. A cursory perusal of the documents revealed that at least one report was incomplete and on or about 22nd January a notice appeared on the website of the Foreshore Unit stating that;

"The public notice for this proposal has been postponed.

Public consultation dates to be confirmed and will be advertised at a later date.

Apologies for any inconvenience caused."

On 29th January a Public Notice was published and a check on the related Application Documents showed that the Report which had previously been incomplete had now been completed. This procedure, which required the correction of documents prior to commencement of the formal process, is in sharp contrast to

Principal: Michael A. O'Neill BA(Hons), Dip. Town Plan., H.Dip. Stats., MRUP, MIPI.



the procedure which had been followed in the earlier Application. This is in accordance with good practice and is a welcome development.

PUBLIC NOTICES

Public notices in relation to the current application have now appeared in;

- The Northside People East of 29th January 2020
- The Irish Independent of 30th January 2020
- The Northside People East of 5th February 2020

THE NORTHSIDE PEOPLE EAST OF 29TH JANUARY 2020

The Public Notice indicates that the period for public consultation extends from the date of publication for a period of 30 calendar days. The closing date is correctly stated to be 28th Feb 2020 and this notice remained up on the website and effective until 5th February 2020.

THE IRISH INDEPENDENT OF 30TH JANUARY 2020

The Public Notice indicates that the period for public consultation extends from the date of publication for a period of 30 calendar days and states the closing date to be 29th February. This closing date is correct in terms of the public consultation period and the corresponding closing date. However, the closing date is not consistent with the closing date which is stated in the Northside People East of 29th January 2020.

THE NORTHSIDE PEOPLE EAST OF 5TH FEBRUARY 2020.

A further public notice has been published in the Northside People East on 5th February. It states that the closing date is now 29th February - this equates to a 31-day public consultation period. Despite this, the notice then goes on to state, referring to the previous notice, that "this notice contained an error with regard to the closing date". The notice gives no details of the error. However, the stipulated closing date in the earlier Public Notice is consistent and correct.

OBJECTION

The Public Notices which were published on 29th Jan and 30th Jan are individually correct but, having been published on different dates, they have conflicting closing dates. The Public Notice which was published on 5th February is incorrect and the procedure which has been followed is irregular and is not acceptable.

Once again, the advertisement procedure is flawed and incorrect and we formally object to it.



1.2 PLANNING REPORT

The Planning Report for the initial application in August 2019 was Rev 0 and it included a number of incorrect references to other documents and misplacement of Appendices. During the public consultation process the original Planning Report was removed from the Foreshore Unit's website and substituted with Rev 1. The Document Control page merely referred to this as Final and gave no indication of the changes which had been made. However, it could be readily seen that at least the mis-placed Appendices had been corrected. As the original Planning Report had been removed from the Foreshore Unit's website there was no facility to check the nature and extent of changes which may have been made in the body of the Planning Report.

Inspection of the Document Control page in the current Planning Report (See Table 1) reveals that, prior to the commencement of the public consultation process for the initial application on 21st Aug.2019, the

Planning Report had been subject to other Revisions (Rev 2 on 18/07/2019 and Rev 3 on 14/08/2019). These revisions are stated to relate to "Update Corridor Co-ordinates". However, these versions of the Planning Report were withheld, and an incorrect and out-of-date version was submitted in the Foreshore Licence Application and incorporated in the public consultation process.

The public consultation process for the original application closed on 28/09/19. However, further revisions were made to the Planning Report on 28/11/19 under the heading of a Response to Consultation Comments and on 05/12/19 under the heading of Response to Foreshore Unit Comments.

Author/s					
Paula Daghish & Charlie Cameron					
Project Manager			Authoriser		
					
Patricia Adams			Beth Monkman		
Rev No	Date	Reason	Author	Checker	Authoriser
Rev 0	24/06/2019	Draft	PLD	PAD	-
Rev 1	05/07/2019	Final	PLD / CC	PAD	ALF
Rev 2	18/07/2019	Update corridor coordinates	PLD	PAD	ALF
Rev 3	14/08/2019	Update corridor coordinates	PLD	PAD	ALF
Rev 4	28/11/2019	Response to consultation comments	CC	JEH	BHM
Rev 5	05/12/2019	Response to a Foreshore unit comments	AN	PLD	ALF

Intertek Energy & Water Consultancy Services is the trading name of Metoc Ltd, a member of the Intertek group of companies.

Table 1 Document Report page from the new Planning Report

It is clear from the Document Control page in the new Planning Report that the Applicant's understanding of the Foreshore Licence process is that documents can be changed and substituted at will and at any stage. It is most irregular that a document which forms an integral part of a formal process can be out-of-date and incorrect at the time of the submission of an application and can be removed and substituted in the course of the process, particularly after the public consultation process has been completed.

OBJECTION

It is acknowledged that the original application is now superseded by the new application. However, the point which is being made is that the procedure which has been followed by the Applicant in the original application is flawed and irregular. It should be noted that persons evaluating the initial project version will not be informed of any updates within the files and therefore the system is open to abuse and manipulation with modifications being inserted after the initial submission

It would be unacceptable if this procedure were to be followed in the current application and will be challenged should it arise.

1.3 SCOPE AND OBJECTIVES OF THE PLANNING REPORT

The fourth paragraph of Section 1.4 of the Planning Report states that;

The Electricity Supply Board (ESB) has applied separately for Planning Permission from Fingal County Council for the development of a single storey cable landing station at ESB Loughshinny 38kV Substation, Featherbed Lane, Loughshinny (application reference number: F19A/0169).

It is to be noted that the Planning Application was refused Permission on 23rd January 2020. This was 6 days prior to the issue of the Public Notice and the commencement of the public consultation. However, the relevance of the Refusal of Planning Permission has clearly been ignored and despite the Applicant's practice of making multiple revisions to formal application documents as outlined in the previous section of this document, the Planning Report was not modified or revised to show the actual status of the Planning Application, i.e. that Planning Permission had been refused.

It is also to be noted that the grounds for refusal of Planning Permission are directly relevant to the Appropriate Assessment Screening Report for the Foreshore Licence Application and that the environmental aspects of both the Cable Installation on the Foreshore and the Cable Landing Station are interdependent. This aspect is discussed in more detail in Section 6.0 of this document.

OBJECTION

The omission of the status of the Planning Application and the failure to state that the Planning Authority had issued a decision to refuse Planning Permission is unacceptable. It undermines the credibility of the Planning Report and the application for a Foreshore Licence, particularly as the grounds for refusal have a direct relevance and impact on the Appropriate Assessment Screening for the installation of the subsea cable. It is contended that the withholding of the information compromises the Foreshore Licence Application. It also undermines and compromises the public consultation process. We strongly object on these grounds.

1.4 ROUTE POSITION OF THE CABLE

The third paragraph of Section 2 of the Planning Report describes the details of the techniques and the processes used in the Marine Survey and states that;

"The objective of the marine survey campaign was to acquire all appropriate data for the confirmation of a preferred offshore route". However, further on in the same paragraph the Planning Report describes the survey as "reconnaissance level mapping of the seabed relief and features along offshore sections".

The second paragraph of Section 2.4 of the Planning Report picks up on this and states that

"the marine cable corridor is approximately 500 metres wide" and that this is to allow flexibility during installation". This implies that the Route Design is not fixed, and that the inaccuracy level is +/- 250 metres. The report then goes on to state that the 500m wide corridor "is sought to allow for optimisation of the final route to minimise engineering and environmental challenges such as avoidance of boulders, any debris not removed prior to installation, sub-cropping rock or hard ground or other magnetic anomalies".

However, the Marine Survey Report appears to be a comprehensive and detailed document. It claims to provide a basis for detailed route design and appears to have identified and considered all of the engineering and environmental challenges so as to provide a defined cable route.

OBJECTION

There is a significant and substantial conflict between the Planning Report and other reports which form part of the overall application. The other reports are specialised and quite specific and it is contended that the public have a right to expect that there is consistency between the various documents and to be able to rely on the Planning Report as a reliable and over-arching document.

1.5 INDICATIVE INSTALLATION PROGRAMME

The Indicative Installation Programme is set out in Section 2.7 of the Planning Report and the first paragraph states:

"Subject to the award of installation consents, the cable installation is scheduled to begin in the fourth quarter of 2019 and is expected to be operational by the end of 2019".

This is a ludicrous statement, is clearly out-of-date and it is not possible to carry out the works within this historic period. However, the fact that it is incorrect carries over into the assessments of environmental and ecological considerations and effectively invalidates the Appropriate Assessment Screening Report. Insofar as the current version of section 2.7 is the same as the text in the original Planning Report of July 2019, the installation programme should be showing a time-lapse of six months. This would give an installation period starting in July 2020, i.e. in the summer of 2020. That would require the Appropriate Assessment Screening and ecological impacts to be re-visited and revised to take account of the new installation period in the Summer of 2020.

The omission of the status of the Planning Application and the failure to state that the Planning Authority had issued a decision to refuse Planning Permission is unacceptable. It undermines the credibility of the Planning Report and the application for a Foreshore Licence, particularly as the grounds for refusal have a direct relevance and impact on the Appropriate Assessment Screening for the installation of the subsea cable. It is contended that the withholding of the information compromises the Foreshore Licence Application. It also undermines and compromises the public consultation process. We strongly object on these grounds.

OBJECTION

The Indicative Installation Programme is clearly incorrect in that it refers to installation of the cable in the fourth quarter of last year (2019). The timing of the installation has a significant bearing on environmental and ecological issues, and it is not simply a case of revising the text of paragraph 2.7 to incorporate new dates.

It is noted that the original Planning Report from which Section 2.7 has been copied was revised at the end of November and again in early December 2019 and, even though the installation programme was out-of-date at that time, it was not corrected. The current Planning Report was submitted in early January 2020 and was revised in mid-January, but the installation programme remained unchanged, even though it is incorrect and out-of-date. This is indicative of either carelessness or inexperience or, simply, a cavalier attitude to the Foreshore Licence process. This is not acceptable and we strongly object to this based on utterly incorrect timescales and associated documentation. It appears that the applicant thinks that they can decide whenever they wish to lay the cable with no concern for correct documentation and the requirements of the Foreshore process.

1.6 SECTION 2

Section 2 of these observations refers to the procedure which was followed by the Applicants in revising documents and substituting them for the originals and effectively by-passing the public consultation stage

during the course of the Foreshore Licence evaluation process. That procedure is not acceptable and will not be tolerated in processing the current application.

1.7 APPROPRIATE ASSESSMENT SCREENING AND NATURA IMPACT STATEMENT

The Havhingsten cable project requires a Cable Landing Station at Loughshinny and an application for Planning Permission was made to Fingal County Council on 23rd April 2019 (Reg. Ref. F19A/0169). Planning Permission was refused on 23rd January 2020.

The grounds for refusal are set down in the Planning Officer's Report and are as follows;

RECOMMENDATION

I recommend that a decision to **REFUSE PERMISSION** be made under the **PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED**, subject to the following (2) reason(s):-

Reasons

1. Based on the information contained in the Appropriate Assessment Screening report (as revised), specifically the absence of information relating to the in-combination effects of the entire project, and the potential connectivity between the drainage ditch on the subject site and watercourses in the wider area and the absence of an assessment of any potential links between this drainage ditch and European sites, the Planning Authority is not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of nearby European sites. In such circumstances the Planning Authority are precluded from granting planning permission.
2. Objective NH15 of the Fingal Development Plan 2017-2023 states 'strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); also known as European sites) including any areas that may be proposed for designation or designated during the period of this Plan.' Having regard to the deficiencies in the Appropriate Assessment Screening Statement submitted as additional information, it has not been satisfactorily demonstrated that the proposed development would not result in significant adverse impacts on Natura 2000 sites. The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

It is clearly the case that the individual and in-combination impacts of the Cable Landing Station have not been considered in the Foreshore Licence Application and vice versa.

In the case of the Appropriate Assessment Screening for the Foreshore Licence there is no reference to the effects/impacts which arise from connectivity between the Cable Landing Station and the installation of the cable in the foreshore. This is a significant deficiency and is not in compliance with the requirements of AA guidelines (NPWs, 2010). The Appropriate Assessment Screening Report in the current Foreshore Licence Application does not take into account the individual and in-combination impacts which arise directly from connectivity between the proposed Cable Landing Station and the foreshore at Loughshinny and is not in compliance with NPWS (2010) guidance where it is stated;

- a) "As the underlying intention of the in-combination provision is to take account of cumulative effects, and as these effects often only occur over time, plans or projects that are completed, approved but uncompleted, or proposed (but not yet approved) should be considered in this context (EC, 2002)."

"2.3. Likely to Have Significant Effect Thereon

Any plan or project that is not directly connected with or necessary to the management of a site must be subject to AA of its implications for the Natura 2000 site in view of the site's conservation objectives "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects" (EC, 2006). The precautionary principle, derived from the EU Treaty and developed in the case law of the ECJ14, is one of the foundations of the high level of protection pursued by EU Community policy on the environment, and underpins the Habitats Directive. Where doubt exists about the risk of a significant effect, an AA must be carried out."

The NPWS guidance above is quite clear. As can be seen above, where the emphasis has been added, there has been insufficient objective information provided in this AA Screening in relation to in-combination effects. In addition, enough doubt exists in relation to potential impacts. It is therefore contended a Natura Impact Statement is required.

A further point of note is that as seen in the planning documentation, the Planning Officer of Fingal County was under the impression the Natura Impact Statement had been prepared for the cable installation on the Foreshore and appeared to have taken that into account in a positive context.

Detailed aspects of specific deficiencies in the current Appropriate Assessment process are presented in Section 7 of these observations.

OBJECTION

The Appropriate Assessment Screening Report in the current Foreshore Licence Application does not take into account the individual and in-combination impacts which arise directly from connectivity between the proposed Cable Landing Station and the Foreshore at Loughshinny and is not in compliance with the requirements of NPWS (2010). It is also reasonable to conclude that the Planning Officer of Fingal County Council was under the impression that the project was based on a robust assessment and had measures in place, which is not the case. A Natura Impact Statement had not been prepared for the original application and neither has one been prepared for the current application and this is a significant omission and we object strongly to this.

Detailed aspects of specific deficiencies in the current Appropriate Assessment process are presented in Section 7 of these observations.

1.8 DETAILED COMMENTS RELATING TO APPROPRIATE ASSESSMENT SCREENING


- 1) As outlined in NPWS (2010) Guidance Document, "Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):
 - i) whether a plan or project is directly connected to or necessary for the management of the site, and
 - ii) whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives."

However, the Applicants AA Screening states that *"The purpose of this report is to inform the AA process in determining whether the project, both alone and in combination with other plans or projects, is likely to adversely affect the integrity of any Natura 2000 site."* This is the Natura Impact Statement test and not the AA Screening Test outlined in the guidance.

- 2) The Applicant states in the AA screening that *"Full details of the scope of the proposed installation and maintenance activities are described in the Project Description (Section 2) of the Irish Planning Report."* Comments are as follows:
 - This excludes many elements of the project including the laying of the cable within the upper intertidal/terrestrial element of Loughshinny. The AA Screening does not address all of the potential sound sources their frequencies and db levels.
 - This AA screening does not detail all of the equipment to be used e.g. USBL (Ultra short baseline used for underwater positioning https://en.wikipedia.org/wiki/Ultra-short_baseline). This any other equipment has the potential to impact on cetaceans in the marine environment. Not only that, the proposed route is through a SAC for harbour porpoise in a season that is not identified in the AA Screening. In effect, these works could coincide with the calving season for Harbour porpoise or seal. A full detailed assessment of all equipment to be used should be provided and a program of works to mitigate the potential impact on cetaceans should have been developed. As such a Natura Impact Statement is required. The lack of detail in relation to the proposed equipment devices and their underwater acoustic properties to be used, indicates a lack of knowledge in relation to the proposed works or a deliberate intent to submit project details where mitigation for cetaceans is not required.
 - It is a requirement to follow (NPWS 2014) Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters which involves the implementation of mitigation measures to protect marine mammals including Harbour porpoise within a SAC designated for this species. As such a Natura Impact Statement is a requirement.
 - In the AA Screening In-combination effects make no reference to terrestrial projects. As such there is a lack of sufficient objective information leading to doubt in relation to the report's conclusions. As outlined in NPWS 2010 *"Where doubt exists about the risk of a significant effect, an AA must be carried out."*
 - In combination effects do not mention other elements of the project. This clearly underestimated the potential impact of the proposed project and gives the impression of project splitting to give the impression of reduced impact.
- 3) As outlined in NPWS 2010 "Some examples of effects that are likely to be significant are (emphasis added in bold):
 - Any impact on an Annex I habitat
 - Causing reduction in the area of the habitat or Natura 2000 site
 - Causing direct or indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site
 - Causing serious or ongoing disturbance to species or habitats for which the Natura 2000 site is selected (e.g. increased noise, illumination and human activity)
 - Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site
 - Interfering with mitigation measures put in place for other plans or projects"

There is potential to impact on reef and harbour porpoise in Rockabill to Dalkey SAC and no mitigation is proposed. As outlined in NPWS (2010) *“Thus, in line with the precautionary principle, it is unacceptable to fail to undertake an appropriate assessment on the basis that it is not certain that there are significant effects.”*

As outlined in NPWS (2010) *“The precautionary principle, derived from the EU Treaty and developed in the case law of the ECJ14, is one of the foundations of the high level of protection pursued by EU Community policy on the environment, and underpins the Habitats Directive. Where doubt exists about the risk of a significant effect, an AA must be carried out.”*

 **OBJECTION**


We strongly object to this application on the basis of the above installation period in the Summer of 2020.

1.9 CONSULTATION WITH NPWS

In the AA Screening and Planning report it states that the result of consultation with the National Parks and Wildlife Service (NPWS) that *“Response to introduction of the project – advised NPWS will respond to main application”*

However, the communication with Dr David Lyons infers that he is expecting that a NIS is carried out (emphasis added) i.e.


*“From: David Lyons <David.Lyons@chg.gov.ie> Sent: 13 September 2018 12:20 To: Paula Daghish Intertek <paula.daghish@intertek.com> Subject: RE: Havhingsten Telecommunication Cable
Dear Paula
Thank you for forwarding the information. From what I understand you have already secured permission to undertake surveys in 2018. I would suggest that the detail you will need to make a formal application for cable lay would be dependent on the outcome of those surveys. Perhaps could you come back to me when you’ve a better indication of the cable route? Your outline of a requirement for Habitats Directive Assessment (or Natura Impact Statement as it’s called here) is correct and this will need to incorporate an evaluation of potential impacts to harbour porpoise and reef specifically. It would also be beneficial to have a wider examination of marine mammals to ensure the wider protection was included. This could be a separate document, or it could be included within the NIS.”*

 **OBJECTION**

We strongly object to this application on the basis of the above.

1.10 LACK OF ASSESSMENT IN RELATION TO NATIONALLY DESIGNATED SITES AND SPECIES.

The potential impact of the proposed development on National Conservation Sites (NHA and pNHA) and species protected under the Wildlife Acts and Flora Protection Order has not been addressed anywhere in the project submission.

 **OBJECTION**

We strongly object to this application on the basis of the above.

1.11 MARINE NOTICE

We refer to the Marine Notice below which was recently published.

Activity

First Published: 20 February 2020 | Latest Update: 20 February 2020

Havhingsten (Irish Sea) – Cable Installation

Subject to granting of all necessary licences and permits (expected March 2020), installation of the Havhingsten fibre optic telecommunication cable system is planned to commence, at the earliest, from April 2020 onwards.

The supplier of the Havhingsten cable is Alcatel Submarine Networks (ASN). Interlock are the environmental and permitting consultants.

The entire cable system will comprise marine elements that pass from Denmark to the UK (NE region); from the UK (NW) to the Republic of Ireland; with two segments being installed into landfalls on the Isle of Man.

The proposed NW cable route

Landfall will be made at Squires Gate Lane and the cable will include two branches into the Isle of Man.

Installation will be via industry standard burial tools including water jetting and ploughing. Target cable burial depth is 1.5m below seabed level in the Irish Sea region.

It is anticipated that installation operations in UK waters will occupy up to a maximum 500m width of the seabed (250m either side of cable). The cable itself will occupy only 40mm of the seabed.

Expected speed of installation will be 17 km per day. With the planned installation taking approx. 19 days.

There will be also be associated rock placement operations post cable installation at one (1) location within UK waters. The exact location of this rock placement work will be issued in future notices once confirmed. All fishing vessels are requested to maintain an appropriate and safe distance of 500 m when passing the cable installation vessels whilst operational and should pass at the lowest possible speed to avoid vessel wash effects.

Vessels will be working throughout 24 hours and will display appropriate day shapes and lights during reduced visibility and night operations.

Details of vessels proposed to be used are provided below:

Cable Installation Vessel: Ile de Batz (known as Ile de Class) DP Type Length Overall: 140.36 m Breadth: 23.40 m

Cable Installation Support Vessel: Ile d'Als
Installation support vessel working on shore ends and post-lay inspection and burial
Length Overall: 151.54 m Breadth: 21.60 m

FFPV Nordree (Rock Placement Vessel) DP Type Length Overall: 107 m Breadth: 20 m

The proposed cable route in the IoM region

The cable route is proposed to cross the Irish Sea from Loughshinny (north of Dublin in Ireland) to Squires Gate Lane (south of Blackpool) on the west coast of the UK). This section of the cable route will include two branches into the Isle of Man. With landfalls at Port Erin and Port Grennough.

Installation will be via industry standard burial tools including water jetting and ploughing. Target cable burial depth is 1.5m below seabed level in the Irish Sea region.

It is anticipated that installation operations in UK waters will occupy up to a maximum 500m width of the seabed (250m either side of cable). The cable itself will occupy only 40mm of the seabed.

Expected speed of installation will be 17 km per day. With the planned installation taking approx. 7.5 days.

Currently there are no proposed rock dump sites within the IoM region.

All fishing vessels are requested to maintain an appropriate and safe distance of 500 m when passing the cable installation vessels whilst operational and should pass at the lowest possible speed to avoid vessel wash effects.

Vessels will be working throughout 24 hours and will display appropriate day shapes and lights during reduced visibility and night operations.

Details of vessels proposed to be used are provided below:


Cable Installation Vessel: Ile de Batz (known as Ile de Class)
DP Type Length Overall: 140.36 m Breadth: 23.40 m

Cable Installation Support Vessel: Ile d'Als
Installation support vessel working on shore ends and post-lay inspection and burial
Length Overall: 151.54 m Breadth: 21.60 m

For further information: Rhianne Roberts, Marine Space, Tel: 02380 381945 email: Rhianne.roberts@marinespace.co.uk or Jonny Lewis, Marine Space, Tel: 07817811281 email: jonny.lewis@marinespace.co.uk

This Marine Notice states that the installation of the Havhingsten Cable System is being planned for March / April 2020.

