

CELTIX CONNECT LIMITED

Foreshore Licence Application FS006915: Celtix Connect - Havhingsten Telecommunication Cable Dublin

Applicant Responses to Public Observations



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DOCUMENT RELEASE FORM

Celtix Connect Limited

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Author/s

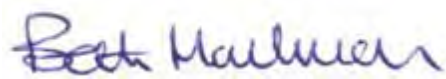
Charlie Cameron, Callum Bain, Paula Daglish, Patricia Adams

Project Manager



Paula Daglish

Authoriser



Beth Monkman

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GLOSSARY

ASN

Alcatel Submarine Networks

dB

Decibel

DBA

Desk Based Assessment

DCHG

Department of Culture, Heritage and the Gaeltacht

DK

Denmark

EIA

Environmental Impact Assessment

EMF

Electromagnetic Field

EPA

Environmental Protection Agency

EUNIS

European Nature Information System

FLO

Fisheries Liaison Officer

GIS

Geographical Information System

IEMA

Institute of Environmental Management and Assessment

IOM

Isle of Man

IRL

Ireland

i-WeBS

Irish Wetland Bird Survey

km

Kilometre

KP

Kilometre Point

HWM

High Water Mark (Ordinary Tides)

MBES

Multi-Beam Echo Sounder

MCMS

Marine Case Management System

NM

Nautical Mile

NPWS

National Parks and Wildlife Service

OSPAR

Convention for the Protection of the Marine Environment of the North-East Atlantic

RPL

Route Position List

pNHA

Proposed Natural Heritage Areas

SAC

Special Area of Conservation

SBP

Sub-Bottom Profiler

SPA

Special Protection Area

SSS

Side Scan Sonar

UAU

Underwater Archaeology Unit

UK

United Kingdom

UXO

Unexploded Ordnance

ZOI

Zone of Influence

1. INTRODUCTION

1.1 Project overview

Alcatel Submarine Networks (ASN) has been selected as the Supplier of the Celtix Connect fibre optic telecommunication cable system ('Havhingsten cable'). Celtix Connect Limited is the Applicant for the Havhingsten Project (and hereon referred to as the Applicant). Intertek has been selected by ASN as the Environmental Consultant to manage the permit consultation and application process for the offshore part of the cable installation in Ireland (IRL), the Isle of Man (IoM), United Kingdom (UK) and Denmark (DK). The Havhingsten cable system will span more than 940km and deliver increased bandwidth between the respective countries.

The marine segments of the Havhingsten cable are 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 will also include two branches onto the IoM; and
- The North Sea from the Seaton Sluice (on the east coast of the UK, north of Newcastle), to Houstrup (on the west coast of the Jutland peninsular 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).

This response is to public observations received on the Foreshore Licence Application for Cable Installation reference FS006915. Further detailed Applicant responses to the observations of prescribed bodies on this Foreshore Licence Application are provided in Document Ref: P2228E1_R5064_Rev2. These response documents should be read in parallel.

1.2 Background to Foreshore Application

1.2.1 Foreshore Licence Application Chronology

This response is to public observations received on the Foreshore Licence Application for Cable Installation reference FS006915.

On 08th June 2019, a Foreshore Licence Application was submitted to the Foreshore Unit in support of the Celtix Connect Limited (Havhingsten) Telecommunication Cable.

Following validation checks by the Foreshore Unit, the route coordinates and installation corridor were aligned to the surveyed corridor by the Applicant (and Rev2 version of the Stage 1 Screening for Appropriate Assessment was provided to the Foreshore Unit). No such material changes were determined to have occurred, and the initial screening assessment therefore remained unchanged.

On 18th July 2019 the Foreshore Licence Application for Cable Installation – 'Planning Report' (Document reference P2228_R4693_Rev2) and supporting documents was accepted by the Foreshore Unit and assigned Foreshore Licence application reference FS006915.

However, the incorrect version containing the previously calculated distances was loaded for public viewing on the Foreshore Unit's website in error and remained on the Foreshore Unit website throughout the consultation period for public viewing.

At the end of the first public consultation period (between 21st August 2019 and 27th September 2019) the Foreshore Unit notified the Applicant that the first consultation period was not valid. Therefore,

the application was requested to be resubmitted. The Applicant took this opportunity to correct any minor errors as defined in Appendix A prior to re-submission.

On 5th December 2019 a revised Foreshore Application for Cable Installation – ‘Planning Report’ (Document reference P2228_R4693_Rev 5) and supporting documents was submitted to the Foreshore Unit and accepted by the Foreshore Unit on 9th January 2020 and permitted to use the same application reference FS006915. The revised application (as outlined in Appendix A) were of no material consequence and did not change the outcome of the assessment. The revised application form was requested to be updated from 5th December 2019 to 9th January 2020 by the Foreshore Unit.