We strongly object to this as it is not realistic to publish a "Notice to Mariners" in advance of having the Licence and this action is presumptuous and undermines the entire foreshore process and assumes that a licence will ultimately be issued by the Minister regardless of procedure.

 **OBJECTION**

We strongly object to this application on the basis of the above.

We would ask that all correspondence relating to the proposed development be forwarded to this address.

Yours Sincerely,



From: [REDACTED]
Sent: Friday 28 February 2020 15:43
To: foreshore <foreshore@housing.gov.ie>
Subject: Formal Objection

Dear Sir/Madam,

As a resident in Loughshinny I am writing to formally object to the application for a licence for the proposed installation of the fibre optic Havhingsten Telecommunication Cable landing site at loughshinny, Fingal, Co.Dublin.

A few of the reasons for my objection are

The installation of this cable through the harbour will sterilize any future development of the harbour or even the maintenance of the harbour and cause major disruption to the village.

The cable will negatively impact and might even cancel the current Irish Water project to clean up the quality of the water being discharged into the bay which is of great importance to the community and has been an issue for a long time.

And finely this installation will have a severe impact on the environment, on marine archaeology, on cultural heritage, on the fishing industry and on tourism in the village.

Kind Regards

[REDACTED]

TO: foreshore@housing.gov.ie.

FM: [REDACTED]

DT: 28th February 2020.

RF: Submission in connection with Celtix Connect / Havhingsten Telecommunication Cable / Dublin **Reference Number : FS006915**

To Whom It May Concern

Objective NH15 of the Fingal Development Plan 2017-2023 states 'strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) including any areas that be proposed for designation or designated during the period of this Plan'.

This foreshore application is one element of an overall project titled 'North Atlantic Loop' and under EU Directives the EIS must address the 'cumulative impact' of the project.

Nothing in the re-submitted EIS dated 9th January 2020 relating to this foreshore application is fundamentally different from the original EIS submitted in October 2019, despite the many changes in 'wording'

Fingal Co Council Planning found that

'...The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.'...

On the basis that no 'scientific evidence' has been added to the re-submitted EIS to substantiate the claim by the applicant that '..Further analysis of the likely significant effects taking into consideration the sites conservation objectives concluded that the proposed installation and maintenance activities will not have a likely effect on any of the Natura 2000 sites screened...' and bearing in mind that the original EIS was available to Fingal Co Council when making their decision to 'refuse permission' for a related element of the 'North Atlantic Loop' project concerning the same SAC it is our considered opinion that the application should be refused.

Yours Sincerely

[REDACTED]
Date: 28-Feb-2020
[REDACTED]

From: [REDACTED]
Sent: Saturday 29 February 2020 14:56
To: foreshore <foreshore@housing.gov.ie>
Subject: Fw: OBJECTION TO FORESHORE LICENCE - Application by Celtix Connect Limited
Importance: High

To whom it may concern
Marine Planning & Foreshore Section
Dept of Housing, Planning and Local Government
Newtown Road
Wexford
Co Wexford

Please find attached documents outlining our objections to the above application.

1) Attachments included are objections sent Oct'19 [FORESHORE OBJECTION.PDF; LANDING STATION OBJECTION.PDF] in response to original application for a foreshore licence sent 20th September 2019.

2) Additional objections in the form of attachments [NO SIGNIFICANT IMPACT_response.docx; STRATEGIC INFRASTRUCTURE_response.docx; APPENDIX 1A.docx; APPENDIX 1B.docx; APPENDIX 2 - IWM_106_Irelands_wintering_waterbirds.pdf; APPENDIX B.xlsx]

Please confirm receipt of this email and its attachments

Yours sincerely

[REDACTED]

The Secretary,
Marine Planning and Foreshore Section,
Department of Housing, Planning and Local Government,
Newtown Road,
Wexford,
Co Wexford

19th September 2019

Description of proposed works/activity.

Installation and maintenance of fiber-optic Havhingsten Telecommunication Cable landing site at Loughshinny, Fingal, Co Dublin.

A planning report including a Description of the works, Shipping and navigational safety assessment, Marine Archaeology assessment, Marine and intertidal ecological impact assessment including Natura Impact Assessment is attached.

A Chara,

We, the undersigned, refer to the above planning application & wish to make the following submission / objection / observation in relation to the proposed development.

We, the undersigned, wish to object to the 'GRANTING OF A FORESHORE LICENCE' based on our concerns outlined below:

- This application is one part of a project which also includes planning application F19A/0169 along with 'other parts' (either in progress / planned / to be planned), whose purpose is to link the submarine cable to the 'T50' fibre network and, therefore, under EU Directives the entirety of the 'project' must be assessed as one.
- We have concerns regarding the 'METHODOLOGY USED' as detailed below
- We have concerns regarding the 'LACK OF SCIENTIFIC EVIDENCE TO BACKUP THE APPLICANTS VARIOUS CLAIMS OF 'no impact / minimal impact / no long term impact' as detailed below.
- We have concerns regarding the ACCURACY OF INFORMATION submitted with the application.
- We have concerns regarding the PLANNING PROCESS as it applies to this 'project' as detailed below

- We have concerns regarding the **ENVIRONMENTAL IMPACT** as detailed below.

On the basis of the above, we, the undersigned, trust our concerns/observations/objections will be taken into consideration prior to a decision being reached on this 'foreshore licence' application.

Yours Sincerely,

Signed for and on behalf of the 'undersigned'



OBJECTIONS TO PLANNING APPLICATION F15A0169 by RESIDENTS

NAME	ADDRESS
[REDACTED]	

OBJECTIONS TO PLANNING APPLICATION F19A0109 by RESIDENTS

NAME	ADDRESS
[REDACTED]	

OBJECTIONS TO PLANNING APPLICATION F-15A0109 by RESIDENTS

NAME	ADDRESS
[REDACTED]	

BACKGROUND INFORMATION

Case C-258/11

Peter Sweetman and Others

v

An Bord Pleanála

▼ (1) (Request for a preliminary ruling from the Supreme Court (Ireland))

(Environment — Directive 92/43/EEC — Article 6 — Conservation of natural habitats — Special areas of conservation — Assessment of the implications for a protected site of a plan or project — Criteria to be applied when assessing the likelihood that such a plan or project will adversely affect the integrity of the site concerned — Lough Corrib site — N6 Galway City Outer Bypass road scheme)

Summary — **Judgment of the Court** (Third Chamber). 11 April 2013

1. *Environment — Conservation of natural habitats and of wild fauna and flora — Directive 92/43 — Special areas of conservation — Sites, included in national lists, eligible for identification as sites of Community importance — Protective measures — Obligation of the Member States to safeguard their ecological interest*

(Council Directive 92/43, Arts 4(1) and 6(2) to (4))

2. *Environment — Conservation of natural habitats and of wild fauna and flora — Directive 92/43 — Special areas of conservation — Obligations of the Member States — Assessment of a project's implications for a site — Authorisation for a plan or project on a protected site — Condition — No adverse effect on the integrity of the site — Concept of adversely affecting the integrity of the site*

(Council Directive 92/43, Art. 6(3))

1. See the text of the decision.

(see paras 22, 23)

2. Article 6(3) of Directive 92/43 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that a plan or project not directly connected with or necessary to the management of a site will adversely affect the integrity of that site if

it is liable to prevent the lasting preservation of the constitutive characteristics of the site that are connected to the presence of a priority natural habitat whose conservation was the objective justifying the designation of the site in the list of sites of Community importance, in accordance with the directive. The precautionary principle should be applied for the purposes of that appraisal.

More specifically, authorisation for a plan or project, as referred to in that provision, may be given only on condition that the competent authorities are certain that the plan or project will not have lasting adverse effects on the integrity of the site. **That is so where no reasonable scientific doubt remains as to the absence of such effects.** However, the competent national authorities cannot authorise an intervention where there is a risk that it will bring about the disappearance or the partial and irreparable destruction of a priority natural habitat type present on the site concerned.

(see paras 39, 40, 43, 48, operative part)

▽ (2) National Parks & Wildlife Service (Ireland)

Objective To maintain the favourable conservation condition of harbour porpoise in Rockabill to Dalkey Island SAC, which is defined by the following list of attributes and targets

Target 2 Human activities should occur at levels that do **not adversely affect the harbour porpoise** community at the site.

☒ Proposed activities or operations should **not introduce man-made energy (e.g. aerial or underwater noise, light or thermal energy)** at levels that could result in a significant negative impact on individuals and/or the community of harbour porpoise within the site. This refers to the aquatic habitats used by the species in addition to important natural behaviours during the species annual cycle.

☒ This target also relates to proposed **activities or operations** that may result in the **deterioration of key resources** (e.g. water quality, feeding, etc) upon which harbour porpoises depend. In the absence of complete knowledge on the species ecological requirements in this site, such considerations should be assessed where appropriate on a case-by-case basis.

☒ Proposed activities or operations should not cause death or injury to individuals to an extent that may ultimately affect the harbour porpoise community at the site.

▽ (3) Joint Nature Conservation Committee (Wales)

Table A2 Full assessment of level of impact of activities on harbour porpoise in UK waters

Activities	Pressures	Impacts	Current level of impact risk
Noise from shipping, drilling, dredging and disposal, aggregate extraction, pile driving, acoustic surveys, underwater explosion, military activity, acoustic deterrent devices and recreational boating activity	Anthropogenic underwater sound	<ul style="list-style-type: none"> • Mortality • Internal injury • disturbance leading to physical and acoustic behavioural changes (potentially impacting foraging, navigation, breeding, socialising) 	Medium

The implication is that this site provides good foraging habitat and it may also be used for breeding and calving. However, because the number of harbour porpoise using the site naturally varies, there is not an exact number of animals within the site above which the species is viable or below which it will become unviable. For that reason, the intent of this objective is to minimise the risk posed by activities within the site to the species viability. Activities that kill, injure or significantly disturb harbour porpoise have the potential to affect species viability within the site.

▽ (4) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

The Habitats Directive 92/43/EEC (together with the Birds Directive (79/409/EEC)) forms the cornerstone of Europe's nature conservation policy. The directive protects over 1000 animals and plant species and over 200 "habitat types" which are of European importance. In the Directive, Articles 3 to 6 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of conservation sites (NATURA 2000). These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Birds Directive. Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect NATURA 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the NATURA 2000 site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

As outlined in the guidance document on Article 6(4) (January 2007):

"Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field."

- Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field.
- It should include a comprehensive identification of all the potential impacts of the plan or project likely to be significant on the site, taking into account cumulative impacts and other impacts likely to arise as a result of the combined action of the plan or project under assessment and other plans or projects.



The applicant has failed to produce any 'scientific evidence' in his application documents to prove the absence of such effects as referred to in items (1) to (4) above

We have concerns regarding the **'METHODOLOGY USED'**

(a) Appendix A - Environmental Assessment Methodology

1.2.1 Characterisation of the baseline environment

To assess the potential impacts resulting from the project, it is necessary to first establish the physical, biological, and socio-economic conditions that currently exist along and within the vicinity of the proposed marine cable route



The applicant has completely failed to scientifically establish the 'baseline' as exists today



The applicant has ruled out the effects of 'other cable laying projects' because they are not concurrent with this project which is a false premise to begin with and runs counter to objectives as listed in Background information above

(b) 1.1 Project Background (Appendix F)

This Stage 1 Screening for Appropriate Assessment covers the Irish marine components of the Havhingsten cable from mean high-water springs (MHWS) at the Irish landfall at Loughshinny, North County Dublin to the Ireland/UK median line (Figure 1-2). This is defined as the project and comprises:

- Installation of one fibre-optic telecommunications cable;
- All associated works required to install, test, commission and complete the aforementioned cable;
- All associated works required to operate, maintain, repair and decommission the aforementioned cable, including repair events over the lifetime of Havhingsten.



This approach of segmenting different portions of the overall project runs contrary to the Habitats Directive 92/43/EEC (together with the Birds Directive (79/409/EEC) as described below.

- **One example of where this approach benefits the applicant is the Irish sea where 2 protected species (harbour porpoise and bottlenose dolphins), reside.**


The entirety of the Irish sea is of prime importance to both species.

- **An Impact Assessment carried out by ALTEMAR Marine & Environmental Consultancy on behalf of ESB TELECOMS LTD, for planning application F19A/0169 shows that there will be an adverse effect on the harbour porpoise (should not cause death or injury) but they *hope* this will not have a *long-term* effect. This relates to 'seismic surveying'.**
- **Intertek Energy & Water Consultancy Services (Intertek) in their report state that '... The Oslo and Paris (OSPAR) Convention (2012) considered that sound associated with the installation, removal or operation of submarine cables is less harmful compared to impulsive sound activities such as seismic surveys, military activities or construction work involving pile driving (OSPAR Convention 2012).**


Clearly segmenting the 'project' into just two segments ['submarine cable route surveying' and 'submarine cable laying' in Irish territorial waters] is to the benefit of the applicant. The above species are also found residing off the Welsh coast but this application excludes that portion of the 'project'

(c) **2.1.3 Stage 2 - Appropriate Assessment**

"[The Appropriate Assessment] cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned".

 The report provided by Intertek Energy & Water Consultancy Services (Intertek) does not provide any conclusions based on '...complete, precise and definitive findings and conclusions capable of removing all scientific doubt...'

We have concerns regarding the **'LACK OF SCIENTIFIC EVIDENCE TO BACKUP THE APPLICANTS VARIOUS CLAIMS OF 'no impact / minimal impact / no long term impact'**

 Below are a few samples from the application documentation of the 'non-scientific evidence based' conclusions being put forward by the applicant

(a) **P19 Appendix F**

4.1.2 Sediment contaminants

are unlikely to cause a detrimental effect

In conclusion, the sediments within the Irish cable corridor are not contaminated

We do know that 'oil' has been leaking out from ESB submarine cables in Dublin bay for quite some considerable time (years) – which was denied by the ESB and only came to the public's attention through a 'whistle-blower' within the ESB. Sea currents drift 'northward' from Dublin bay thus bringing the 'contaminants' into the 'Rockabill to Dalkey SAC'

(b) P24/25 Appendix F

Harbour porpoise distribution is linked to the availability of their preferred prey items (gobies, sandeel, whiting, Atlantic herring and sprat) however, further studies are required to identify if there is a migratory pattern within the Irish Sea as is observed in the North Sea (JNCC 2015).

As indicated by Table 4-1, harbour porpoise are likely to be present along the marine cable corridor throughout the year, but densities will be highest during the summer and autumn months.

(c) P26 Appendix F

it is possible that bottlenose dolphin maybe present in low numbers around the marine cable corridor as they disperse to the offshore area and move northwards in the winter.

(d) P20 Appendix F

The National Otter Survey of Ireland 2010/12 provides the most recent information on the Irish otter population and the range of their habitat. The results of this survey determined that the stretch of coastline where the Havhingsten cable will make landfall is out of the current range of otters. As such the species has been assessed to not be found within the footprint of the cable corridor and will not be considered any further in this report.

(e) 5.4.2.1 Rockabill SPA

.. cable landing site at Loughshinny is not of primary importance to this species. As such, there will be no adverse effect on the purple sandpiper

As such it is likely that the breeding terns will already be habituated to a low level of shipping activity.


Screening Conclusion: No likely significant effects. AA is not required (Applicant opinion)


These factors, combined with the fact that the tern species have a foraging range within a radius surrounding Rockabill island as opposed to coastal nest sites with a restricted seaward range, means that the terns will only be briefly disturbed for a small area of their total foraging range

Screening Conclusion: No likely significant effects. AA is not required (Applicant opinion)

Therefore, there will be no reduction in available habitat for both species on a long term basis

Screening Conclusion: No likely significant effects. AA is not required (Applicant opinion)

 The Applicant simply states 'no likely significant effects' for each and every impact as it affects any species that they have not already excluded from their report on subjective grounds. This approach to 'screening for Appropriate Assessment' does not meet the requirements of the Supreme Court Judgement or EC Directives

 Cormorants for example show a considerable variation in hatch date, ranging from mid-February to early July. Why is this important? Survival rates for fledglings are low and are very dependent on available 'local' feeding sites. This years fledglings will all be under 1 year old when the submarine cable is being buried, which we know will disturb the sea bed and scare away fish in the area

Q: What factors influence the cormorants' choice of their feeding sites?

A: As with any predator, cormorants attempt to catch the necessary food with minimum effort (energy expenditure) at maximum perceived security. In energetic terms, flying 'costs' are at least eight times – and diving six times –

than the birds' resting metabolism. The choice of feeding sites is therefore particularly governed by a) the distance they are from the roost or nesting area, b) fish densities, and c) the experience with certain prey and foraging sites. Other factors such as 'how safe the birds feel' at the site can also influence foraging site selection.

Q: What is the lifespan and mortality rate of cormorants?

A: The observed maximum age is 24 years, but due to a high mortality – death – rate among juvenile birds the average life expectancy is far less. Usually at least 40% of those birds leaving the nest die in their first year of life. According to a detailed Danish study, first year mortality ranged from 25 - 68% depending on year. Mean ('average') mortality in the second year of life was 13%, and mean natural annual mortality among older birds was 12%. This study demonstrated that mortality among cormorants in the Danish breeding population was markedly higher in cold winters, especially after the expansion of the European population of cormorants. Other studies indicate that only 30% of the fledged young (those that leave the nest in which they were born) reach the age of three, but that survival chances becomes much better after the first and second winter, with estimates for annual mortality among adult birds varying between 10 - 20%.

Q: About 40% of juveniles and about 12% of adult cormorants die each year. What are the main causes of these mortalities?

A: There are a number of causes, albeit that they have rarely been studied in detail. It is likely that **exhaustion and starvation are the most frequent reasons for premature deaths**, and this will likely be linked to prevailing weather conditions. Shooting has become a more important factor in recent years, with some estimates of shot birds in Europe exceeding 100,000 birds per year. Drowning in fishing gear is a common cause of death in some areas, especially in the first autumn of life. Predation by White-tailed Eagles occurs, but seems to be of marginal importance. Very little is known about the occurrence and effects of disease and the impacts of parasites



There is a clear requirement for a reputable authority to carry out a 'stage 2 Appropriate Assessment (NIS) for the entire project as defined by ESB Telecoms Ltd in the planning application F19A/0169 and described below

The Project as defined below is the 'New Jersey – Denmark' fibre route

ESB Telecoms have been approached by a sub-sea fibre cable provider who are landing a new fibre cable at the beach at Loughshinny. The fibre cable landing at Loughshinny forms part of a larger New Jersey - Denmark fibre route, linking Dublin to Blackpool and the North of England, carrying on as a subsea cable to Denmark. The aim of the cable is to provide resilience to the North Atlantic and Northern European telecoms networks, offering an alternative fibre connection to the London-New York cables route which have dominated the North Atlantic fibre market to date. In response to the substantial increase in data centre provision in Ireland over the last number of years, online services providers are keen to increase investment in this growing sector. The new subsea cable is one of strategic national importance to the telecommunications industry in Ireland as it will enhance the country's global connectivity, which is critical to the further development of the sector over the coming decade.

We have concerns regarding the 'ACCURACY OF INFORMATION' being submitted



Mr David Lyons (Dept of Culture, Heritage and the Gaeltacht)
specifically instructed Intertek to look at impacts on Harbour Porpoise
and reefs **specifically**

From: David Lyons <David.Lyons@chg.gov.ie> Sent: 13 September 2018 12:20 To: Paula Daghish Intertek <paula.daghish@intertek.com> Subject: RE: Havhingsten Telecommunication Cable

*Dear Paula Thank you for forwarding the information. From what I understand you have already secured permission to undertake surveys in 2018. I would suggest that the detail you will need to make a formal application for cable lay would be dependent on the outcome of those surveys. Perhaps could you come back to me when you've a better indication of the cable route? Your outline of a requirement for Habitats Directive Assessment (or Natura Impact Statement as it's called here) is correct and this will need to **incorporate an evaluation of potential impacts to harbour porpoise and reef specifically**. It would also be beneficial to have a wider examination of marine mammals to ensure the wider protection was included. This*

could be a separate document or it could be included within the NIS. Best regards
David Dr David Lyons An Roinn Cultúir, Oidhreacht agus Gaeltachta

Department of Culture, Heritage and the Gaeltacht



Intertek relied on outdated reef survey data to claim there will be no impact

... no reef habitat has been identified within the marine cable corridor. The corridor passes within approximately 2km of the nearest identified reef habitat within the SAC according to the latest available reef survey data (NPWS 2013d).



Appendix F P4/5 Table 1 Consultation for Cable Intertek lists 3 local fishermen they consulted but not Mr Lynch who they also contacted but didn't mention in their documentation. His email reply is outlined below

From: Peter <peterlynch@live.ie> Sent: 13 June 2019 18:54 To: Paula Daghli Intertek <paula.daghli@intertek.com> Subject: Re: Havhingsten Telecommunication Cable - Marine Installation proposals

Hi Paula I'm based in howth but fish that ground a lot. From about a mile offshore and further out so that would be the area **I'm worried about**.

Kind regards, Peter Lynch MFV Atlantic Freedom

From: Peter <peterlynch@live.ie> Sent: 13 June 2019 11:45 To: Paula Daghli Intertek <paula.daghli@intertek.com> Subject: Re: Havhingsten Telecommunication Cable - Marine Installation proposals

Hi Paula

I got that info already from my po. Couple of questions For you. If foreshore licence expected 27th of

October. When do you think work will start in that area And how long it will take? Also who is liaison officer And how close can we work to cable route?

What will happen if we can't work this area and can't go fishing **You can't expect us to just move from fishing grounds Just like that?**

Kind regards,

Peter Lynch

MFV Atlantic Freedom Howth



Appendix E3 P4

In total, the proposed cable route will run for approximately 607.7km.

Appendix F P7

This Havhingsten open cable system (hereafter referred to as Havhingsten cable) will span more than 940km

- ✚ A simple metric like overall cable length seems to be beyond the applicant's ability to measure as does knowing the cable route itself

The cable will run from Blackpool in the North of England to a landing point at Loughshinny, and forms part of a larger US to Europe fibre route, linking Ireland, the Isle of Man, the UK and Denmark.

AQUA COMMS NEWSLETTER
DELIVERED TO RESIDENTS OF
BALDUNGAN CLOSE, LOUGHSHINNY

- ✚ At a site meeting with local residents at the proposed location for the Cable Landing Station Mr Kevin Foley, Chief Financial Officer of AQUA COMMS, stated the Submarine cable landing in Loughshinny harbour was being connected to the T50 Fibre Network in Dublin.

- ✚ Mr Kevin Foley also stated one of the reasons for choosing the ESB site in Ballykea was that ESB Telecoms Ltd had an 'overhead fibre cable' at this site. No such cable exists.

The ESB substation located 1.7 km east of Loughshinny village on the L1285 road is connected to Ireland's fibre optic telecommunications network so it is proposed to locate the Cable Landing Station within the grounds of the ESB site.

AQUA COMMS NEWSLETTER
DELIVERED TO RESIDENTS OF
BALDUNGAN CLOSE,
LOUGHSHINNY

- ✚ The newsletter claims the cable will be buried in an 'existing duct'. This civils work to lay this duct only commenced on 13th June 2019 and the work was carried out without having received 'planning approval'. The sub-contractor who laid this duct worked for M+M contractors who were employed by AQUA COMMS

The Cable Route

The cable will run from the existing manhole to a Cable Landing Station located 1.7 metres away at the E56 Substation. This section of the cable will be buried in an existing underground duct that runs underneath the main Loughshinny road (the L1258) and will not require any excavation or disruptive ground works along the road.

AQUA COMMS NEWSLETTER
DELIVERED TO RESIDENTS OF
BALDUNGAN CLOSE, LOUGHSHINNY

We have concerns regarding the '**PLANNING PROCESS**' as it applies to this 'project' as detailed below

- ✚ On the 13th June 2019 a letter from the residents was sent to the enforcement section of Fingal Co Council stating that 'civils work had commenced to lay a duct from Loughshinny Harbour to the proposed ESB 'cable landing station' site a distance of approx. 2km. The council were provided with photographic evidence of this work, contractor details and details linking this contractor to AQUA COMMS


On the 17th June 2019 Fingal Co Council sent a warning letter to the contractor carrying out this work and to the applicant.

Further documentary evidence was provided to Fingal Co Council as this work progressed over the next few weeks until the duct line arrived outside the entrance to the 'proposed cable landing site' in Ballykea.

Following 12 weeks of 'silence' from Fingal Co Council a letter, dated 13th September 2019, finally arrived on 17th September 2019 and stated '...A recent inspection of lands at Featherbed Lane, Ballykea, Loughshinny, Co Dublin revealed that the works undertaken on the site have been carried out in accordance with plans submitted under the approved Planning Permission Register Reference F17A/0691. Accordingly there is no further enforcement action open to the Council in relation to this matter. The file is now closed.

These same works were pointed out to Mr Kevin Foley, Chief Financial Officer of AQUA COMMS, at the site meeting mentioned above and he identified the work as being '... bought and paid for by AQUA COMMS'. When shown a copy of the letter received from Fingal Co Council dated 13th September 2019 he could not explain how Fingal CO Council thought the duct was part of planning application F17A/0691. F17A/0691 involved a development carried out by ESB Telecoms Ltd and Three Ireland involving the erection of a 20m mobile phone mast on the same site. How Fingal Co Council decided a 'duct line' laid in June'19 by contractors identified as working for AQUA COMMS and running from the site over 2km to the beach was part of F17A/0691 development which was carried out 12 months earlier for THREE Ireland is anyone's guess

We have concerns regarding the
'ENVIRONMENTAL IMPACT' as it applies to
this 'project' as detailed below

 Please refer to submissions made to Fingal Co Council regarding the planning reference below and which under EEC Directives concerning habitats can be linked to this 'foreshore licence application'.
(copy appended).

Planning Application Reference Number: F19A/0169

Applicant: ESB TELECOMS LIMITED

Description of Development: Permission for the development of a single storey cable landing station, together with associated cabling, plant and ancillary works, enclosed within a palisade fenced compound.

Date 24th May 2019

The Secretary,
Planning Department,
Fingal County Council,
County Hall,
Main Street,
Townparks
Swords

24th May 2019



Planning Application Reference Number: F19A/0169

Applicant: ESB TELECOMS LIMITED

Description of Development: Permission for the development of a single storey cable landing station, together with associated cabling, plant and ancillary works, enclosed within a palisade fenced compound.

A Chara,

We, the undersigned, refer to the above planning application & wish to make the following submission / objection / observation in relation to the proposed development.

We, the undersigned, wish to object to the proposed development based on the points outlined below:

- We have concerns regarding the **TITLE OF LAND – CONFLICT OF INFORMATION SUPPLIED** as detailed below.
- We have concerns regarding the **PURPOSE OF 'LANDING STATION'** (must align with Rural objective & vision) as detailed below
- We have concerns regarding the **ABSENCE OF A SITE NOTICE** – (not maintained as per planning regulations) as detailed below.
- We have concerns regarding the absence of a **LANDSCAPING PLAN** not being submitted with the planning application. There are many trees/hedgerows located on the site which enhance our community and in our opinion must be kept. Further concerns outlined below
- We have concerns regarding the **APPLICATION FORM ERRORS**
 - (1) Location
 - (2) Classification as 'utility installation'

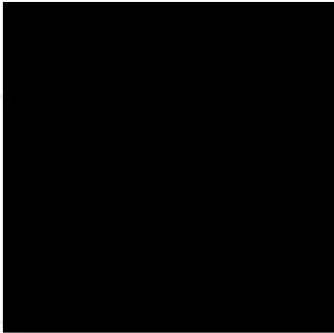
- (3) Extent/Nature of Development
- (4) Noise impact on residents
- (5) No provision for water supply
- (6) Negative Impact on 'fundamental grounds' for granting planning development F17A/0691 as detailed below.

- We have concerns regarding the **ENVIRONMENTAL IMPACT** as detailed below.

On the basis of the above, we, the undersigned, trust our concerns/observations/objections will be taken into consideration prior to a decision being reached on this planning application.

Yours Sincerely,

Signed for and on behalf of the 'undersigned'



Page 14
of 15

OBJECTIONS TO PLANNING APPLICATION F19A0169 by RESIDENTS

NAME	ADDRESS,
[REDACTED]	

OBJECTIONS TO PLANNING APPLICATION F19A0169 by RESIDENTS

NAME	ADDRESS
	



OBJECTIONS TO PLANNING APPLICATION F19A0169 by RESIDENTS

NAME	ADDRESS
[REDACTED]	

SECTION : PLANNING APPLICATION ISSUES

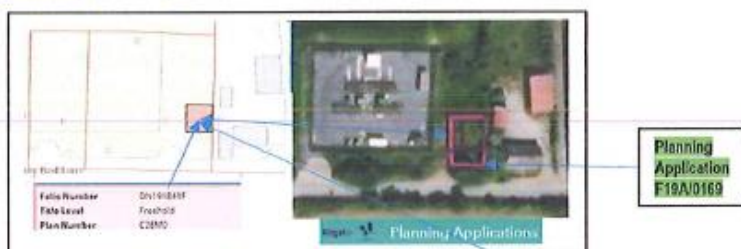
1. TITLE OF LAND – CONFLICT OF INFORMATION SUPPLIED

ESB TELECOMS LTD erected a mobile phone mast on **FOLIO DN 191841F** (Planning application **F17A/0691**) in August 2018.

FOLIO DN191841F is completely owned by **ESB TELECOMS LTD** and being a Limited company is a separate legal entity from ESB Networks

ESB Networks do not own any part of **FOLIO DN191841F** and should not have been entered as part owner on planning application **F17A/0691**

On planning application **F19A/0169** submitted by ESB Telecoms they describe their legal interest in **FOLIO DN191841F** as 'occupier'



10-11-17 **F17A/0691**
FINGAL CO. CO. PLOEPT

10. Legal Interest of Applicant in the Land or Structure:

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	<input checked="" type="checkbox"/>	B. Occupier	<input type="checkbox"/>
	C. Other	<input checked="" type="checkbox"/>		
Where legal interest is Other, please expand further on your interest in the land or structure	ESB Networks own part of the application site. ESB Telecoms own part thereof.			
If you are not the legal owner, please state the name and address of the person who is and supply a letter of consent from the owner to make the application as listed in the accompanying documentation	ESB Networks DAC Clariflan House, Clariflan Place, Dublin 2			

PLANNING APPLICATION **F19A/0169** by ESB TELECOMS LTD is seeking permission for a cable landing station

9. Description of Proposed Development:

Brief description of nature and extent of development*	Permission is sought for the development of a single storey cable landing station, together with associated cabling, plant and ancillary works, enclosed within a part-sold fenced compound.
--	--

And located at

Location of Proposed Development: F19A/0169	
Postal address or Townland or Location (as may best identify the land or structure in question)	ESB's Loughshinny 38 kv substation, Featherbed lane, Loughshinny, Skerries, Co. Dublin
Ordnance Survey Map Ref No (and the Grid Reference where available)	OS Mapping No. 2722-C ESB Coordinates: Easting: 325584 725507 Northing: 256118 756934
Type of planning permission (please tick appropriate box): <input checked="" type="checkbox"/> Permission	
<p>FINGAL COUNTY COUNCIL Permission is sought by ESB Telecoms Ltd of 43 Merrion Square East, Dublin 2 for the development of a single storey cable landing station, together with associated cabling, plant and ancillary works, enclosed within a palisade fenced compound at ESB Telecoms Loughshinny 38KV substation Featherbed Lane, Loughshinny, Skerries, Co. Dublin. The planning application may be inserted or purchased at a fee</p>	

ESB TELECOM LTD describe their interest in the land as 'occupier'

Please tick appropriate box to show applicant's legal interest in the land or structure Where legal interest is 'Other', please expand further on your interest in the land or structure If you are not the legal owner, please state the name and address of the person who is and supply a letter of consent from the owner to make the application as listed in the accompanying documentation	A. Owner <input type="checkbox"/> C. Other <input type="checkbox"/>	B. Occupier <input checked="" type="checkbox"/>
	ESB Group 2 Grafton Street Dublin 3	

However according to the 'site location' map below, supplied by ESB TELECOMS LTD, with planning application F19A/0169 the location of the 'landing station' will straddle approx. half of FOLIO DN19184F (up to butt of mast) and part of FOLIO DN3746 as shown below. This means that the information provided in section INTEREST OF APPLICANT IN LAND OR STRUCTURE of the planning application (F19A/0169) form conflicts with the

Are you aware of any valid planning applications previously made in respect of this land/structure? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known: Reference No.: <u>F17A/0691</u> Date: <u>10/11/17</u> If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with Article 19(4) of the Planning and Development regulations 2006 (as amended)
--

information provided in the section INTEREST OF APPLICANT IN LAND OR STRUCTURE of the planning application (F17A/0691).

The information as provided both above and below by ESB TELECOMS LTD clearly shows that planning application F19A/0169 overlaps the same 'land' as planning application F17A/0691.



2. PURPOSE OF 'LANDING STATION' (must align with Rural objective & vision)

The 'CLAIM' by ESB TELECOMS LTD has 2 parts

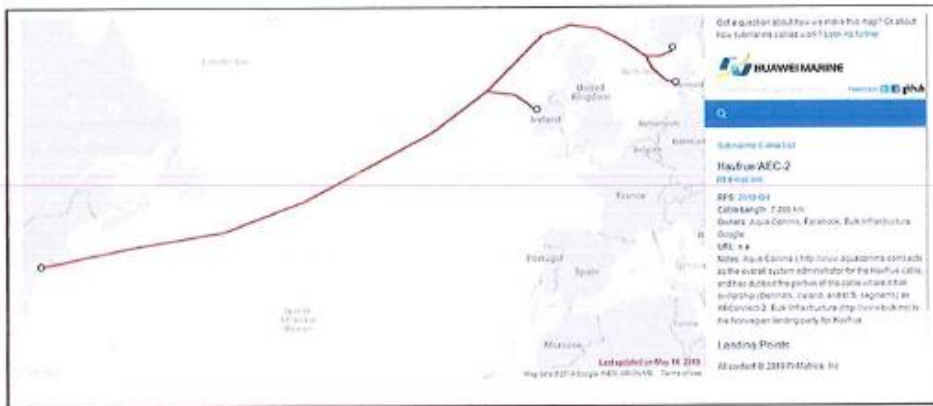
- ❖ Provide resilience to the North Atlantic and Northern European telecoms networks
- ❖ Strategic national importance to Ireland

ESB Telecoms have been approached by a sub-sea fibre cable provider who are landing a new fibre cable at the beach at Loughshinny. The fibre cable landing at Loughshinny forms part of a larger New Jersey - Denmark fibre route, linking Dublin to Blackpool and the North of England, carrying on as a subsea cable to Denmark. The aim of the cable is to provide resilience to the North Atlantic and Northern European telecoms networks, offering an alternative fibre connection to the London-New York cables route which have dominated the North Atlantic fibre market to date. In response to the substantial increase in data centre provision in Ireland over the last number of years, online services providers are keen to increase investment in this growing sector. The new subsea cable is one of strategic national importance to the telecommunications industry in Ireland as it will enhance the country's global connectivity, which is critical to the further development of the sector over the coming decade.

**What C.E.O of AQUA COMMS believes – make money for AQUA COMMS and their partners
FACEBOOK, GOOGLE, and BULK**

(Nigel Bayliff, CEO for Aqua Comms)

"When economic opportunity came along for Aqua Comms, we jumped on it and worked with partners such as Facebook, Google, and Bulk," commented Bayliff. "OTTs have massive requirements between a couple of points across an ocean and are leveraging private network links – not public telecom networks."



The difference with Aqua Comms is that we are only a carriers' carrier. We do not service directly the end customers in any geographic location. We don't sell to enterprises, we don't sell to consumers, we don't sell to any end-users. We simply provide capacity for the companies that use telecoms as part of their businesses – ISPs, major content providers and carriers.

This technical description is built with the following assumptions: (Note: FB = Facebook - AQ = Aquacomms - BU = Bulk)

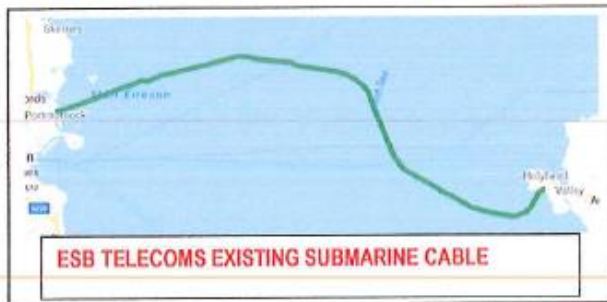
LOUGHSHINNY and BLACKPOOL

	ASN	FB	AQ	BU	Total
Initial Capacity (kW) Day 1	0,5	5	4	2	11
Total Capacity (kW) EoL	0,5	33	12	3	58
Total Area (rack 600x600)	1*	15	7	1	23+CTR

1 RTI/RTI-C	SEA-US	HK Guam (HKG)	JGA North	JGA-South	HY America (HMA)
2 Aqua Comms	AEC-1	AEC-2/Havfrue	CeltixConnect-1	CeltixConnect-2	North Sea Connect
3 Seaborn Networks	Seabras-1	ARBR	SABR		
4 Super Sea Cable Networks	SEAX-1	SEAX-2	SEAX-3		
5 Eualink	EllaLink	GuyaLink	Corilink		
6 SAEX International Ltd.	SAEX-1	SAEX-2			RFS: Operational
7 Hawaiki Cable Company	Hawaiki				RFS: 2019
8 Peace Cable Networks Co. Ltd.	PEACE				RFS: 2020
9 Pacific Light Data Communications Co. Ltd. (PLDC)	PLCN				RFS: 2021
10 IOX Cable Ltd.	IOX				RFS: Not announced

AQUA COMMS are one of the biggest owners of submarine cable in the world. This new cable is just one of many more planned for the next few years. For them, and ESB TELECOMS Ltd, it is only about profit and that means working with very large 'multi-million' pound companies located in the major cities of the world. Their partners in this venture openly state "We don't sell to enterprises, we don't sell to consumers, we don't sell to any end-users" (Nigel Bayliff, CEO for Aqua Comms) so this 'landing station and submarine cable' are of no strategic importance to the people living in this area or Fingal in general.

ESB Telecoms Fibre Network is concentrated between the M50 and the IFSC centre in Dublin City centre. It is also connected to their existing submarine cable to Wales which comes ashore in



Portmarnock (presumably to a landing station there).

Any connection between ESB Telecoms Ltd 'fibre network' and this new cable / landing station will only be for the benefit of their major customer in Dublin City centre area.

Therefore the proposed landing station and associated works fail to meet the requirements of the

area as outlined in the development plan 2017 – 2023 and which are

Objective: *Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.*



Vision: *Protect and promote the value of the rural area of the County. This rural value is based on:*

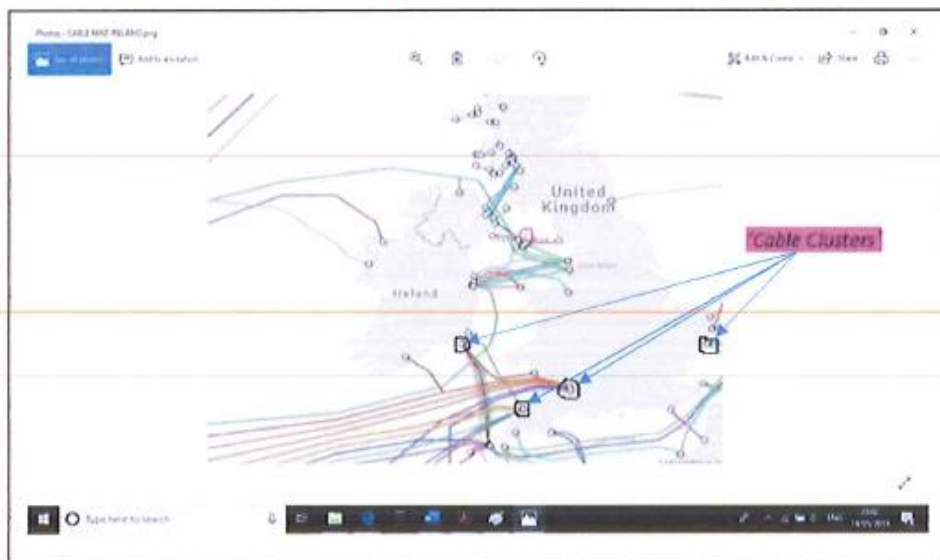
- *Agricultural and rural economic resources*
 - *Visual remoteness from significant and distinctive urban influences,*
 - *A high level of natural features.*
- Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of*

rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.

In addition there are more suitable sites available to ESB Telecoms Ltd to build a 'landing station' including a site they already own in Portmarnock as shown here. There is adequate space on their site to build a 10m x 8m 'landing station' if they so choose. This site is also adjacent to their fibre network as shown above.



By choosing Portmarnock as the 'landing station' they would achieve their aim of 'resilience to the



North Atlantic and Northern European telecoms networks'. Other operators seem to use the 'one landing site' for multiple cables as can be seen from the submarine cable map below. This allows the 'limited number of landing locations' along the coast to be used by other operators thus avoiding a 'monopoly' situation which is not in the strategic interest of the country

3. SITE NOTICE

The site notice was absent from the site from Saturday 18th May 2019 onwards



4. APPLICATION FORM ERRORS

(1) The location of the 'landing station' as given by the co-ordinates (Easting 725507 Northing 756934) above is on private property adjacent to the ESB Substation



(2) ESB Telecoms Ltd are claiming their 'landing station' is a 'utility' installation and therefore allowed in an area zoned RU

ESB TELECOMS APPLICATION F19A/0169

The site is zoned RU – Rural, the objective of which is to “protect and promote, in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage”. A review of the zoning matrix shows that telecommunications infrastructure is “permitted in principle” as a utility installation. Given the existing telecoms usage of this site, the proposed location for this telecoms exchange is the obvious location in the vicinity.

Fingal Development Plan 2017 – 2023 Appendix 4 defines 'Utility Installations' as

Utility Installations Appendix 4 fingal development plan 2017 2023

A structure composed of one or more pieces of equipment connected to or part of a structure and/ or a facility designed to provide a public utility service such as the provision of heat, electricity, telecommunications, water or sewage disposal and/or treatment.

The CRO (Companies Registration Office) lists ESB Telecoms Limited as a private company whose customers are mainly located in Dublin City area.

Details https://search.cro.ie/company/CompanyDetails.aspx?id=339991&type=C	
Type	LTD - Private Company Limited by Shares
Number	339991
Name	ESB TELECOMS LIMITED

Their partners in this venture openly state "We don't sell to enterprises, we don't sell to consumers, we don't sell to any end-users" (Nigel Bayliff, CEO for Aqua Comms).

The definition of a 'public utility' is

Definition and meaning. A **public utility** is a company that operates as a **public-service** corporation, and **provides** essential **services** to the **public** such as electricity, telephone **service**, natural gas, water or postal **services**. The **public utility** is typically regulated by the national, state or local government

Neither AQUA COMMS not ESB TELECOMS meet this definition and are therefore not providing a 'public utility service' as defined in Appendix 4 of the Development Plan.

(3) ESB Telecoms Ltd don't seem to be sure what the actual extent of the development is.

The height is variably shown as 3.65m or 3.7m

The dimensions of the station are variably shown as (8.1m x 10m) or (10m x 10m)

The generators might be inside or possibly outside

The stated (200m²) development area does not match that outlined on the drawings

The equipment contained within the building requires 'humidity' control and a 'fire suppressant system' both of which require a water connection and drainage piping but no drainage outlet system has been shown on the drawings and no water supply has been applied for

The application seeks permission for the locating of a new telecoms cable landing station measuring 8.1m x 10m x 3.7m (height) located to the front of the utility site (south). The reason for needing to locate the landing station at this location is to allow for the potential future expansion of the ESB Networks substation site to the northern end of the site. Proposals to add an additional 2 busbars to accommodate future solar and/or wind development in the area are currently being considered by ESB Networks.

As such, the potential impacts on the residential amenity of the nearby dwellings has been taken into account. Upon the request of ESB, the cabin has been reduced in height from 3.85m to 3.65m. This is the minimum height required by the developer

gross floor space of proposed works in m ²	81
---	----

compound at ESB's Loughshinny 38kV substation site. The proposed structure is single story and 3.65 metres above ground level at the highest point. The structure has a total floor area of 81m². The layout of the proposed development is provided in Appendix I.

As an option, **ONLY** for OUGHSHINNY (IRELAND), the diesel generators module, shall be detachable from the MCLS. This constrains is linked to the piece of land where the MCLS will be installed within a total surface equal to 100m² (10m x10m)

<p>the limits</p> <p>ESBT Existing Development Area:-100m²</p> <p>ESBT Proposed Development Area:- 100m</p> <hr/> <p>Total Development Area :- 200</p> <p>the limits</p> <p>City Council site location map</p>

(4) NOISE IMPACT – BASED ON WHICH HEIGHT AND WHAT FLOOR AREA

Noise impact is greatly affected by dimensions of the building and ESB Telecoms are unsure of actual dimensions of the landing station.

A Noise Impact assessment has been carried out on behalf of MKO Planning Consultants by Aona Environmental and has been submitted as part of the planning application and is included in Appendix 3. The assessment conclusions, set out on page 18 of the report, broadly determines that “there will be no significant residual impact from the operation of the Loughshinny ESB Cable Station”. A Construction

Even then Aona Environmental can only say “...broadly determines that “there will be no significant ... impact”.

Aona Environmental did not take into account the ‘singing noise’ from the existing mast when they arrived at their vague conclusion.

In addition Aona Environmental also did not take into account that the diesel generators may not be positioned within the building as envisaged in the 'noise impact' assessment study

3.5. GENERATOR ROOM 'noise impact' assessment study

The generator room shall be sound proofed in order to obtain an overall noise level, measured outside (with door closed) at 2 meters from any wall, which does not exceed 65 dBA.

As an option, ONLY for OUGHSHINNY (IRELAND), the diesel generators module, shall be detachable from the MCLS. This constraint is linked to the piece of land where the MCLS will be installed within a total surface equal to 100m² (10m x10m)

(5) NO PROVISION FOR A WATER SUPPLY

The planning application states room conditions will be controlled within the following parameters. A water connection will be required to maintain humidity within the stated parameters

The modules temperature and humidity shall be maintained at the following internal conditions:

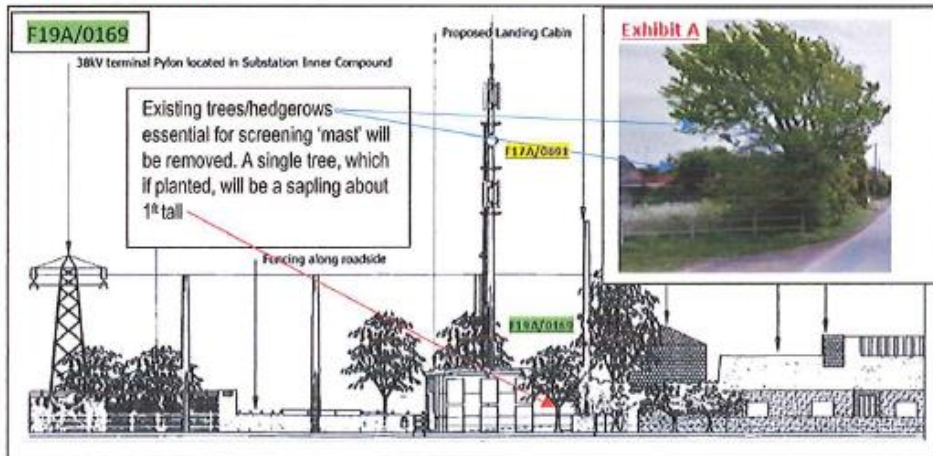
Module	Temperature	Relative humidity (RH)
Equipment Area (ASN / FB / AQ)	20 ° C + 5 ° C	50% +10 % / - 20%
Power (except Diesel Generator)	22 ° C +/- 4 ° C	50% +/- 30%

- Have an internal environment that is clean with controlled temperature and humidity.

A water supply is also an essential in order to meet the safety requirements of the MCLS.

The fire suppression system shall be implemented with FM200 gas or equivalent (e.g., Ecaro25, NOVEC) for the equipment (FB, BU, AQ, and common) and power room and based on water mist (eg .Hi-Fog® or equivalent) In the generator room

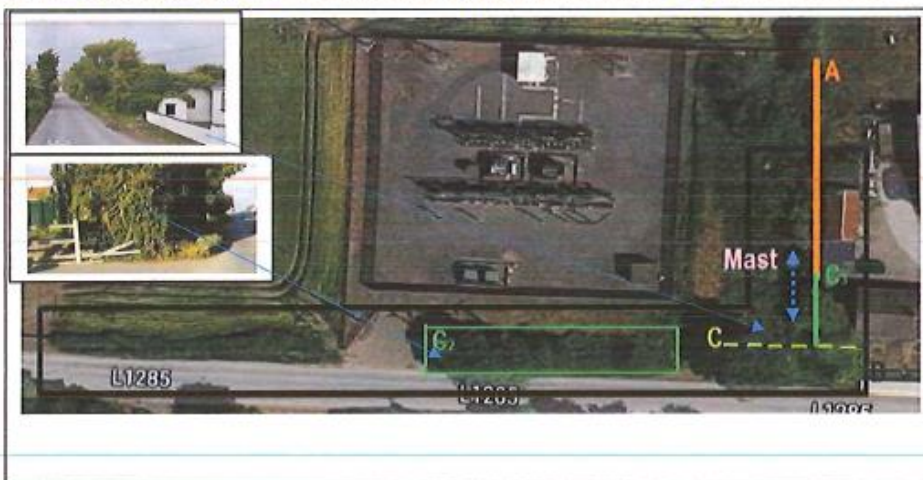
IMPACT ON F17A/0691



This implies that some of the 'infrastructure' as provided under planning application F17A/0691 will be moved to make way for the 'landing station'.

It also means that the 'natural screening' as provided by the hedgerows and scrub which were an 'essential part' of planning application F17A/0691 will be removed.

The 'proposed screening' as part of planning application F17A/0691 along the eastern boundary (A) of FOLIO DN19184F (which has yet to be provided) would not now be possible to plant. Along the Line (C₂) essential screening for the mast to the east will be removed or severally cut back. Anything to the north of (C) will be removed, anything to the south of (C) will be cut back to the



line to allow 'line of sight' for vehicles departing the site. The extent of the hedgerows / trees to be affected by this development is enclosed in box (B)

Compare this devastation of views / hedgerows to points (1) and (2) below

1) What was to be according to Fingal Co Council when granting planning application F17A/0691 was granted

If permission for planning application F19a is granted then permission for planning application F17A/0691 has to be revoked as they are mutually exclusive planning applications. F17A/0691 requires extensive 'natural screening' to meet the conditions of the application whereas F19A/0169 needs to clear away all the 'natural screening' to make space for the landing station

measuring 10m x 10m. New landscape planting could be undertaken at the eastern side of mitigate as much as possible against visual obtrusion to adjoining property. The structure would be made available to all operators as

A 20m brown wooden pole structure was chosen for this site. Given the existing landscape sensitivity in this area, this structure is deemed the most suitable in terms of height and limiting visual impact on nearby residential properties. This coupled with the proposed landscaping will ensure that the structure is not obtrusive and accords with the zoning whilst also allowing for a continued telecommunication service to the area.

solely on the impact on residential amenity and devaluation of property. Whilst the planning history on the site is noted, on balance and having regard to the siting of the proposed structure within an existing ESB compound alongside existing pylons, fencing and overhead wires, the presence of extensive screening along the eastern boundary of the site, in the absence of any national or local

accommodates a 38kV substation. The monopole structure is to be situated alongside an existing compound which comprises pylons, fencing and overhead wires. These existing structures together with mature trees and hedgerow in the vicinity of the site afford some mitigation in terms of visual impact with the majority of the lower part of the monopole structure being entirely screened. The upper element of the monopole structure where it is proposed to locate the dishes and antennae will however be visible being above the tree line and given the undulating topography in the vicinity will be visible from the R128 to the south-east. Notwithstanding the designation of the area as a

2) Fingal Co Councils stated objectives in the Development Plan 2017 - 2023

Objective RF59

- (b) Protect existing trees, hedgerows, townland boundaries and watercourses which are of amenity, historic or biodiversity value and ensure that proper provision is made for their protection and management in future development proposals.
- (d) Require appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

The hedgerow network throughout Fingal is a valuable natural resource and should be protected. While it is recognised that development sometimes necessitates the loss of trees and hedgerows, this should be minimised and where removed should be compensated and replaced on site. In general, the retention of trees and hedgerows is critical in protecting the positive attributes of landscape character and heritage features and providing for an attractive living environment. Existing trees, hedgerows, townland boundaries and watercourses which

3) Planning requirements for Rural dwellings

Objective RF63

Ensure the retention of hedgerows and other distinctive boundary treatments in rural areas. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, provision of the same type of boundary/provision of agreed species of similar length will be required within the site.

- Minimum Separation Distances Between the gables of non-adjoining dwellings - 4 metres
- Minimum Building Set Back from Public Road Local County Road – 18 metres
- The existing roadside boundary should be retained save where it may be interfering with the provision of adequate sightlines, and there is no alternative site available. Where a roadside boundary has to be set back to achieve sightlines a new boundary hedge, set behind the sightlines shall be constructed. All remaining existing natural boundaries should be retained and supplemented where practical

Objective NH34

Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types, including the retention of important features or characteristics, taking into account the various elements which contribute to their distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land-use and tranquility.

Objective NH35

Resist development such as houses, forestry, masts, extractive operations, landfills, caravan parks and large agricultural/horticulture units which would interfere with the character of highly sensitive areas or with a view or prospect of special amenity value, which it is necessary to preserve.

Objective NH36

Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area. New development in highly sensitive areas shall not be permitted if it:

- Causes unacceptable visual harm
- Introduces incongruous landscape elements
- Causes the disturbance or loss of (i) landscape elements that contribute to local distinctiveness, (ii) historic elements that contribute significantly to landscape character and quality such as field or road patterns, (iii) vegetation which is a characteristic of that landscape type and (iv) the visual condition of landscape elements.

Objective NH37

Ensure that new development meets high standards of siting and design.

Objective NH38

Protect skylines and ridgelines from development.

Objective NH39

Require any necessary assessments, including visual impact assessments, to be prepared prior to approving development in highly sensitive areas.

ESB Telecoms believe that a 1st sapling will be enough to meet all the objectives listed opposite

The Trees and Hedgerow shown at Exhibit A, along with Trees and Hedgerows shown along LINE (C) were not included in the 'impact assessment' provided by ESB Telecoms, thereby invalidating the entire assessment report.

5. Existing Fence and Equipment - F17A/0691

The proposed vehicle parking spaces (2) and the oil storage tank for the diesel generators will be located within the existing fenced area containing the mast. This has not been highlighted on the plans submitted.

In order for the parking area to be incorporated as above it requires the landing station to be moved forward towards the road thereby reducing / eliminating the 'road offset' requirement of planning regulations.

According to the drawings submitted there is also an exit door from the building, facing northward, which requires a 'clearance area' around it. It seems improbable that there is sufficient space within the proposed 200m² development area to cater for the building, parking spaces, oil tank, entrance ramps, palisade fencing, entrance gates, clearance distances from boundaries, ditches, road offsets and all the other requirements for a new building, not to mention the possibility of the generators being located outside also.

5. ENVIRONMENTAL IMPACT

Planning application F19A/0169 cannot be considered in isolation as there would be no requirement for a 'landing station' if the proposed submarine cable route did not arrive in Loughshinny Harbour.

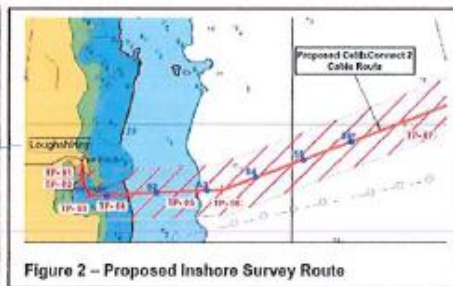


Figure 2 – Proposed Inshore Survey Route

The 'proposed submarine cable route' passes straight through

'Rockabill to Dalkey Island SAC (special area of conservation)

The Habitats Directive 92/43/EEC (together with the Birds Directive (79/409/EEC)) forms the cornerstone of Europe's nature conservation policy. The directive protects over 1000 animals and plant species and over 200 "habitat types" which are of European importance. In the Directive, Articles 3 to 9 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of conservation sites (NATURA, 2000). These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Birds Directive). Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect NATURA 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the [NATURA 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implication for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

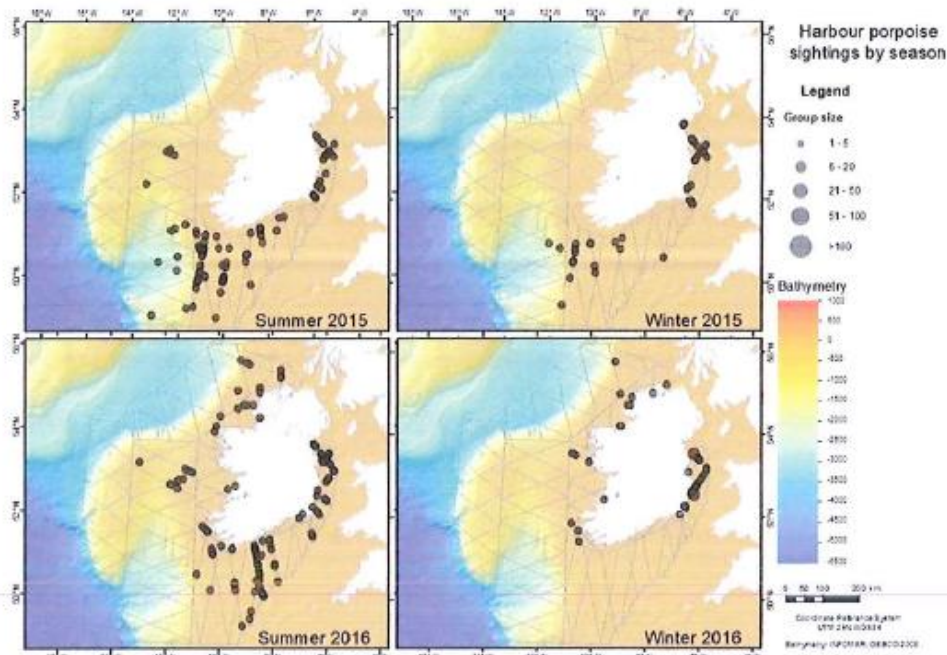
As outlined in the guidance document on Article 6(4) (January 2007):

"Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field."

National Parks and Wildlife Service

Under the EU Habitats Directive all cetacean species are included in Annex IV and two species, **harbour porpoise** and bottlenose dolphin, are included in Annex II requiring the designation of Special Areas of Conservation

The Irish Sea appeared to be an important area for this species, both in summer and winter of 2015-17, with this area consistently having higher densities than the other strata.



Impact Assessment carried out by ALTEMAR Marine & Environmental Consultancy on behalf of ESB TELECOMS LTD shows that there will be an adverse effect on the harbour porpoise (should not

cause death or injury) but they hope this will not have a long-term effect.

Objective: To maintain the favourable conservation condition of harbour porpoise in Rockabill to Dalkey Island SAC, which is defined by the following list of attributes and targets
Target 1 Species range within the site should not be restricted by artificial barriers to site use. This target may be considered relevant to proposed activities or operations that will result in the permanent exclusion of harbour porpoise from part of its range within the site, or will permanently prevent access for the species to suitable habitat therein. It does not refer to short-term or temporary restriction of access or range. Early consultation or scoping with the Department in advance of formal application is advisable for proposals that are likely to result in permanent exclusion.
Target 2 Human activities should occur at levels that do not adversely affect the harbour porpoise community at the site. Proposed activities or operations should not introduce man-made energy (e.g. aerial or underwater noise, light or thermal energy) at levels that could result in a significant negative impact on individuals and/or the community of harbour porpoise within the site. This refers to the aquatic habitats used by the species in addition to important natural behaviours during the species annual cycle. This target also relates to proposed activities or operations that may result in the deterioration of key resources (e.g. water quality, feeding, etc) upon which harbour porpoises depend. In the absence of complete knowledge on the species ecological requirements in this site, such considerations should be assessed where appropriate on a case-by-case basis. <u>Proposed activities or operations should not cause death or injury to individuals to an extent that may ultimately affect the harbour porpoise community at the site.</u>

The Appropriate Assessment

(AA) is inadequate as Article 6 (2) and 6 (3) have not been fully carried out. The AA did not assess the potential impacts of the seismic waves from the survey on the Grey Seal, Harbour Porpoise, Bottle-nosed Dolphin, all of which are an Annex II species.

In addition, it is of concern that indirect impacts on prey abundance and foraging activity of species have not been addressed at all.

Offshore Survey

3.15 A continuous bathymetric swathe (Multibeam Echosounder), along with side scan sonar imagery and sub-bottom profile will be obtained, centred on the preliminary route and along all wing lines needed to complete the corridor coverage. A minimum depth accuracy of 0.5% is required. Sub-bottom equipment will be able to discern the nature and density of upper 3m of seabed, and is to be used on a non-interfering basis with other sounding systems. Additional sounding lines may be necessary to develop any obstacles or archaeological features that may be encountered, and/or to meet the overlap and corridor requirements.

3.18 An acceptable sample is defined as;

- Grab Sample – recovery of approximately a full bucket of soils. Recovery of rocks and/or large size granular material will be taken as indication of a hard seabed and be deemed an acceptable sample.
- Gravity Core – recovery of no less than a 2m deep core of soil. If stiff or hard soils are encountered below 1m of seabed and are clearly indicated in the sample, a 1m+ soil sample will be deemed acceptable. Any sample site yielding less than 1m of recovery must be investigated a second time unless there is obvious damage to the coring equipment indicating a hard or rocky substrate.
- CPT – Penetration to the 2m below seabed. Any push resulting in less than 2m penetration will warrant a second attempt.

Under the Wildlife (Amendment) Act 1976-2005, all cetaceans and seals are protected species listed on the 5th Schedule. The acoustic emissions from the seismic surveying equipment are likely to affect the cetacean communities in the area.

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

Celtix Connect - Havhingsten Telecommunication Cable Dublin

Reference Number:

FS006915

NO SIGNIFICANT IMPACT CLAIM by AQUA COMMS – RESUBMITTED EIS UNTRUE

SECTION 1: PROJECT DEFINITION in EIS document submitted

This application is one element only of the 'North Atlantic Loop' project and must be assessed in conjunction with all other elements of this project.

This same model will be used for the 3 new cables that it is building this year:

- **America-Europe Connect-2 (AEC-2)**, a second Trans-Atlantic cable running from New Jersey to both Ireland and Denmark
- **Celtix-Connect-2 (CC-2)**, a second cable crossing the Irish Sea from Dublin to the UK
- **North Sea Connect (NSC)**, the first modern cable to cross the North Sea, connecting Denmark and the UK

Once operational, the combination of these 5 cables will deliver the North Atlantic Loop (see below), offering diverse routes across multiple combinations between the US, Ireland, the UK and Scandinavia.



- All Environmental Impact Statements must address each element of this project as defined by AQUA COMMS as the 'North Atlantic Loop'

- AQUA COMMS have not complied with this requirement of the EU Directive.

- Fingal Co Council have, due to pressure from residents, linked this foreshore application, the cable landing station and the road opening licences associated with the ductwork. Again, AQUA COMMS do not reference all elements of the project in their environmental impact statement

- Public confidence in the planning process is fundamental to sustainable development. Therefore the 'process' must be seen to be beyond reproach and



- Connects with the existing Celtix-Connect-1 and the proposed North Wales Connect to form a fully diverse and reliable circuit between Dublin and Backpool (extendable to Manchester and beyond with one of our trusted partners)
- Connectivity to New York and London through the AEC Connect network
- Incorporates a Branching Unit to facilitate connection to the Isle of Man

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

scrupulous in its application of the rules. Sadly, in this instance this has not been the case so far. The breaches of procedure by the applicant have been many to date and include

- Not disclosing the true and full extent of the 'project', treating each element as a separate application contrary to EU Directives
- Commencing work prior to receiving planning approval
- Providing misleading and inaccurate information

If proper procedures were being followed this application would have been rejected before now.

- The position as of today is that one element of the 'North Atlantic Loop' project has been refused planning permission (F19A/0169 – Cable Landing Station) by Fingal Co Council.

Objective NH15 of the Fingal Development Plan 2017-2023 states 'strictly protect areas designated or proposed to be designated as Natura 2000 sites (i.e. Special Areas of Conservation (SACs) including any areas that may be proposed for designation or designated during the period of this Plan.'

Fingal Co Council Planning found that

'...The proposed development would contravene materially Objective NH15 of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.'...

- This 'foreshore application' is to allow a submarine cable to land in Loughshinny and be connected to the Cable Landing Station. The applicant has submitted an Environmental Impact Statement as part of the application and the purpose of this document is to describe the impacts on the environment as a result of a proposed action (submarine cable) or linked actions (North Atlantic Loop) as well as ways to mitigate negative impacts
 - ... the "environment" considered in an EIS includes land, water, air, structures, living organisms, environmental values at the site, and the social, cultural, and economic aspects...
 - Included in EIS is the relationship of people with the environment
- The EIS submitted does not address all these aspects and therefore

ON THIS BASIS ALONE THE FORESHORE LICENCE APPLICATION MUST BE REJECTED

- The information submitted with this application is so seriously flawed as to render the application null and void
 - Please refer to APPENDIX 1A for examples which demonstrate the 'flawed' nature of this application

ON THIS BASIS ALONE THE FORESHORE LICENCE APPLICATION MUST BE REJECTED

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

- The information submitted with this application does not meet the requirements as per the governing legislation
 - Please refer to **APPENDIX 1B** for reasons which demonstrate the 'procedural' errors which occurred.

ON THIS BASIS ALONE THE FORESHORE LICENCE APPLICATION MUST BE REJECTED

SECTION 2: INACCURATE 'FIGURES' in EIS document submitted

- The minimum standard to be expected from such a document is that it is properly researched, accurate in its presentation and the conclusions presented be based on 'scientific evidence' in accordance with the EU Directives.
- The document submitted does not reach this 'minimum standard'. Information is presented throughout this document which is 'not accurate'

Table 1-1 Consultation for Ireland route (re-submitted document Jan'20)

Loughshinny Community Association	11/06/2019	Introduce the project and provide point of contact
-----------------------------------	------------	--

- This claim was not in the original EIS document submitted in Oct'19. Committee members have no recollection of any such meeting taking place
- Local engagement only commenced 17th September 2019, which was only after the Applicant was requested to provide Fingal Co Council with additional information following the lodgement of objections against planning application F19A/0169. Prior to this point there was no engagement with residents on any element of this 'project'. [refer **APPENDIX A**]
 -Following the planning objections lodged with Fingal Council we have been asked to submit further information (through ESB), for which we have an absolute deadline of Dec 10th. We wish to do this as quickly as we can, however before we do, I believe it would be more fruitful for us to start the local engagement process now.....
(Kevin Foley, CFO, AQUA COMMS, email dated 17th September 2019)

Table 5-3 Initial screening of relevant Natura 2000 sites

Oct'19 EIS Document	Jan'20 EIS Document
<i>Site NAME & CODE - Distance to 'installation and maintenance activities'</i>	<i>Distance to 'installation and maintenance activities'</i>
Skerries Islands SPA [IE004122] 2.03km	2.28km
Rogerstown Estuary SPA [IE004015] 2.65km	2.74km
Rogerstown Estuary SAC [IE000208] 2.65km	2.82km
Lambay Island SPA [IE004069] 4.9km	4.9km
Lambay Island SAC [IE000204] 5.36km	5.33km
North Anglesey Marine SAC 7km from the Irish/UK median line	7km

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

Malahide Estuary SPA [IE004025] 8.56km	7.56km
Baldoyle Bay SPA [IE 004016] 14.26km	14.09km
Ireland's Eye SPA [IE 004117] 14.26km	14.26km
River Nanny Estuary and Shore SPA [IE 004158] 14.45km	14.58km
West Wales Marine SAC [UK0030397] 98.5km	99.3km
Llyn Peninsula and the Sarnau SAC [UK0013117] 104.4km	102.4km
North Channel SAC [UK0030399] 46km	60.9km
Cardigan Bay SAC [UK0012712] 160km	160km
Bristol Channel SAC [UK0030396] 260km	222km

■ According to both documents submitted (Oct'19 EIS and Jan'20 EIS)

A geographic information system (GIS) was used to map the boundaries of SACs and SPAs in relation to the proposed installation and maintenance activities. All Natura 2000 sites which are within the search areas outlined in Table 5-1 have been screened for relevant Qualifying Interests. There are no candidate SACs (cSACs) within the search area. A total of 17 sites were screened in this assessment and are shown in Table 5-3 and Figure 5-2 (Drawing P2228-PROT-002). For each site it was determined whether there is the potential for an interaction between the proposed installation and maintenance activities and the Qualifying Interest i.e. whether there is a pressure-receptor pathway. This is determined by comparing information such as the zone of influence with information regarding the Qualifying Interest e.g. species foraging distances, spatial extent of habitats etc. The interactions were defined as follows

- Possible: A pathway between the proposed installation and maintenance activities and the qualifying interest feature can be identified that is likely to result in an effect; or
- Unlikely: Either a pathway between the proposed installation and maintenance activities and the Qualifying Interest cannot be identified; or a pathway exists but there is no physical overlap of the pressure and the Qualifying Interest; or no pressure-receptor pathway can be established.

To measure the distance between 2 points is a simple and straightforward calculation. As can be seen from the above this simple task was beyond the capabilities of the applicant. Practically every 'distance' measured and reported in Table 5-3 Initial screening of relevant Natura 2000 sites EIS document submitted Oct'19 is different when compared to the exact same 'measurement' as reported in Table 5-3 Initial screening of relevant Natura 2000 sites EIS submitted Jan'20

This raises serious concerns concerning the ability of the applicant to accurately measure and report on any variable in any or all documents submitted with the foreshore application. Indeed, this characteristic of 'inaccurate figures / inaccurate information' is a feature of all documents submitted by the applicant to the various state bodies charged with processing different planning applications relating to the project 'North Atlantic Loop'.

ON THIS BASIS ALONE THE FORESHORE LICENCE APPLICATION MUST BE REJECTED

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

SECTION 3: INACCURATE 'INFORMATION' in EIS document submitted

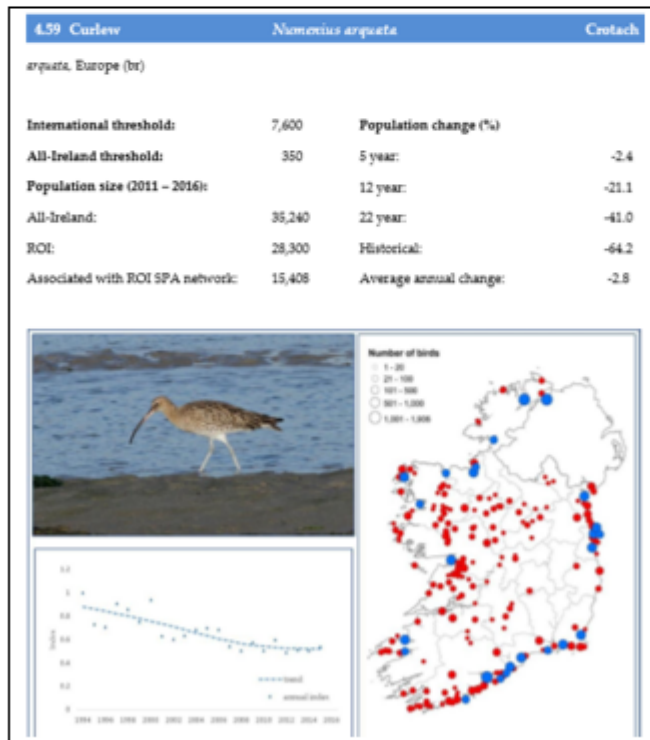
The EIS document submitted in Jan'20 repeatedly states 'no significant impact' for each species, etc, assessed. Information presented for each SAC is sketchy, outdated, and of such a general nature as to be useless for the purpose of assessing 'environmental impact'.

Taking 'Skerries Islands' as an example the section titled 'Assessment against conservation objectives. The section reads like a 'travel itinerary' for a cruise liner and concludes with the oft repeated

Screening Conclusion: No likely significant effects. AA is not required.

- A professionally produced independent assessment of Skerries Island SPA would have identified the islands as 'Sites supporting numbers of national importance' of Eurasian Curlew. Furthermore, the Eurasian Curlew is a protected species on the

The Eurasian Curlew is protected under Irish and EU law. It is Ireland's only **Red Listed** bird species on the IUCN list of threatened species. A national survey commissioned by NPWS in 2015 and 2016 found drastic declines of the national breeding population of Curlews.



'red list' of threatened species and in serious decline.

- It is inexcusable that the applicant did not include this bird species in their 'environmental impact assessment', but understandable when one considers the survey 'statistics' gathered.

This report was produced by NPWS
IRISH WETLAND
BIRD SURVEY:
WATERBIRD
STATUS AND
DISTRIBUTION
2009/10 – 2015/16

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

The full NPWS report is included in APPENDIX 2. This report contradicts the entirety of claims made by AQUA COMM's as the vast majority of bird species are in serious decline and as the 'Supreme Court' have ruled that any project not directly linked to the 'management of a site' will **adversely affect the integrity of that site**

Summary — **Judgment of the Court** (Third Chamber), 11 April 2013

1. *Environment — Conservation of natural habitats and of wild fauna and flora — Directive 92/43 — Special areas of conservation — Sites, included in national lists, eligible for identification as sites of Community importance — Protective measures — Obligation of the Member States to safeguard their ecological interest*

(Council Directive 92/43, Arts 4(1) and 6(2) to (4))

2. *Environment — Conservation of natural habitats and of wild fauna and flora — Directive 92/43 — Special areas of conservation — Obligations of the Member States — Assessment of a project's implications for a site — Authorisation for a plan or project on a protected site — Condition — No adverse effect on the integrity of the site — Concept of adversely affecting the integrity of the site*

(Council Directive 92/43, Art. 6(3))

1. See the text of the decision.

(see paras 22, 23)

2. Article 6(3) of Directive 92/43 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that a plan or project not directly connected with or necessary to the management of a site will adversely affect the integrity of that site if

Skerries islands are listed as a 'site of national importance' for this threatened bird species As the applicant failed to include this bird species in their environmental impact statement their foreshore application is seriously flawed

- Other species of bird on skerries islands, in serious decline and not included in the 'environmental impact assessment'

4.51 Purple Sandpiper	<i>Calidris maritima</i>	Cobadán cosbhui	
<i>maritima</i> , N. Europe & W. Siberia (br) ¹			
<i>maritima</i> , N.E. Canada & Greenland (br) ²			
International threshold:	710/110 ³	Population change (%):	
All-Ireland threshold:	20	5 year:	-35.6
Population size (2011-2016):		12 year:	-63.1
All-Ireland:	660	22 year:	-60.6
ROI:	465	Historical:	-57.8
Associated with ROI SPA network:	82	Average annual change:	-5.6

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

4.64 Turnstone	<i>Arenaria interpres</i>	Piardálai trá	
<i>interpres</i> , N.E. Canada, Greenland (br)			
International threshold:	1,400	Population change (%):	
All-Ireland threshold:	95	5 year:	-31.2
Population size (2011-2016):		12 year:	-31.3
All-Ireland:	9,480	22 year:	-21.0
ROI:	6,296	Historical:	-
Associated with ROI SPA network:	2,352	Average annual change:	+0.3

4.44 Ringed Plover	<i>Charadrius hiaticula</i>	Feadóg chladaigh	
<i>hiaticula</i> , N. Europe (br)			
International threshold:	540	Population change (%):	
All-Ireland threshold:	120	5 year:	-17.9
Population size (2011-2016):		12 year:	-30.1
All-Ireland:	11,660	22 year:	-6.6
ROI:	10,545	Historical:	+19.8
Associated with SPA network:	3,065	Average annual change:	-0.03

- The fact that the applicant selected two species of bird for this SPA and included them in their assessment is troubling. It possibly points to a bias in their reporting of the facts. Certainly, to exclude a 'red listed' species from an environmental impact assessment needs to be explained and it is hard to fathom why this was so other than to conclude the species were excluded because it was not in the applicants favour to mention them.



4.36 Curlew	<i>Phalaropus lobatus</i>	Bosighall	
<i>lobatus</i> , N.W. Europe (br)			
International threshold:	1,200	Population change (%):	
All-Ireland threshold:	110	5 year:	-5.0
Population size (2011-2016):		12 year:	-27.7
All-Ireland:	10,870	22 year:	-6.9
ROI:	7,967	Historical:	+3.7
Associated with SPA network:	3,263	Average annual change:	+0.1

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

- Having included both these species of bird the applicant then failed to properly assess the risks to these birds from the introduction of this submarine cable to their environment. The OSPAR COMMISSION, referenced below, identify further risks due to submarine cables on these birds which AQUA COMMS failed to address in their EIS submitted
- An independent assessment needs to be carried out to verify the facts of the situation concerning the 'cumulative affects' of this type of activity which are expected to occur over the next 25 years on this environment

ON THIS BASIS ALONE THE FORESHORE LICENCE APPLICATION **MUST BE REJECTED**

SECTION 4: Opinion vs Scientific Evidence in EIS document submitted



Birdwatch Ireland in their statement to the [dail](#) on July 2nd, 2019 stated the following

.....**We are a science-based organisation** and our staff includes **internationally recognised experts**. We are the Irish representative of [BirdLife International](#), the world's largest conservation partnership, and we collaborate with a wide range of stakeholders to achieve our goals.

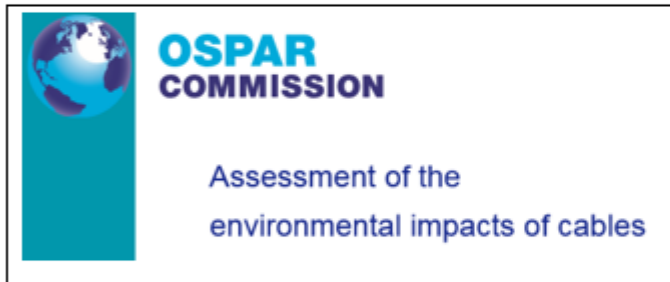
Today we will outline the conservation status of Ireland's wild birds, the pressures and threats

they are facing, what we are doing to help and what else needs to be done. **The Dáil declared a biodiversity and climate emergency on May 9th 2019** and also called for biodiversity loss to be addressed by the Citizens' Assembly. This indicates that as a nation we recognise that our wildlife is in trouble and urgent action is needed to protect and safeguard our environment into the future.....

- The applicant has relied on 'opinion' to justify every claim of 'no significant impact'. Usually this 'opinion' is preceded by some general comment taken from some research done in the early 2000's and padded out with general waffle before jumping to an opinion of 'no significant impact'. This approach also uses selective use of examples as shown in the Skerries Islands SPA example in Section 3.
- EU Directives transposed into Irish Legislation and backed up with Supreme Court judgements state only 'scientific evidence' can be used in Environmental Impact Assessments and that conclusions drawn must be based on that 'scientific evidence'

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

- **Birdwatch Ireland are recognised by the authorities here as being an organisation who produce evidence-based reports which help guide policy. So, when they say that**
.....*Our most recent I-WeBs survey analyses shows that Ireland has lost around half a million water birds, almost 40%, in less than 20 years.....*
it is time for people to stop, listen and take remedial action. This includes Government Bodies charged with protecting our environment.
The only conclusion that can be drawn from the applicants EIS document, when compared to the factual evidence contained in, for example, IRISH WETLAND BIRD SURVEY: WATERBIRD STATUS AND DISTRIBUTION 2009/10 – 2015/16 by NPWS is that it is a document written to fulfil a requirement of the planning process and done so in a way that provides the ‘authorities’ with a fig leaf as cover for bad decisions
- **Another expert view is the OSPAR COMMISSION. Upon reading their report it becomes clear that the applicant ‘understated’ the environmental impact effects of their cable, both as a singular cable and in combination with cables.**



Assessment of the environmental impacts of cables

OSPAR Convention
The Convention for the Protection of the Marine Environment of the North-East Atlantic (the "OSPAR Convention")

was opened for signature at the Ministerial Meeting of the former Oslo and Paris Commissions in Paris on 22 September 1992. The Convention entered into force on 25 March 1998. It has been ratified by Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland and the United Kingdom and approved by the European Community and Spain

It is expected that the number of submarine telecommunication and in particular power cables will increase in the coming years. In particular, the number of offshore wind farm transmission cables is predicted to grow rapidly. This could intensify potential environmental impacts resulting from submarine cables. Developments in the European energy market may also result in an increase in submarine electricity transfer cables

Cable-laying temporarily disturbs seabed habitats

As far as the construction phase (i.e. the placement) of both power and telecommunication cables is concerned, the associated impacts (disturbance, habitat damage) are generally not likely to be detrimental to the overall quality status of the OSPAR region because they are mostly local and temporary. **The main long-term impact of submarine cables is the presence**

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

of the cable itself and any accompanying protective structures. These can provide artificial hard substrate habitats that attract flora and fauna that may not be typical of the area.

Again, since it is confined to the cable route itself, such change is not likely to be significant

The various potential impacts of submarine cables differ considerably in terms of their spatial extent, duration, frequency and reversibility. A general overview is given in Table 1. The various impacts act on different components of the ecosystem in different ways. Seabed disturbance and thermal radiation may impact benthic organisms, underwater noise is most relevant for marine mammals, electromagnetic fields may have effects on sensitive fish and marine mammals and visual disturbance (including visual and aerial noise) has the potential to displace sensitive sea birds and seals. The extent of such impacts is determined by the technical design of the cables, the laying equipment, and in the case of power cables, the amount of electrical power transmitted. Some environmental impacts are mainly linked to the installation phase and/or maintenance, repair activities and removal. Others are only relevant during operation.

Table 1: Main environmental impacts associated with submarine cables

	Installation, Maintenance and Repair work, Removal	Operational phase
Telecommunication cable	Seabed disturbance Damage/disturbance of organisms Re-suspension of contaminants Visual disturbance Noise (vessels, laying machinery) Emissions and wastes from vessels	Introduction of artificial hard substrate
Power cable	Seabed disturbance Damage/disturbance of organisms Re-suspension of contaminants Visual disturbance Noise (vessels, laying machinery) Emissions and wastes from vessels	Introduction of artificial hard substrate Electromagnetic fields Thermal radiation

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

- **Not once in their application did the applicant say their cable would have a 'long term' effect.**

The application of protection along the cable route in areas characterized by soft sediments will lead to artificial introduction of hard substrates. The submarine cables themselves, if not buried, will also provide a solid substrate for a variety of species (Figure 1). This 'reef effect' has been extensively discussed in literature (see for example, Wenner et al., 1983; Reimers & Branden, 1994; Birklund & Petersen, 2004) and essentially leads to the **introduction of non-local fauna** and thus to **an alteration of the natural benthic community**. In most cases effects will be localized although **long-term**. In general, if armoring is required, inert natural stone material should be used to minimise the degree of impact

*Though modern equipment and installation techniques can reduce the re-suspension of sediment during cable burial or removal, remaining turbidity may nonetheless obstruct the filtration mechanisms of some benthic and pelagic organisms at least temporarily (Söker et al., 2000). It can also affect the growth of the macrobenthos and may have **a lethal effect** on some species.*

- **The applicant also stated that the cable would not be recovered when its useful life was over**

*Contamination arising from seabed disturbance is only a risk in heavily contaminated locations. Again, avoidance of such areas would be an appropriate mitigation measure. **Release of contaminants into the environment** from the cable itself can only occur **if cables are not removed** after decommissioning or if operational cables are damaged, in particular if fluid-filled cables are damaged.*

- **The applicant did not address either of these outcomes in their EIS document**

*There are no clear indications that underwater noise caused by the installation of sub-sea cables poses a high risk of harming marine fauna. Richardson et al. (1995) provide an overview of investigations into behavioural responses of cetaceans to dredging, an activity emitting comparatively higher underwater noise levels. However, it is not clear if behavioural responses were due to sound or the increased presence of ships. Appropriate scheduling of cable-laying activities will minimise the potential for such impacts on sensitive species (for example, marine mammals or turtles). In addition, performing aerial or other surveys, with suspension of activities if sensitive species are found, **are possible mitigation measures**.*

- **The applicant did not at any stage outline specific mitigation measures which is a requirement of an EIS**

Some sea bird species, for example, divers, are very sensitive to visual disturbance and are displaced by ship traffic (Mendel et al., 2008). It can be expected that the working

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

vessel during the installation process will have the same effect and that these birds will avoid these areas during the cable-laying. **Scheduling these activities and/or avoiding of wintering, resting and foraging areas of such sensitive species are possible mitigation measures**

However, if migration of electromagnetic-sensitive species is affected, the environmental impact will not be restricted to the close vicinity of the cables. The same would be the case if increased sediment temperature results in major changes of benthic communities. Additional extensive field research is needed to understand the significance of such effects.

- **The applicant did not address species migration effects or thermal heating effects on the benthic communities all of which are requirements of an EIS**

ON THIS BASIS ALONE THE FORESHORE LICENCE APPLICATION MUST BE REJECTED

SECTION 5: Changes to Original Documentation -by applicant

- **The reason for the revised documentation as given by Marine Planning & Policy does not stand up to scrutiny. The applicant was afforded a second chance to reword their submissions to overcome objections lodged.**
- **The list of changes made is shown in APPENDIX B and is clear evidence this process is more favourable for some applicants than others.**

FW: FS006915 Celtix Connect Ltd - Havhingsten Telecommunication Cable - Foreshore Licence Application

From: foreshore
Sent: 29 January 2020 16:16
Subject: FS006915 Celtix Connect Ltd - Havhingsten Telecommunication Cable - Foreshore Licence Application

I refer to the Foreshore licence application on behalf of Celtix Connect Ltd – Havhingsten Telecommunication Cable, landing at Loughshinny, Co. Dublin.

Public consultation in relation to the application was held between the period 21 August and 27 September 2019, within which time you made a submission.


Due to discrepancies with the documentation on display during that public consultation period this Department instructed the applicant to repeat the public consultation.

An updated licence application form and supporting documentation have now been submitted by the applicant for the current (second) public consultation and these have been uploaded to the Department's website. Details of the updated application documentation can be found on our website at:

<https://www.housing.gov.ie/planning/foreshore/applications/celtix-connect-havhingsten-telecommunication-cable-dublin>

Please forward any submissions you may have on the updated application by close of business 29 February 2020.

Kind regards



—
Lorraine Walsh
Marine Planning, Policy and Development

ON THIS BASIS ALONE THE FORESHORE LICENCE APPLICATION MUST BE REJECTED

APPENDIX A

Kevin Foley | Aqua Comms <kfoley@aquacomms.com>

Tue 9/17/2019 8:19 PM

Dear Sean and Eoghan,

It was a pleasure to meet you and the other residents earlier today in Loughshinny. Having listened to the feedback I will try to summarise the main points as a take away.

1. There is a lot of latent anger and mistrust of the ESB largely historical which has unfortunately tainted our desires to locate at the planned site. This has been exacerbated by the lack of feedback from ESB on requests for more detail submitted by yourselves.
2. You would like to see more clarity on how the planned works will sit in the existing site, the layout of the proposed building and how this will potentially impact the local environment.
 - a. Specifically the impact on the existing trees and hedgerow,
 - b. Orientation of chiller units and generator exhaust due to the potential for noise disruption to local residents.
 - c. Benefit to the local community
3. Local engagement, there was disappointment that we had not engaged in a meaningful way locally for the planning application on the CLS site. As I explained, the process up until now has been run by ESB, (who will lease us the site). They had advised against any local engagement. On the basis that they had been successful with previous applications at the site we believed they were capable to manage the process. Following the planning objections lodged with Fingal Council we have been asked to submit further information (through ESB), for which we have an absolute deadline of Dec 10th. We wish to do this as quickly as we can, however before we do, I believe it would be more fruitful for us to start the local engagement process now. Rather than organise a large general meeting, we would propose calling to each of the houses in the area to explain the project, hear any concerns and understand how these can be best addressed. I understand that this was the approach taken by the nursing home which you stated had worked well.
4. The correspondence, with Fingal Council was discussed, in particular the investigation for potential unauthorised works in connection with the site. Noel had pointed out that he had lodged the complaint to Fingal, and showed a copy of a letter he had received this morning. I had mentioned that work had been done to construct the fronthaul duct under two T2 road opening licenses. This work was done by M&M Contractors on our behalf. This was to plug into additional ducts being constructed by Aurora Telecom (Bord Gais) and also the ESB Telecom network as we would be leasing the site from ESB.

I had mentioned that we had received a letter from Fingal and that that ESB would have received the same. We had communicated to Fingal as mentioned above that the ducts constructed were needed for the cable, were done under the T2 licence and would link into an Aurora network. That ideally the CLS would be located at the proposed site but it was not a critical failure point for the project if the CLS was not as currently planned. It is our position that the builds were separate elements in the scheme but you considered them to be linked due to a nature area we were passing through. It was also noted that

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

the letter Noel had received back from Fingal referenced the wrong planning application, however this is outside our control.

5. It is my interpretation that the major concerns (outside of the historic ESB issues) are what the building will look like?, how it will fit into the proposed site?, impact on the existing hedgerow and trees, what additional screening we can provide?, and what if any noise impact it will have for local residents who are close to the site? Another point raised was compliance with the local development plan, particularly distance from the road, and to other existing structures. This site in particular appears to be a sensitive location given its history. In a hypothetical scenario if we could find a new site along the L1285 road (i.e. not the ESB site), where there was sufficient space to be set back from the road, have appropriate distance from existing residential structures where we can add additional trees / screening would it be seen favourably? Possibly with your local assistance to identify such a location, and if we were able to lodge a new planning application after local consultation perhaps this might be more beneficial for everyone? I would be interested to hear your views on this.

If we are to remain at the existing site, as we discussed we have no objection to constructing a footpath or financing Fingal council to do the same once it is specified in the planning conditions. Without Fingal clearance we do not have authority to do this on our own initiative.

6. Separately to the application for the planning permission there were some questions raised about the foreshore licence application to land the cable itself. It was mentioned by Eoghan that it said in our documentation that the public were consulted during the process, who it was however was unclear. There were questions around power feed to the cable and disruption and future use etc. As a take away we will clarify with Alcatel/Intertek what local groups were consulted during the process. I thought it would be worth clarifying some other issues also in advance
 - a. The cable from ~~Loughshinny~~ to Blackpool and the Isle of Man, is **unpowered**. There is power at the station to power the equipment at the site, this is not for the cable. There is no power, only light in the actual cable. On the other side of the UK from Newcastle to Denmark due to the distance the cable is powered, but this is a different system. I wanted to categorically clarify this.
 - b. During the installation of the cable at lower tide we will dig a narrow trench to about 2 meters deep into which we will lay the cable. As the cable is about the size of garden hose this will be quite a narrow trench. Once installed the trench will be filled in and the beach fully restored. There will be no visible trace once work is completed. The cable will be buried to 2 meters depth along its length, so it will not impact on going use of the harbour. Should there ever be any plans to develop the harbour further we will work with Fingal to best accommodate this if the event arises. So aside from the few days disruption during installation there will be no ongoing impact to the local use and enjoyment as exists now.
 - c. You had some questions around EIA which we will need to assess, and revert, but it is our understanding that all the requirements in regards to the EIA and the licence application have been fully complied with, and there will be no ongoing impact to the natural environment.

I hope you feel this is an accurate summary of the discussions today. If you can permit us, we will formulate responses to the points raised and revert back to you in the coming weeks. I would hope

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

we could have something by October 11th (3 weeks), but we will endeavour to revert sooner. In the meantime I am happy to hear any feedback you may have.

Kind regards
Kevin

Kevin Foley
Chief Financial Officer

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

Celtix Connect - Havhingsten Telecommunication Cable Dublin

Reference Number:
FS006915

STRATEGIC IMPORTANCE CLAIM by AQUA COMMS **UNTRUE**

This application is one element only of the 'North Atlantic Loop' project and must be assessment in conjunction with all other elements of this project.

- All Environmental Impact Statements must address all elements of this project as defined by AQUA COMM'S as the 'North Atlantic Loop'
- No element of this project within 'EU Boundaries' can proceed prior to receiving the required planning approvals.

The 'foreshore application' is part of the 'North Atlantic Loop' project and within the Fingal Co Council area is linked to

[306677: ESB Loughshinny 38kV substation, Featherbed Lane, Loughshinny, Skerries (F19A/0169)]

[T2 ROAD OPENING LICENCES.; 2019DF0451; 2019F0674; 2019DF0676]

[several marine notices have been issued and work completed including the laying of submarine cable and land based activities within the area of Irish Jurisdiction]

- In contravention of EU Directives and Irish Statute Law from the 'beach manhole' to the 'proposed landing station' (referred to within this foreshore application) all civil works have been completed by AQUA COMMS or their agents.
- Large parts of the 'North Atlantic Loop' project within the area of responsibility of the Irish Government have been completed in contravention of EU Directives and Supreme Court (of Ireland) judgements
 - AS THE PROPER PLANNING PROCEDURES WERE NOT FOLLOWED BY THE APPLICANT OR THEIR AGENTS) ON THIS BASIS ALONE THE FORESHORE LICENCE **MUST BE REJECTED**
 - NEITHER LACK OF KNOWLEDGE OF THE PLANNING REGULATIONS OR COST INCURRED TO DATE CAN OVERRIDE ADHERENCE TO THE PLANNING REGULATIONS AND THEREFORE THIS APPLICATION **MUST BE REJECTED**
- Notwithstanding the above the applicant has failed to provide any supporting data to substantiate their claim that this 'cable' is of 'strategic importance' to Ireland, a 'claim' which they are using to ride roughshod over the Fingal Development Plan for this area. Without this evidence and taken in conjunction with the fact that other documents submitted by the applicant (or their agents) in connection with this 'foreshore' application contained a large amount of 'factually incorrect' data and were littered with 'claims' which have been proven inaccurate by residents the claims made by the applicant in this foreshore application should automatically be discounted as 'factual' until scientific based evidence is produced to substantiate any such claim made.
ON THIS BASIS ALONE THE FORESHORE LICENCE **MUST BE REJECTED**
- The applicant has also failed to consider the Governments Strategic Infrastructure plan in its entirety and has if approval for this 'project' goes ahead it will be contrary to some very substantial and strategically important elements of the 'Strategic Infrastructure Plan'
ON THIS BASIS ALONE THE FORESHORE LICENCE **MUST BE REJECTED**

The Role of Data Centres in Ireland's Enterprise Strategy

This statement outlines the role data centres play in Ireland's ambition to be a digital economy hot-spot in Europe. Ireland currently hosts several global players in the ICT sector and boasts a strong

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

cadre of technology-rich Irish owned enterprises. The evidence speaks for itself with **16 of the top 20 software companies, 9 of the top 10 US ICT companies, the top 10 'born on the web companies', and 4 of the top 5 IT services companies based here.** Data centres are central to the digital economy

Data centres require significant communications infrastructure, international cable capacity, and local fibre connectivity. **Ireland has been well served in this regard. Ireland's attractiveness as a location for data centres will be enhanced with the completion of planned **direct cable connection to the EU.**** Such international telecom connections may take on added importance in light of the United Kingdom's decision to leave the European Union (EU), as data centre operations located outside the EU are not subject to relevant EU regulation or legislation (e.g. General Data Protection Regulation (GDPR) or the EU-US Privacy Shield).

- **AQUA COMMS claim this cable is of 'strategic importance' to Ireland but according to the Government in their strategy document 'Ireland has been well served in this regard' thereby diminishing AQUA COMMS' claim of 'strategic importance'**

It is **important** that investments in communications infrastructures are made that **leverage the advantage of a number of regional locations in terms of energy supply.** Availability of dedicated and resilient communications infrastructure in regional locations where renewable energy resources are developed would facilitate increased **development of data centres outside of the Dublin area.**

- **Whatever 'importance' the cable has in relation to the 'Strategic Infrastructure Plan' it is not dependent on the AQUA COMM selected 'route'.**
- **The route was chosen by AQUA COMMS simply because it was the 'cheapest' option to meet their **objective****
- **This submarine cable is but 'one element' of a larger project whose **objective** is to provide a more efficient backup to existing 'internet backbone' routes linking 3 continents (North America, Europe & Asia)**



RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

From Interxion Ireland DAC - DUB2 Data Centre

'Located just 8km from Dublin City Centre and connected to the T50, Dublin's Metropolitan Broadband Network, Interxion's DUB2 data centre is an ideal home for your business critical ICT infrastructure. **With 3,174 square metres of equipped space** the facility offers uninterrupted power supplies, diverse data communication connections, environmental controls including climate control and fire suppression, and state-of-the-art security.

About RETN

Interxion DUB2

ADDRESS
Hume Avenue, 24, Dublin, Ireland
(Interxion DUB2)

AVAILABLE SERVICES



CAPACITY



INTERNET



ETHERNET



AQUACOMMS Our Network




The North Atlantic Loop



- The build of the HAWFRUE / AEC-2 cable system, together with existing systems owned and operated by Aqua Comms, will create a resilient, ring-based infrastructure between the East Coast of the U.S., Ireland, and Northern Europe
- Aqua Comms will market and sell capacity services and raw spectrum on its portion of the HAWFRUE cable system under the brand name America Europe Connect-2 (AEC-2)
- Connects with the existing CeltixConnect-3 and the proposed North Wales Connect to form a fully diverse and reliable circuit between Dublin and Blackpool (extendable to Manchester and beyond with one of our trusted partners)
- Connectivity to New York and London through the AECConnect network
- Incorporates a Branching Unit to facilitate connection to the Isle of Man

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

- *For AQUA COMMS this cable is of 'strategic importance' for their company from an 'investment' point of view. The cable is of 'strategic importance' to their customers who are 'global backbone internet providers' and this cable allows RETN for example connect to the US*

<p><i>Aqua Comms' Next-Generation Fibre-Optic Cable System Provides the Backbone Between RETN's New York and London Points of Presence</i></p> <p>With more than 100 Tbps of designed capacity, AEConnect is a 100G compliant, coherent optimised system that utilises innovative optical technologies, including the latest technology of 130 x 100 Gbps per fibre pair. Transatlantic tests conducted over AEConnect validate the transmission of 8-QAM wavelengths running at 200 Gb/s, and 16-QAM wavelengths running at 250 Gb/s. <u>RETN owns and operates a Dense Wavelength Division Multiplexing (DWDM) network distinguished by extensive coverage in Eastern Europe and Russia, which provides transboundary connectivity services across three continents and 29 countries.</u></p>		<p>"Aqua Comms is pleased that RETN has selected AEConnect, our next-generation fibre-optic cable system, to provide transatlantic connectivity for the company's backbone network," states Nigel Bayliff, Chief Executive Officer of Aqua Comms. "Offering diversity between two of the major international hubs, this highly secure and technologically advanced transatlantic system is also future-proofed against increased capacity requirements, a demand that only AEConnect, and not legacy systems, can satisfy."</p>
---	---	---

- *The 'main purpose' of this cable in the words of AQUA COMMS' CEO*

<p>Hurricane Electric Selects Aqua Comms for High-Capacity Connection Between New York and Dublin</p>	
<p><i>100 Gigabit Waves of High Capacity Connectivity on America Europe Connect-1 Provides Low Latency Route That Is Diverse From Company's Existing Transatlantic Circuits</i></p>	
	<p>DUBLIN – MARCH 20, 2018 – Aqua Comms DAC ("Aqua Comms"), the operator of Ireland's first dedicated subsea fibre-optic network interconnecting New York, Dublin and London, announces today that Hurricane Electric has activated one 100 Gigabit waves of high capacity connectivity between New York and Dublin on Aqua Comms' America Europe Connect-1 (AEC-1) subsea cable system. The provisioning of secure and reliable capacity on Aqua Comms' next-generation undersea network will improve the speed, performance and resiliency of Hurricane Electric's global Internet backbone, and consequently all its IP Transit customers' networks.</p>
<p>"Aqua Comms' America Europe Connect-1 subsea cable system provides an important link between several of the world's most vital social and economic hubs," states Nigel Bayliff, Chief Executive Officer, Aqua Comms. "We are pleased that Hurricane Electric has selected AEC-1 to provide 100G waves service. <u>This high capacity connectivity will deliver essential transport on a low latency route from New York to Dublin, onward to Manchester and Amsterdam, and mainland Europe, which is diverse from its existing transatlantic circuits to London and Paris.</u>"</p>	

- *This project is simply to leverage a current investment in 'infrastructure' when the expected 'tenfold' increase in capacity requirements raise the value of 'submarine cables' in general. This cable adds no value to this area, and does not meet the 'objectives of the Development Plan' for this 'high amenity' area in a 'rural' landscape*
ON THIS BASIS ALONE THE FORESHORE LICENCE MUST BE REJECTED

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

- *The employment figures directly associated with 'data centres' in Ireland is quoted directly from the*

Government-Statement-Data-Centres-Enterprise-Strategy.pdf

Employment in data centres are high value jobs, and although the numbers directly employed in data centres is relatively low at 1,800

Aside from the 1,900 or so workers involved each year in the construction of data centres here, according to the Construction Industry Federation, our Irish owned construction firms now compete effectively on international markets and generate a further 6,600 jobs through overseas activities.

- *The seafood industry employs 11,000 of which 1650 are based in Dublin region. Submarine cables are a direct threat to the future of this industry AQUA COMMS do not provide any scientific evidence to support their claim that 'this cable and other known projects' will not significantly impact the environment*

Employment in the Fisheries Sector

The seafood industry supports the economic viability of many coastal communities, directly generating or supporting approximately 11,000 jobs. This includes full and part time/casual employment in the fisheries, aquaculture, seafood processing and ancillary services sectors and is based on the most recent BIM survey data available.

ON THIS BASIS ALONE THE FORESHORE LICENCE MUST BE REJECTED

- *There are many more 'issues' identified with the provision of 'strategic infrastructure' which AQUA COMMS did not address in the 'environmental impact assessment'. The fully loaded power consumption of the 'landing station' alone is 40Kw. The Government clearly states the need to take 'mitigating' steps*

However, as **large consumers of electricity**, data centres also pose particular challenges to the future planning and operation of a sustainable power system. **The Government recognises these challenges and will take steps to mitigate them**

The increased renewable electricity requirement linked to energy intensive investments **will be** mainly delivered **by the development** of the **new** Renewable Energy Support Scheme (RESS) **which will** also reflect falling costs across a range of renewable technologies and an ambition to increase community and citizen participation in renewable energy projects

- **Direct impact on environment – electricity generation causes air pollution and is a significant contributor to global warming. AQUA COMMS did not**

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

address this issue in relation to the power consumption of both 'landing stations' in their Environmental Impact Statement

Currently, a large portion of existing and planned data centres that are due to connect to the electricity system are expected to be in the Dublin area. Based on existing data centres, committed expansion and expected growth, **total demand could treble within the next ten years**. A consistent and supportive whole of government approach will be brought to the realisation of the transmission and distribution assets required to support the level of data centre ambition that we adopt

- **Impact on the environment is immediate when additional Data Centres or increased bandwidth (such as additional submarine fibre cables (HAVFRUE / AEC2) is provided. AQUA COMMS intend to provide part, if not a substantial part, of this 'tenfold' expected future increase in capacity requirements. They have not provided any assessment of the 'future' requirements of this industry or their intended plans to provide future 'infrastructure' which are known at this stage due to the large investment costs involved. Their 'environmental impact assessment' does not address this aspect of their plans nor the expected tenfold increase in bandwidth requirements generally**

Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy

*...In line with Enterprise 2025 Renewed, Project Ireland 2040 and IDA's Winning: Foreign Direct Investment 2015-2019 strategies to stimulate regional development, IDA Ireland is intensifying its activities to promote a range of regional options for data centre investment, having regard to the success of Dublin in attracting data centre investment to date and capacity for future growth. **IDA Ireland has recently identified specific sites in regions throughout Ireland that are potentially suitable for accommodating the sustainable development of large scale data centre projects in terms of proximity to necessary energy and other appropriate infrastructures ...***

- **AQUA COMMS did not address this aspect of the Government Strategic Development plan in their application giving reasons as to why these 'identified' locations were not chosen for their 'cable landing' point**

ON THIS BASIS ALONE THE FORESHORE LICENCE **MUST BE REJECTED**

In summary AQUA COMMS failed in every sense to support their claim that this proposed cable is of a strategic nature and that their only option was to land this cable in Loughshinny, a small coastal village over 20Km from the T50 fibre ring.

The reality is this project is no more than a group of investors trying to take the 'easy route' of aligning with a private limited company called ESB Telecoms Limited who have used their relationship with ESB Networks and EirGrid to use land within designated ESB Sub-stations to pursue their objective of 'maximising profits' for all parties involved. It

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

was for this reason that Loughshinny harbour was chosen as just 2Km inland there existed an 'ESB Sub-station' with the required 'unused' land just waiting for a 'cable landing station' to appear. The fact that the following paragraph is contained in the

Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy document is pure coincidence

...EirGrid and ESB Networks work closely and innovatively with data centre developers to maximise the capability of the network to support timely connection and operation of data centres...

ON THE BASIS THAT ESB OWN A SUBSTATION WITH SPARE CAPACITY, WITH EXCESS LAND WITHIN THE SITE NOT BEING USED, WITH INSIDE KNOWLEDGE OF THE PLAYERS IN THIS INDUSTRY (INCLUDING AQUA COMMS) THE DECISION TO USE LOUGHSHINNY AS THE LANDING SITE WAS MADE FOR THE SIMPLE BUSINESS REASON OF 'LEAST COST' TO EACH PARTY IN THE CONSORTIUM SO CONFIDENT WERE THEY OF THE OUTCOME THAT THEY COMMENCED DIGGING UP THE ROADS IN THIS AREA PRIOR TO RECEIVING ANY 'PLANNING PERMISSION'.

WITHIN THE *Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy* DOCUMENT THERE ARE TWO PARAGRAPHS AND WE WILL KNOW SHORTLY WHETHER THEY MEAN ANYTHING OR ARE JUST FINE WORDS

Government Statement on The Role of Data Centres in Ireland's Enterprise Strategy

... The Government recognises that there also is a balance to be struck between the need to take account of community and public concerns around individual projects...

... has robust laws and regulations in place which govern planning and environmental considerations and allow for proper consultation and appeal for each proposed investment. Indeed, it is Ireland's focus on quality and sustainable growth that reinforces our attractiveness as a location for data centre investment by corporations that have a high regard for corporate social responsibility and environmental sustainability over the longer term. Ireland's...

BASED ON ALL OF THE ABOVE THE FORESHORE LICENCE MUST BE REJECTED

APPENDIX 1A

- There is certain basic information which any applicant must provide for an application for a foreshore licence. This information is provided so that the application can be judged on its merits. For example the planned route of the cable must be provided, a survey of this route must be undertaken so that the 'potential impact' of the cable on the environment can be estimated. The route survey also provides information of a 'safety' nature in relation to 'unexploded ordnance'. Obviously, this information needs to be gathered in a timely manner so that it is 'current' and therefore relevant to the application
- AQUA COMMS have failed in this step. The information they have based their EIS statement on, for example, is 'dated' and therefore not of relevance to the proposed project. The original survey carried out to ascertain the suitability of the proposed route was carried out at various times commencing in September 2018. If this project goes ahead then this information will be approx. two years out of date

EXECUTIVE SUMMARY

This report presents the results obtained during the inshore and shallow water survey for Segment S1-1 of the Havhingsten Cable Route Survey from BU Port Erin to BMH Loughshinny. There are no deep water parts along this segment.

Alcatel Submarine Networks (ASN) commissioned Fugro, to undertake the survey for cable route design and engineering.

The proposed Segment S1-1 route between BU Port Erin to BMH Loughshinny, is 80.626 km long (PSR03_29 APR 2019).

This report presents detailed results for the survey. It comprises a descriptive text and charts showing the bathymetry and geology along the route, together with appendices of supporting information.

The topographic survey was carried out on 25 and 26 September 2018. Beach probing was completed on 06 June 2019. The inshore survey was carried out from 25 September to 03 October 2018 using the inshore vessel Alumaster.

The offshore geophysical survey for this segment was carried out by MV Fugro Helmert. MV Fugro Helmert operated between 4-8, 17-18, 20 and 23 October 2018 on this segment.

The offshore geotechnical survey for segment 1 was conducted from 16 to 26 November by OSV Cecilia

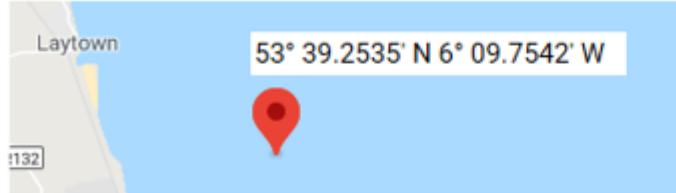
The following table summarises the operations performed for the survey area.

Vessel	SSS	SBP	MBES	MAG	PC	GC	GS	CPT	Diver	Topo	SBES
MV Fugro Helmert	✓	✓	✓	✓							
OSV Cecilia						✓	✓	✓			
Alumaster	✓	✓	✓	✓			✓		N/A	✓	

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

- However, more seriously, the survey preceded the Air Corps firing exercises and the Air Defence Artillery firing exercises which were carried out throughout the period 1st January 2019 to 31st December 2019 in an area adjacent to the 'proposed cable route'

FUGRO GERMANY MARINE GMBH



Vessel activities:

- Current position: LAT: 53° 39.2535' N, LON: 006° 09.7542' W
- At anchor. Waiting on weather

Operations:

- SV Fugro Helmert is conducting a Geophysical Survey along the planned cable route.
- As soon as the sea state improves sufficiently Fugro Helmert will proceed to the very southern part of Block 6 as indicated by the red arrow in Figure 1 below.
- Operations will continue around the area indicated by coordinates **1 and 4** in Figure 2 below
- Survey operations consist of running lines, towing equipment approx. 200 m behind the stern of the vessel.

The works from Loughshinny in North Co Dublin on an east-northeasterly route were scheduled to commence yesterday (Wednesday 26 September) and will last for around 30 days.

Notice to Mariners

Published: 21 October 2019
From: Department of Defence

AIR CORPS FIRING EXERCISES AND AIR DEFENCE ARTILLERY FIRING EXERCISES

NOTICE IS HEREBY GIVEN that Air Corps Exercises/Air Defence Artillery Firing Exercises will be held as detailed hereunder

EAST COAST - BEN HEAD (DANGER AREA D 1)

Throughout the period 1 JANUARY to 31 DECEMBER Air Corps and Air Defence Artillery Firing Exercises will be carried out in the area of BEN HEAD.

The Danger Area comprises an area contained within the following co-ordinates:

- a circle having a radius of 3NM centred on GORMANSTON AERODROME (53°28'41" N, 06°13'43" W)
- the smaller segment of a circle of radius 10NM centred on GORMANSTON AERODROME (53°28'41" N, 06°13'43" W) and extending seawards with radial boundaries on the true bearings 015° and 106°

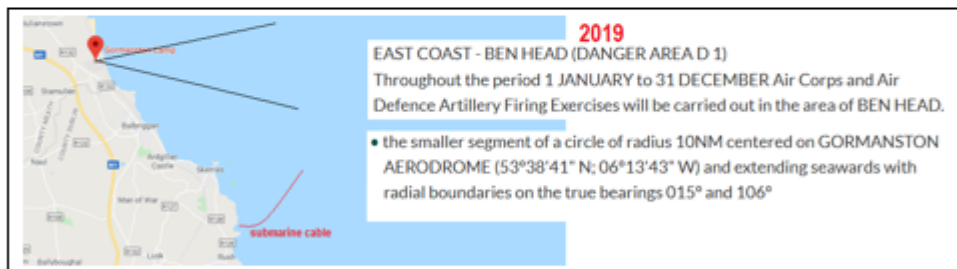
RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

- It would be easy to say that artillery shells, being heavy, would sink straight down to the seabed and therefore not end up in the route of the cable. But that would be excluding the possibility of storms and/or fishing vessels in combination or separately moving the unexploded ordnance slowly southward into the proposed route of the cable. AQUA COMMS's do have a section on 'unexploded ordnance' which states that 'none' were discovered during the 'route survey'. So the only claim AQUA COMM's can make based on this data is that no 'unexploded ordnance' from the 2017 live fire exercises made their way south into the path of the 'proposed cable'.

LINE	TYPE	START DATE	END DATE	START TIME	END TIME	START LAT	START LONG	END LAT	END LONG	STATUS	REMARKS	FILE NAME	FILE DATE	FILE TIME
14	AC	01	31	00:00	00:00	54.8556	00	00	00	00	00	00	00	00
15	NO SON	01	31	00:00	00:00	54.8556	00	00	00	00	00	00	00	00

File: HAVINGSTEN_S1_BMH LOUGHSHINNY - BU PORT ERIN_SR03_19 OCT 2018.xls
 Author: C Shipton
 Page 1 of 3
 © Alcatel Submarine Networks

- Sample of the 'route survey' report which is dated 19th October 2018



- AQUA COMM's claim that 2 further 'cable route works' were carried out, one using hull mounted multibeam echo sounder lines to survey the route. AQUA COMM's provided the Dept of Marine with the co-ordinates for where the ship, MV FUGRO HELVERT, will be carrying out this work, who then issued Marine Notice 35, of 2018, which is shown below with the map provided.
- The second 'cable route works' involved 3 days of 'pre lay grapnel run and route clearance'. AQUA COMM's provided the Dept of Marine with the co-ordinates for where the ship, Jji D'AIX, will be carrying out this work, who then issued Marine Notice 13, of 2019, which is shown below with the map provided.

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

Marine Notice No. 35 of 2018

Notice to all Shipowners, Fishing Vessel Owners, Agents, Shipmasters, Skippers, Fishers, Yachtmen and Seafarers

Survey Operations for the Havhingsten Subsea Cable System

The Department of Transport, Tourism and Sport has been advised that Fugro will be carrying out marine operations on behalf of Alcatel Submarine Networks for the Havhingsten Subsea Cable System project. The works are scheduled to commence on the 26th September 2018 and last for approximately 30 days.

The vessel involved will be the 'MV Fugro Helmer' (Callsign: ZDNM8)

The vessel will be running hull mounted multibeam eco sounder lines along the proposed route. Towing equipment such as magnetometer and side scan sonar will be used during the shallow water phase, from ca. 105 m of water depth and shallower. The vessel will slow down or stop from time to time to measure the speed of sound in the water, and to perform geotechnical measurements.

Survey Area:

Latitude	Longitude
53°32'39.75"N	6°45'55.36"W
53°44'37.73"N	6°19'18.33"W



Marine Notice No. 13 of 2019

Notice to all Shipowners, Fishing Vessel Owners, Agents, Shipmasters, Skippers, Fishers, Yachtmen and Seafarers

Cable laying in the Irish Sea

The Department of Transport, Tourism and Sport has been advised that, as part of installation of the marine part of the HAVINGSTEN submarine fibre optic cable system, a pre-lay grapnel run and route clearance operations will be conducted in Irish waters for 3 days from 31 May 2019 to 2 June 2019.

The operations schedule is provisional, and will be subject to change due to external factors, including, but not necessarily limited to, weather, equipment or vessel downtime.

The location of the Pre-Lay Grapnel Run in Irish waters is indicated by Seg 1.1 in the image at Figure 1 below, with the coordinates as follows:

	Latitude	Longitude
Between	53° 50.8' N	004° 59.4' W
And	55° 38.8' N	005° 40.5' W

The Pre-Lay Grapnel Run will be completed by the Cable Ship 'le d'Air' (Callsign: FIC1)



RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

- Unfortunately the co-ordinates provided are somewhere off the Dutch coast and are clearly not related to the application submitted for a 'foreshore licence' in Loughshinny Co Dublin. The 'red pins' are Marine Notice 35 and the 'blue pins' are Marine Notice 13
- Extracts from other documentation which 'dates' the survey work to Sept/Oct 2018

Revision	Date	Description	Prepared by	Revised by	Approved by
0	05/12/2018	Preliminary	F. Hesemann, L. Palamenghi	M. Wagner	B. Wichand
1	22/03/2019	Provisional	D. Pryne, L. Palamenghi	M. Wagner	B. Wichand
2	19/06/2019	Final	L. Palamenghi S. Burmann	M. Wagner	B. Wichand

The following versions of this report have been issued:

Revision No.	Date	Description
2 Final	19/06/2019	Final Results
1 Provisional	22/03/2019	Provisional Results
0 Preliminary	05/12/2018	Preliminary Results

Approval

Document Prepared By: _____ Date: 19/06/2019
L. Palamenghi, Reporting
Manager

Approved for Issue: _____ Date: 19/06/2019
M. Wagner, Delivery Manager

_____ Date: 19/06/2019
B. Wichand, Project Manager

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

The screenshot shows the gov.ie search interface. At the top, there is a navigation bar with the gov.ie logo and links for Departments, Consultations, Publications, Policies, and Language. Below the navigation bar, a message states: "BETA This is a prototype - your feedback will help us to improve it." The main heading is "Search Results". A search input field contains the text "havigsten" and has a search icon to its right. Below the search bar, it indicates "1 results with keyword havigsten x". The first result is titled "Marine Notices 2018" and is from the "Department of Transport, Tourism and Sport; Collection;". To the right of the search results, there are filter options: "Categories" (set to "All"), "Organisations" (set to "All"), and a checkbox for "Include archived items" which is currently unchecked. There are also links for "Clear filters" and a "Filter" button. At the bottom of the search results area, it shows "1 / 1".

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

APPENDIX 1B

- The appropriate legislation states that an 'appropriate assessment' is required as part of the 'Environmental Impact Assessment'. AQUA COMM's have complied with this by producing

- Appendix A - Environment Assessment Methodology
- Appendix B - Application Corridor Coordinates
- Appendix C - Cable Burial Assessment
- Appendix D - Fisheries Activities Report
- Appendix E1 - Marine Archaeology Desk Based Assessment
- Appendix E2 - Marine Archaeology Foreshore Surveys
- Appendix E3 - Marine Archaeology Geophysical Survey
- Appendix F - Appropriate Assessment - Stage 1 Screening
- Appendix G - Underwater Sound Modelling
- Appendix H - Sediment Suspension and Cable Installation
- Appendix I1 - Marine Survey Report - BU Port Erin to BMH Loughshinny
- Appendix I2 - Intertidal Habitat Report
- Appendix I3 - Benthic Characterisation Report
- Appendix J - Pre-Application Consultation

- The outcome of this is an Environmental Impact Statement

Environmental Impact Assessment (EIA) is a process for anticipating the effects on the environment caused by a development. An Environmental Impact Statement (EIS) is the document produced as a result of that process.

- The applicant has failed to comply with the rules as can be seen below
 - Applicant failed to disclose full scale of project
 - Applicant failed to disclose 'transboundary effects'

- At pre-application stage, when the developer initially discusses the project with HPLG (Marine Planning and Foreshore Section), the developer is encouraged to engage in pre-application consultations with stakeholders.
- In accordance with the Aarhus Convention Implementation Guide, Irish legislation pertaining to Environmental Impact Assessment. Access to information on the Environment and public participation procedures requires notices of applications to be published in a newspaper that is circulated in the relevant area and/or published on-line. The Foreshore Act 1933 (as amended) provides that an applicant, who has submitted an environmental impact statement (EIS), must publish a notice in a newspaper circulating in the district in which is situated the foreshore to which the application relates stating:
 - that the person has made an application and indicating the location and nature of the proposal to which the application relates;
 - stating that an EIS has been prepared in respect of the proposal;
 - stating whether section 19C of the Foreshore Act, which concerns applications that may have transboundary effects, applies to the proposal;
 - stating that the Minister is responsible for making a decision on the application and that the Minister may either grant, approve or consent to the application with or without covenants, conditions or agreements, where applicable, or refuse the application;
 - stating that submission, comments or questions in relation to the effects on the environment of the proposal may be made in writing to the appropriate Minister within 8 weeks from the publication of the notice;
 - specifying the times at which and the place where, within 8 weeks from the publication of the notice, a copy of the application, the EIA and any other relevant report or information (including copies of any submissions, comments or questions received by the appropriate Minister may be inspected free of charge or purchased at a price to be determined by that Minister (which shall not be more than the reasonable cost of the making the copy or copies concerned).
 - Where further information is subsequently received by HPLG following a

PUBLIC NOTICE
APPLICATION FOR A FORESHORE LEASE/LEASE

Notice is hereby given pursuant to Section 19 of the Foreshore Act, 1933 that Celtix Connect Ltd, 51-54 Pearse Street, Dublin 2 has applied to the Minister of Housing, Planning and Local Government for a license under Section 3 of the said Act for the purpose of installation and maintenance of the fibre-optic Newington Telecommunications Cable - landing site at Loughshinny, Fingal, Co Dublin.

A copy of the updated application, and the relevant maps, plans, and drawings, are available for inspection for the next 30 calendar days, free of charge, at Ballinagney Garda Station, Droghda Street, Fawkardstown, Balbriggan, Co. Dublin. An earlier version of this application was previously displayed between 23rd August and 27th September 2019.

The documentation is also available on the Department's website: <https://www.housing.gov.ie/planing/foreshore/applications/cefx-connect-fawkardstown-telecommunications-cable-dublin>

Any person who wishes to make an objection to, or a representation in respect of, the grant of the license sought should do so in writing, giving reasons, within 30 calendar days of publication of this Notice (having ref. F020015), to the Marine Planning Policy and Development Section, Department of Housing, Planning and Local Government, Newlons Road, Woodford, Co. Wexford. The closing date for submissions is close of business on 29th February 2020.

All objections and representations received will be forwarded to the applicant for comment prior to any decision being made in the matter. Material upon which the Minister shall determine this application may be published on the Department's website. In this regard the Department wishes to draw attention to its policy on documentary material that may be contained in submissions, if received, which may be found at: <http://www.housing.gov.ie/planing/foreshore/public-participation/foreshore-consent-process>

Dated 30th January 2020
 Celtix Connect Ltd, 51-54 Pearse Street, Dublin 2, D02 XAB

RESPONSE OF LOUGHSHINNY RESIDENTS TO PROPOSED CABLE

- The foreshore governing legislation calls for the following

NATIONAL PARKS AND WILDLIFE SERVICE



**IRISH WETLAND BIRD
SURVEY: WATERBIRD STATUS
AND DISTRIBUTION 2009/10
– 2015/16**



Lesley Lewis, Brian Burke, Niamh
Fitzgerald, David Tierney and Seán
Kelly



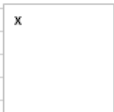
An Roinn Cultúir,
Oidhreacht agus Gaeltachta
Department of Culture,
Heritage and the Gaeltacht

IRISH WILDLIFE MANUALS 106

APPENDIX 2: CHANGES TO EIS SUBMITTED JAN'20	
<i>OCT'19 EIS DOCUMENT</i>	<i>JAN'20 EIS DOCUMENT</i>
Table 3-2 lists the meetings and discussions held prior to submission of the Foreshore Applica	and people contacted Loughshinny Community Association
Skerries Islands SPA [IE004122] 2.03km	2.28km
Rogerstown Estuary SPA [IE004015] 2.65km	2.74km
Rogerstown Estuary SAC [IE000208] 2.65km	2.82km
Lambay Island SPA [IE004069] 4.9km	4.9km
Lambay Island SAC [IE000204] 5.36km	5.33km
North Anglesey Marine SAC 7km from the Irish/UK median line	7km
Malahide Estuary SPA [IE004025] 8.56km	7.56km
significant numbers	high numbers
As such, there is potential for installation works to have a disturbance effect on the species	As such, there is potential for installation works to have a disturbance effect on the species which may be foraging from this site
Baldoyle Bay SPA [IE 004016] 14.26km	14.09km
Ireland's Eye SPA [IE 004117] 14.26km	14.26km
River Nanny Estuary and Shore SPA [IE 004158] 14.45km	14.58km
West Wales Marine SAC [UK0030397] 98.5km	99.3km
Lleyn Peninsula and the Sarnau SAC [UK0013117] 104.4km	102.4km
North Channel SAC [UK0030399] 46km	60.9km
Cardigan Bay SAC [UK0012712] 160km	160km
Bristol Channel SAC [UK0030396] 260km	222km
NOTE : Distances are fixed and easily measurable. Environmental impact not so	
Skerries Islands SPA 2.03 km	2.28km
Baldoyle Bay SPA 8.56	14.09km
Malahide Estuary SPA 14.26km	14.09km
Lambay Island SAC 5.36 km	5.33km
North Anglesey Marine SAC 7km	7km
West Wales Marine SAC 98.5 km	99.3km
Lleyn Peninsula and the Sarnau SAC 104.4km	102.4km
North Channel SAC 46km	60.9km
Cardigan Bay SAC 160km	160km
Bristol Channel SAC 260km	222km
Ireland's Eye SPA [IE 004117] 14.26km not in summary table 5.4	
not expected to significantly affect the population dynamics of either cormorant or shag breeding pairs, ensuring the conservation objectives for the site are maintained.	not expected to reduce the range or affect the population dynamics of either cormorant or shag breeding pairs, located on and surrounding Patrick's island ensuring the conservation objectives for the site are maintained.
As the pressure-receptor pathway is the same for all sites they have been grouped together for discussion below	As cetacean are highly mobile species and [As] the pressure-receptor pathway is the same for all sites they have been grouped together for discussion below

5.4.3	<p>High intensity noises such as from seismic survey, explosions ... potentially leading to the death of the animal (Southall et al. 200)....</p>	no Unexploded Ordnance Survey carried out
	<p>Injury from continuous sound – cable installation There is little information on potential effects of sound on marine mammals, resulting from the installation and operation of subsea cables; research has typically focused on high intensity impulsive sound sources such as seismic survey and piling. The Oslo and Paris (OSPAR) Convention (2012) considered that sound associated with the installation, removal or operation of submarine cables is less harmful compared to impulsive sound activities such as seismic surveys, military activities or construction work involving pile driving (OSPAR Convention 2012). However, frequent noise exposure can lead to longer term effects associated with continuous stress (National Research Council 2003). Chronic stress in marine mammals can result in infectious, neoplastic, allergic, inflammatory and autoimmune diseases, and also can reduce reproduction; however, stress-induced reactions are hard to identify (National</p>	OPPOSITE PARAGRAPH COMPLETELY REMOVED FROM 2020 APPLICATION
	<p>The Irish Planning Report - Technical Appendix F concludes that sound resulting from cable installation activities (DP vessel, trenching, rock placement etc.) does not exceed the thresholds for permanent (PTS) or temporary (TTS) injury. Cetaceans and pinnipeds are therefore not at risk of injury from the cable installation (rock placement and vessel noise).</p>	<p>The Irish Planning Report - Technical Appendix F concludes that sound resulting from cable installation activities (DP vessel, trenching, rock placement etc.) does not exceed the thresholds for permanent (PTS) or temporary (TTS) injury. Cetaceans and pinnipeds are therefore not at risk of injury from the cable installation (rock placement and vessel noise).</p>
	<p>Disturbance from continuous sound – cable installation The modelling presented in the Irish Planning Report - Technical Appendix F concluded that all marine mammals are vulnerable to disturbance from cable installation activities, but the zone of influence is small; 130m radial distance from activities. The cable installation activities will move slowly along the marine cable corridor and although animals may briefly avoid the activity they will return to an area once the activity has passed through. The current level of shipping and ambient sound within the Irish Sea will not increase significantly from the presence of the project vessels during the cable installation</p>	<p>Disturbance from continuous sound – cable installation The highly precautionary modelling presented in the Irish Planning Report - Technical Appendix G [F] concluded that all marine mammals have the potential to be disturbed if within 130m of the installation vessel (based on ship using dynamic positioning). This value is highly precautionary and the ZOI is likely to be much reduced due to the effect of ambient noise in the marine environment (appendix g). produced from cable installation will be extremely low level and localised and limited to the footprint of the vessel and immediate surrounding area. The current level of shipping and ambient sound within the Irish Sea will not increase significantly from the presence of the project vessels during the cable installation</p>
5.4.3.1	The species occurs year-round within the site	Harbour Porpoise occur[s] year-round within the site....
	<p>Depending on the timing of the installation and maintenance activities it may overlap with the peak period (August) for harbour porpoise sightings in Irish waters</p>	<p>The peak period for Harbour Porpoise sightings in Irish waters is August. Harbour porpoise from the site are expected to be present within the installation and maintenance area, with 6.93 animals/km2 being identified within the northern half the site (NPWS 2013d)</p>

5.4.3.1	<p>Assessment against conservation objectives</p> <p>The ZOI of disturbance from cable installation and maintenance activities is small, up to 130m from the installation vessel affecting up to 0.053km² (approximately 0.019% of the SAC) around the vessel at one time which will progress slowly through the SAC. This area is highly conservative. Animals will be able to return to the surrounding area as the installation progresses across through the SAC. <u>The change in underwater noise will not be sufficient to cause death or injury or significant disturbance i.e. disturbance that excludes animals from more than 20% of the relevant area of a site in any given day.</u> In addition, as existing levels of shipping within the site are moderate (reaching 20 hours of vessel activity per month at points (EMODnet 2019)), animals are likely to be habituated to vessel noise and the installation and maintenance activities will be within background levels. Vessels will progress quickly through the area and animals will be able to return within hours. Therefore, the installation and maintenance activities will not adversely affect the harbour porpoise population within the site. There will be no artificial barriers to site use ensuring access to suitable habitat is maintained.</p>	<p>Assessment against conservation objectives</p> <p>The ZOI of disturbance from cable installation and maintenance activities identified in Appendix G is highly precautionary and does not account for background noise levels from shipping, fishing activities and pleasure craft which would effectively reduce the ZOI further if included in modelling. Existing levels of shipping within the site are moderate (reaching 20 hours of vessel activity per month at points (EMODnet 2019)), The ZOI for assessment purposes is up to 130m from the installation vessel affecting up to 0.053km² (approximately 0.019% of the SAC) around the vessel at one time. The ZOI surrounding the installation will progress slowly through the SAC and will be within the site for up to 14 hours (worst case). The short duration and extent of the potential disturbance will not produce a barrier to the species range within the site and will not in any way effect the species population through disturbance. Animals will be able to use the area throughout installation and / or maintenance activities. Animals range widely across their Management Unit and therefore effects to harbour porpoise from installation and maintenance activities will not adversely affect the harbour porpoise population within the site or other Annex II or Annex IV animals from other more distant sites and within their Management Unit. Animals within the area are unlikely to be affected by the vessel noise and cable installation and no potential for significant effect to harbour porpoise population within the Rockabill to Dalkey Island SAC has been identified from the proposed activities</p>	
5.4.3.2	<p>It is possible that harbour porpoise from these sites may be observed in the proposed installation and maintenance area given that the proposed activities are located in the same MU as these sites (Celtic and Irish Sea MU), and there is known to be an interchange of animals across the MU.</p> <p>The four sites are located between 7km and 260km from the installation and lie within UK waters. As highly mobile species it is possible that harbour porpoise from these sites will be present within the installation and maintenance corridor. Disturbance effects will be the same as for animals from the Rockabill to Dalkey Island SAC i.e. brief, with animals able to use the area within hours of the vessels passing through. In addition, noise generated from cable installation and maintenance activities will not affect harbour porpoise habitat or prey availability and harbour porpoise will still be a viable component of these sites. The marine cable corridor also passes through other jurisdictional waters (UK offshore (Wales and Northern Ireland), and the Isle of Man), and therefore the effects of the project have also been considered by the Havhingsten UK Habitats Regulations Assessment (HRA) which will include details of the Welsh sites, with any protected sites in Isle of Man waters being covered by the Environmental Impact Assessment (EIA) for the location. As Havhingsten is a linear project the activities in the marine environment will occur as one set of activities i.e. the cable installation spread will move along the cable route passing through the Irish Offshore through to UK offshore and Isle of Man waters. Animals disturbed will be able to move in and around the works returning to areas quickly after the activity has passed through. The level of disturbance will be brief and will not adversely affect the harbour porpoise population at the sites. Therefore, there will be no intra-project cumulative effects</p>	<p>It is possible that harbour porpoise from these sites may be observed in the proposed installation and maintenance area given that the proposed activities are located in the same MU as these sites (Celtic and Irish Sea MU), and there is known to be an interchange of animals across the MU.</p> <p>The four sites are located between 7km and 222km from the installation and lie within UK waters. As highly mobile species it is possible that harbour porpoise from these sites will be present within the installation and maintenance corridor. The simple ZOI of disturbance calculation from cable installation and maintenance activities identified in Appendix G is highly precautionary and does not account for background noise levels from shipping, fishing activities and pleasure craft which would effectively reduce the ZOI further if included in the modelling. Existing of shipping within the site are moderate (reaching 20 hours of vessel activity per month at points (EMODnet 2019)), The ZOI for assessment purposes is up to 130m from the installation vessel affecting up to 0.053km² at any one time surrounding the vessel. If animals from these sites are within the installation area it is expected that disturbance effects will be the same as for animals from the Rockabill to Dalkey Island SAC i.e. brief, with no restriction to animal range, prey availability or which would have effects to their population will occur. Some disturbance to the seabed will occur during cable installation, however no significant disturbance to the supporting habitat for harbour porpoise is expected.</p>	<p>.....</p> <p>le basis is 'other noise' does not effect animals should be cumulative effects</p>

<p>5.4.3.3</p>	<p>Assessment against conservation objectives</p> <p>It is possible that bottlenose dolphin from these sites are observed in the marine cable corridor given that the proposed installation and maintenance activities are located in the same MU (i.e. the Offshore Channel and SW England MU). However, the baseline description concluded the densities of animals in the region are low.</p> <p>The zone of disturbance from cable installation is small (130m). Lley Peninsula and the Sarnau SAC and Cardigan Bay SAC are located 104.4km and 160km from the proposed installation and maintenance activities. Therefore, noise generated from cable installation and maintenance activities will not result in significant disturbance to bottlenose dolphin from these sites.</p>	<p>Assessment against conservation objectives</p> <p>It is possible that bottlenose dolphin from these sites are observed in the marine cable corridor given that the proposed installation and maintenance activities are located in the same MU (i.e. the Offshore Channel and SW England MU). However, the baseline description concluded the densities of animals in the region are low.</p> <p>The zone of disturbance from cable installation is small (130m). Lley Peninsula and the Sarnau SAC and Cardigan Bay SAC are located 102.4km and 160km from the proposed installation and maintenance activities. As highly mobile species it is possible that bottle nose dolphin from these sites could be present within the installation and maintenance corridor in low numbers. The simple ZOI of disturbance calculation from cable installation and maintenance activities identified in Appendix G is highly precautionary and does not account for background noise levels from shipping, fishing activities and pleasure craft which would effectively reduce the ZOI further if included in modelling. Existing levels of shipping within Irish Sea are moderate. The ZOI for assessment purposes is up to 130m from the installation vessel affecting up to 0.053km² at any one time surrounding the vessel. If animals from these sites are within the installation area it is expected that disturbance effects will be the same as for animals from the Rockabill to Dalkey Island SAC i.e. brief, with no restriction to animal range, prey availability and no effect to population or condition of the species will occur from the proposed activities. Therefore, noise generated from cable installation and maintenance activities will not result in significant disturbance to bottlenose dolphin from these sites.</p>	
<p>5.4.3.4</p>	<p>Assessment against conservation objectives</p> <p>The Lambay Island SAC lies 4.9km from the marine cable corridor and therefore it is possible that grey and harbour seal from the site will be present in the water around the installation vessel. From August through to December animals are likely to be hauled up on beaches for pupping. Seals are likely to flee if vessels approach within 900m (Brasseur & Reijnders 1994), suggesting that they will avoid the area before they encounter sound levels that will harm them. Given the large foraging ranges of pinniped species and given the distance to breeding, moulting and resting sites is greater than 900m from the corridor then the presence of the installation vessels will not cause animals to flee when engaged in their lifecycle activities. Therefore breeding, moulting and resting sites will be maintained in a natural condition. Underwater noise will not act as an artificial barrier as noise changes will be brief, and animals can return to waters once vessel passes through. Therefore, installation and maintenance activities are not expected to adversely affect both harbour and grey seal populations at this site</p>	<p>Assessment against conservation objectives</p> <p>The Lambay Island SAC lies 4.9km from the marine cable corridor and therefore it is possible that grey and harbour seal from the site will be present in the water around the installation vessel. From August through to December animals are likely to be hauled up on beaches for pupping. Seals are likely to flee if vessels approach within 900m (Brasseur & Reijnders 1994), suggesting that they will avoid the area before they encounter sound levels that will harm them. Given the large foraging ranges of pinniped species and given the distance to breeding, moulting and resting sites is greater than 900m from the corridor then the presence of the installation vessels will not cause animals to flee when engaged in their lifecycle activities. Therefore breeding, moulting and resting sites will be maintained in a natural condition. The simple ZOI of disturbance calculation from cable installation and maintenance activities identified in Appendix G is highly precautionary and does not account for background noise levels from shipping, fishing activities and pleasure craft which would effectively reduce the ZOI further if included in modelling. Existing levels of shipping within Irish Sea are moderate. The ZOI for assessment purposes is up to 130m from the installation vessel affecting up to 0.053km² at any one time surrounding the vessel. Underwater noise will not act as an artificial barrier as noise changes will be brief as the vessels pass through the areaTherefore, installation and maintenance activities are not expected to adversely affect both harbour and grey seal populations at this site</p>	

5.5	does not address 'invasive species'	does not address 'invasive species'
	Unexploded ordnance - caught in fishing net and dropped within cable corridor - risk explosion	Unexploded ordnance - caught in fishing net and dropped within cable corridor - risk explosion
	The applicant must assess all risks and possible 'pressure receptor pathway'	For there to be a potential cumulative effect (PCE) between the proposed installation and maintenance activities and another project, plan or licensed activity there must be a common pressure-receptor pathway which overlaps spatially and temporally
5.5.3		For there to be a potential cumulative effect (PCE) the effects from the Project and other plans and projects must overlap spatially. If there is no spatial overlap between the pressures within a Natura 2000 site, the pressure from the plan or project can be screened out at this stage.

p5	ESB	Electricity Supply Board																																																																																				
p6 Appendix J	Natura 2000 Screening Assessment – this section summarises the findings of the Natura 2000 screening assessment and Natura Impact Assessment	Summary of Screening of Appropriate Assessment – this section summarises the findings of the Appropriate Assessment Screening assessment																																																																																				
p9	Consultation - evidence of all consultation undertaken to date for the project. (Section 2.3.2.2 provides detail as to why Loughshinny was selected). reasons why donabate was not selected	Pre-Application Consultation - evidence of all consultation undertaken to date for the project 2.3.2.2 Donabate																																																																																				
p11	Table 2-2 Consultation in Ireland	Table 2-2 Consultation in Ireland																																																																																				
	2.3.3 Consultation	2.3.3 Consultation																																																																																				
	Table 2-2 lists the meetings and discussions held with primary advisors and consultees prior to submission of this Foreshore Licence application.	Table 2-2 lists the meetings and discussions held with primary advisors and consultees prior to submission of this Foreshore Licence application.																																																																																				
	Table 2-2 Consultation in Ireland	Table 2-2 Consultation in Ireland																																																																																				
	<table border="1"> <thead> <tr> <th>Stakeholder</th> <th>Date</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Marine Institute</td> <td>19/06/2018</td> <td>Meeting – to introduce the project and identify constraints</td> </tr> <tr> <td>Department of Culture, Heritage and the Gaeltacht</td> <td>20/06/2018</td> <td>Contact to arrange a meeting with Foreshore Unit to introduce the project while on site visits.</td> </tr> <tr> <td>Department of Culture, Heritage and the Gaeltacht</td> <td>21/06/2018</td> <td>Discussion with FU on the proposed Donabate Landing Site and existing Survey Foreshore licence. Enquire about potential variation to foreshore licence.</td> </tr> <tr> <td>Department of Culture, Heritage and the Gaeltacht</td> <td>25/06/2018</td> <td>Confirmation and guidance on archaeological assessment requirements</td> </tr> <tr> <td>Underwater Archaeology Unit</td> <td>25/06/2018</td> <td>Introduce the project and identify constraints</td> </tr> <tr> <td>Department of Culture, Heritage and the Gaeltacht</td> <td>24/08/2018</td> <td>Submission of Foreshore Pre-Application Enquiry</td> </tr> <tr> <td></td> <td>11/09/2018</td> <td>ASN meeting request / enquiry / introduction to Case Officer – advised no meeting required at this stage.</td> </tr> <tr> <td>National Parks and Wildlife Service (NPWS)</td> <td>06/09/2018</td> <td>Contacted to introduce the project and identify constraints – advised NPWS will respond to main application</td> </tr> <tr> <td>Marine Institute</td> <td>11/09/2018</td> <td>Queries on technical information provided for pre-application</td> </tr> <tr> <td>Department of Culture, Heritage and the Gaeltacht</td> <td>12/09/2018</td> <td>Foreshore Unit confirmed that the project can proceed to Application Stage</td> </tr> <tr> <td>Fingal County Council</td> <td>13/09/2018, 01/11/2018, 20/11/2018</td> <td>Introduction to scope of project and enquiry for need for planning permission</td> </tr> <tr> <td>Irish Fish Producers Organisation</td> <td>03/02/2019</td> <td>Contacted to introduce the project</td> </tr> <tr> <td>Bird Watch Ireland</td> <td>14/02/2019</td> <td>Contacted regarding availability of Loughshinny and surrounding area Bird Count data</td> </tr> </tbody> </table>	Stakeholder	Date	Objective	Marine Institute	19/06/2018	Meeting – to introduce the project and identify constraints	Department of Culture, Heritage and the Gaeltacht	20/06/2018	Contact to arrange a meeting with Foreshore Unit to introduce the project while on site visits.	Department of Culture, Heritage and the Gaeltacht	21/06/2018	Discussion with FU on the proposed Donabate Landing Site and existing Survey Foreshore licence. Enquire about potential variation to foreshore licence.	Department of Culture, Heritage and the Gaeltacht	25/06/2018	Confirmation and guidance on archaeological assessment requirements	Underwater Archaeology Unit	25/06/2018	Introduce the project and identify constraints	Department of Culture, Heritage and the Gaeltacht	24/08/2018	Submission of Foreshore Pre-Application Enquiry		11/09/2018	ASN meeting request / enquiry / introduction to Case Officer – advised no meeting required at this stage.	National Parks and Wildlife Service (NPWS)	06/09/2018	Contacted to introduce the project and identify constraints – advised NPWS will respond to main application	Marine Institute	11/09/2018	Queries on technical information provided for pre-application	Department of Culture, Heritage and the Gaeltacht	12/09/2018	Foreshore Unit confirmed that the project can proceed to Application Stage	Fingal County Council	13/09/2018, 01/11/2018, 20/11/2018	Introduction to scope of project and enquiry for need for planning permission	Irish Fish Producers Organisation	03/02/2019	Contacted to introduce the project	Bird Watch Ireland	14/02/2019	Contacted regarding availability of Loughshinny and surrounding area Bird Count data	<table border="1"> <thead> <tr> <th>Stakeholder</th> <th>Date</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Marine Institute</td> <td>19/06/2018</td> <td>Meeting – to introduce the project and identify constraints</td> </tr> <tr> <td>Geological Survey of Ireland</td> <td>19/06/2018</td> <td>Meeting – to introduce the project and identify constraints</td> </tr> <tr> <td>Hovth Harbour Master</td> <td>20/06/2018</td> <td>Meeting – to introduce the project and identify constraints</td> </tr> <tr> <td>Department of Culture, Heritage and the Gaeltacht</td> <td>20/06/2018</td> <td>Contact to arrange a meeting with Foreshore Unit to introduce the project while on site visits.</td> </tr> <tr> <td>Department of Culture, Heritage and the Gaeltacht</td> <td>24/08/2018</td> <td>Submission of pre-application information</td> </tr> <tr> <td>National Parks and Wildlife Service (NPWS)</td> <td>13/09/2018</td> <td>Response to introduction of the project – advised NPWS will respond to main application</td> </tr> <tr> <td>Department of Culture, Heritage and the Gaeltacht</td> <td>12/09/2018</td> <td>Foreshore Unit confirmed that the project can proceed to Application Stage</td> </tr> <tr> <td>Fingal County Council</td> <td>13/09/2018, 01/11/2018, 20/11/2018</td> <td>Introduction to scope of project and enquiry for need for planning permission</td> </tr> <tr> <td>Irish Fish Producers Organisation</td> <td>03/02/2019</td> <td>Contacted to introduce the project</td> </tr> <tr> <td>Bird Watch Ireland</td> <td>14/02/2019</td> <td>Contacted regarding availability of Loughshinny and surrounding area Bird Count data</td> </tr> <tr> <td>Fingal County Council</td> <td>13/05/2019</td> <td>Provide shore end connection information for information</td> </tr> <tr> <td>Mr Faulkner (Fisherman)</td> <td>11/06/2019</td> <td>Introduce the project to Loughshinny fishermen and provide point of contact & response</td> </tr> <tr> <td>Bord Iascaigh Mhara (BIM)</td> <td>11/06/2019</td> <td>Introduce the project to Loughshinny fishermen and provide point of contact.</td> </tr> </tbody> </table>	Stakeholder	Date	Objective	Marine Institute	19/06/2018	Meeting – to introduce the project and identify constraints	Geological Survey of Ireland	19/06/2018	Meeting – to introduce the project and identify constraints	Hovth Harbour Master	20/06/2018	Meeting – to introduce the project and identify constraints	Department of Culture, Heritage and the Gaeltacht	20/06/2018	Contact to arrange a meeting with Foreshore Unit to introduce the project while on site visits.	Department of Culture, Heritage and the Gaeltacht	24/08/2018	Submission of pre-application information	National Parks and Wildlife Service (NPWS)	13/09/2018	Response to introduction of the project – advised NPWS will respond to main application	Department of Culture, Heritage and the Gaeltacht	12/09/2018	Foreshore Unit confirmed that the project can proceed to Application Stage	Fingal County Council	13/09/2018, 01/11/2018, 20/11/2018	Introduction to scope of project and enquiry for need for planning permission	Irish Fish Producers Organisation	03/02/2019	Contacted to introduce the project	Bird Watch Ireland	14/02/2019	Contacted regarding availability of Loughshinny and surrounding area Bird Count data	Fingal County Council	13/05/2019	Provide shore end connection information for information	Mr Faulkner (Fisherman)	11/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact & response	Bord Iascaigh Mhara (BIM)	11/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact.
Stakeholder	Date	Objective																																																																																				
Marine Institute	19/06/2018	Meeting – to introduce the project and identify constraints																																																																																				
Department of Culture, Heritage and the Gaeltacht	20/06/2018	Contact to arrange a meeting with Foreshore Unit to introduce the project while on site visits.																																																																																				
Department of Culture, Heritage and the Gaeltacht	21/06/2018	Discussion with FU on the proposed Donabate Landing Site and existing Survey Foreshore licence. Enquire about potential variation to foreshore licence.																																																																																				
Department of Culture, Heritage and the Gaeltacht	25/06/2018	Confirmation and guidance on archaeological assessment requirements																																																																																				
Underwater Archaeology Unit	25/06/2018	Introduce the project and identify constraints																																																																																				
Department of Culture, Heritage and the Gaeltacht	24/08/2018	Submission of Foreshore Pre-Application Enquiry																																																																																				
	11/09/2018	ASN meeting request / enquiry / introduction to Case Officer – advised no meeting required at this stage.																																																																																				
National Parks and Wildlife Service (NPWS)	06/09/2018	Contacted to introduce the project and identify constraints – advised NPWS will respond to main application																																																																																				
Marine Institute	11/09/2018	Queries on technical information provided for pre-application																																																																																				
Department of Culture, Heritage and the Gaeltacht	12/09/2018	Foreshore Unit confirmed that the project can proceed to Application Stage																																																																																				
Fingal County Council	13/09/2018, 01/11/2018, 20/11/2018	Introduction to scope of project and enquiry for need for planning permission																																																																																				
Irish Fish Producers Organisation	03/02/2019	Contacted to introduce the project																																																																																				
Bird Watch Ireland	14/02/2019	Contacted regarding availability of Loughshinny and surrounding area Bird Count data																																																																																				
Stakeholder	Date	Objective																																																																																				
Marine Institute	19/06/2018	Meeting – to introduce the project and identify constraints																																																																																				
Geological Survey of Ireland	19/06/2018	Meeting – to introduce the project and identify constraints																																																																																				
Hovth Harbour Master	20/06/2018	Meeting – to introduce the project and identify constraints																																																																																				
Department of Culture, Heritage and the Gaeltacht	20/06/2018	Contact to arrange a meeting with Foreshore Unit to introduce the project while on site visits.																																																																																				
Department of Culture, Heritage and the Gaeltacht	24/08/2018	Submission of pre-application information																																																																																				
National Parks and Wildlife Service (NPWS)	13/09/2018	Response to introduction of the project – advised NPWS will respond to main application																																																																																				
Department of Culture, Heritage and the Gaeltacht	12/09/2018	Foreshore Unit confirmed that the project can proceed to Application Stage																																																																																				
Fingal County Council	13/09/2018, 01/11/2018, 20/11/2018	Introduction to scope of project and enquiry for need for planning permission																																																																																				
Irish Fish Producers Organisation	03/02/2019	Contacted to introduce the project																																																																																				
Bird Watch Ireland	14/02/2019	Contacted regarding availability of Loughshinny and surrounding area Bird Count data																																																																																				
Fingal County Council	13/05/2019	Provide shore end connection information for information																																																																																				
Mr Faulkner (Fisherman)	11/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact & response																																																																																				
Bord Iascaigh Mhara (BIM)	11/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact.																																																																																				

Fingal County Council	15/05/2019	Provide intertidal installation information for discussion
Mr Faulkner (Fisherman)	11/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact.
Bord Iascaigh Mhara (BIM)	11/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact.
Mr Hickey (Fisherman)	11/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact.
Irish South & East Fish Producers Organisation (ISEFPO)	12/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact.
Mr Flanning (Fisherman)	13/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact.

Stakeholder	Date	Objective
Mr Hickey (Fisherman)	11/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact.
Irish South & East Fish Producers Organisation (ISEFPO)	12/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact & response.
Mr Flanning (Fisherman)	13/06/2019	Introduce the project to Loughshinny fishermen and provide point of contact and response.

Details of the above consultation are included in Appendix J.

CHECK APPENDIX J

p15 In general, little or no preparation of the seabed is required prior to laying cables

In general, little or no preparation of the seabed is required prior to laying telecommunication cables.

2.5.1 Seabed preparation

In general, little or no preparation of the seabed is required prior to laying cables. The route centreline has been optimised to avoid large boulders, hard cropping rock and gravel deposits where possible. Any smaller boulders will be removed during pre-installation ploughing. In the nearshore approach to Loughshinny the route crosses a boulder field of fine to medium sand with numerous small boulders. In addition, the route crosses sub-cropping rock covered by fine to medium sand for approximately 100m from approximately KP80.04. During the marine cable route survey 38 of the 42 sonar contacts identified by the shallow water survey; and 36 of the 40 contacts in the inshore surveys were boulders. The remainder of contacts were debris and one wreck (Fugro 2019a) One linear magnetic contact was observed at KP72.47, no potential unexploded ordnance were identified (Fugro 2019a).

2.5.1 Seabed preparation

In general, little or no preparation of the seabed is required prior to laying telecommunication cables. The route centreline has been optimised to avoid large boulders, hard cropping rock and gravel deposits where possible. Any smaller boulders will be removed during pre-installation ploughing. In the nearshore approach to Loughshinny the route crosses a boulder field of fine to medium sand with numerous small boulders. In addition, the route crosses sub-cropping rock covered by fine to medium sand for approximately 100m from approximately KP80.04. During the marine cable route survey 38 of the 42 sonar contacts identified by the shallow water survey; and 36 of the 40 contacts in the inshore surveys were boulders. The remainder of contacts were debris and one wreck (Fugro 2019a) One linear magnetic contact was observed at KP72.47, no potential unexploded ordnance were identified (Fugro 2019a).

[unexploded ordnance - survey carried out - live fire 2019](#)

p16 route. The cable burial assessment offshore cable installation will commence from the Irish/UK median line and run toward Loughshinny landing site. Onshore installation; the installation of the BMH and horizontal directional drilling will be completed before the marine cable reaches shore. Assessment (Appendix C) estimates that 75.74% of the cable route in Irish waters can be installed using a plough. Trenching may not be possible in short sections where hard seabed geological units are found, or where the cable crosses the Interconnector 1 gas pipeline.

route. The cable burial assessment (Appendix C) estimates that 95.21% of the cable route in Irish waters can be installed using a plough. The remaining 4.79% will be subject to post-lay burial.

p16 Offshore cable installation will commence from the Irish/UK median line and run toward Loughshinny landing site. Onshore installation; the installation of the BMH and horizontal directional drilling will be completed before the marine cable reaches shore.

Offshore cable installation will commence from the Irish/UK median line and run toward the Loughshinny landing site. Onshore the installation of the BMH and horizontal directional drilling will be completed before the marine cable reaches shore

	The embedded mitigation are detailed within each assessment Section (where relevant to the topic) and gathered together in a Schedule of Mitigation in Section 6.		The embedded mitigation is detailed within each assessment Section (where relevant to the topic) and gathered together in Table 2-7 below.
P26	COMPARE SECTION 6		Table 2-7 Embedded Mitigation inherent to the Project's design
		NOTHING	The cable route corridor in the landfall approach falls partially within the Loughshinny harbour area. The north side of the Loughshinny cove has a concrete breakwater / harbour wall providing mooring opportunities and protection for small vessels predominantly used by a number of small fishing vessels and occasional pleasure craft. The mooring completely dries at low tide. The proposed installation footprint is not within the Loughshinny harbour area, however some temporary disturbance to access of the breakwater area may occur during shore end installation.
P27	Shipping density information were obtained for 2017 in the Irish Sea (Figure 3-1) and in proximity to Loughshinny landing site (Figure 3-2). High shipping densities are represented in red in these Figures, while lower densities are in blue		Shipping density information for the region were obtained for 2017 in the Irish Sea (Figure 3-1) and in proximity to Loughshinny landing site (Figure 3-2). High shipping densities are represented in red in these Figures, while lower densities are in blue
p29			The cable crossing with the Interconnector 1 pipeline is located within an area of busy shipping traffic (Figure 3.1). During any maintenance activities, vessels may be stationary at a site for up to 3 days
	At the Interconnector 1 crossing location and during any maintenance activities, vessels may be stationary at a site for up to 3 days. The crossing is within an area of busy shipping traffic (Figure 3-1). The implementation of a temporary exclusion zone around the works will again cause temporary disruption to shipping traffic. However, as for installation, there will be sufficient sea room for manoeuvring and vessels will be able to make minor alterations to passages. The effects identified are not significant and will be controlled by compliance with embedded mitigation as summarised in Table 3-2.		The proposed crossing location with the Interconnector 1 pipeline is within an area of busy shipping traffic. Due to increased shipping in this area, there is a higher probability of ship collisions. However, ASN best practice measures will be implemented to minimise the potential for collision. The cable lay operation will be performed on a 24-hour basis to ensure minimal time that vessels will be stationary and reduce navigational impact on other users (in addition to maximise efficient use of suitable weather conditions) and vessel and equipment time. Notifications will be issued in accordance with statutory procedures to ensure navigational and operational safety (and will include notification via Kingfisher and notice to mariners / NAVTEX, with confirmation of crossing position, cable type, depth and crossing angle are sent 1 week, 48 and 24 hours in advance, as well as on completion of the crossing and use of appropriate marking and lighting). The crossing is within water depths of over 70m, therefore no reduction to water depth will occur that may be of concern for navigational safety. During maintenance activities, the implementation of a temporary exclusion zone around the works will again cause temporary small scale disturbance to shipping traffic while repairs are carried out. However, as for installation, there will be sufficient sea room surrounding the exclusion area for manoeuvring and vessels will be able to make minor alterations to passages. The effects identified are not significant and will be controlled by compliance with embedded mitigation as summarised in Table 3-2

p29

Table 3-2

Table 3-2 Impact assessment summary for installation and maintenance activities – shipping & navigation

Activity	Embedded Mitigation	Potential Effect	Receptor	Magnitude	Sensitivity	Significance
Route clearance, PLGR, cable lay	E6	Vessels will be requested to remain at least 500m (radial distance) from the installation vessels, requiring vessels to make route adjustments.	Commercial shipping and other sea users	Negligible	Low	Not significant
Crossing installation, maintenance activities	E6		Commercial shipping and other sea users	Low	Low	Slight

* Embedded mitigation is listed by ID code in Table 6-1.

p30

On an average day, more than 1,000 fishing vessels are active in the waters around Ireland, clocking up more than 8 million fishing hours per year. Most of the seabed near Ireland is trawled at least once per year and some regions are trawled more than 10 times per year. Fishing is clearly one of the most significant uses of the waters Ireland.

Table 3-2 Impact assessment summary for installation and maintenance activities – shipping & navigation

Determination of potential effect			Impact Assessment					
Activity	Embedded Mitigation ID*	Potential pressure	Receptor	Magnitude	Sensitivity	Significance	Project Specific Mitigation	Residual Significance
PLGR, cable lay	E6	Displacement of vessels	Commercial shipping and other sea users **	Medium	Low	Slight	-	Slight
Crossing installation and maintenance activities	E6	Collision of vessels	Commercial shipping and other sea users	Medium	Low	Slight	-	Slight
		Changes to water depth from installation of cable protection		Negligible	Low	Not significant	-	Not significant

* Embedded mitigation is listed by ID code in Table 2-7

** commercial fishing considered in section 3.2

Most of the seabed near Ireland is trawled at least once per year and some regions are trawled more than 10 times per year. The greatest threat to cables from fishing activity result from dredging and trawling activities. Trawl scars are visible on the seabed within the marine cable corridor, indicating historical

• Nephrops – The nephrops fishery is located within the Irish Sea mud belt West and South West of the Isle of Man. Nephrops is the main demersal species landed within the Irish Sea and are primarily targeted using otter trawls (ICES 2018). The proposed crossing with the Interconnector 1 cable will require the installation of rock protection utilise up to 75m long within a footprint of up to 687.5m². This installation will change the habitat type from fine soft sediments to harder substrate. However, the profile of the rock berm will be over trawlable for the protection of the cable and fishing vessels.