A second public consultation was held between 30th January 2020 and 29th February 2020.

Full response to the observations made by the public representations during the consultation period, between 30th January and 29th February 2020, are detailed in Section 2 below.

1.2.2 Information Supporting the Planning Report

The supporting information included with the Planning Report is listed in Table 1-1 below.

Table 1-1 Supporting Information to the Planning Report

Appendix A	Environmental Assessment Methodology - assessment methodology used in Planning Report
Appendix B	Application Corridor Coordinates – area applied for under the Foreshore Licence application
Appendix C	Cable Burial Assessment – review of seabed sediment conditions and cable burial depth using proposed installation tools.
Appendix D	Fishing Activity Study – a review of the commercial fishing activity within the region.
Appendix E	Marine Archaeology Technical Report – Report that combines a desk-based assessment, results of the foreshore survey and review of geophysical survey data into one assessment.
Appendix F	Stage 1 Screening for Appropriate Assessment – screening assessment for effects to Natura 2000 sites
Appendix G	Underwater noise assessment – review of the noise created by installation and maintenance activities and how this will affect marine species
Appendix H	Sediment Suspension and Dispersion – supporting information for benthic habitat assessment including calculations
Appendix I	Survey Reports - Geophysical and geotechnical survey reports; environmental survey reports; intertidal survey reports
Appendix J	Pre-Application Consultation - evidence of all consultation undertaken to date for the project

1.2.3 Installation programme

The installation programme of the cable is dependent on the granting of a Foreshore Licence which has been delayed, therefore indicative programme dates in the initial application have now passed.

The current indicative installation programme is dependent on the timing of the issue of a Foreshore Licence, and possible effects of Covid-19, however current estimates for installation are from early Quarter 4 (Q4) 2020.

2. PUBLIC OBSERVATION RESPONSES

2.1 Public observations

Due to the receipt of 205 public observations, with some overlap in content and theme, the responses have been grouped under common topics and responded to under eight categories (see Appendix A for individual observations received and for cross reference to the Public Observation Reference Number).

Response Categories

Responses have been provided below in Sections 2.2 to 2.9 under the following eight categories:

Section 2.2	Consultation
Section 2.3	Archaeology
Section 2.4	Loughshinny Bay and Harbour
Section 2.5	Onshore Issues Not Related to this Application
Section 2.6	Planning Issues
Section 2.7	Cable Landing Station
Section 2.8	Application Process
Section 2.9	Appropriate Assessment

2.2 Consultation

Applicant Response

PO1

Pre-application consultation for the Project included, contacting the Loughshinny Community Association (email dated 11th June 2019) and fishers fishing out of nearby harbours or established as fishing in the area, fishing organisations and associations. All organisations or individuals contacted are listed in Appendix J to the Planning Report. Fisheries liaison is ongoing for the Project and will continue throughout the application and installation phases.

Consultees were contacted to introduce the Project and provide an overview of the proposed marine cable route. The pre-application correspondence sent to the Loughshinny Community Association provided information on the proposed marine cable installation, surveys undertaken, and environmental assessments undertaken, including in relation to protected sites. Pre-application responses have been received from fisheries interests contacted, however, to date no response has been received from the Loughshinny Community Association.

A copy of the Loughshinny Community Association correspondence sent (email dated 11/06/2019) should have been included in Appendix J (Pre-Application Consultation) to the Planning Report as part of the supporting documentation to the first application. This was omitted as the Applicant was anticipating a response from the Community Association to include with the submission, and the omission was an oversight. As a response is still not forthcoming and significant time has elapsed, it was decided to submit the correspondence sent to the Community Association with the second submission of the application. In response to a particular point raised the Applicant has not stated that a meeting with Loughshinny Community Association has occurred but only that correspondence was undertaken as part of consultation and an opportunity provided to respond.

Public consultation for the Project was undertaken twice as set out in the letter from the Foreshore Unit dated 12th August 2019 (following first submission of application) and letter dated 10th January 2020 (following second submission of application). A public notice was placed within a national and local newspaper (Irish Times and the Northside People East), advertising the application and providing an opportunity to comment on the proposals between the following dates:

- Initial Application - 21 August 2019 until 27 September 2019 for an initial period of 21 working days (29 calendar days), which was extended by a further six days to cover 27 working days (37 calendar days); and
- Re-submission of Application - 30 January 2020 until 29 February 2020 – period of 30 calendar days.

2.3 Archaeology

Applicant Response

PO2, PO15, PO16, PO37, PO87

It is acknowledged that the proposed cable route passes within 0.1km of the Drumanagh area. During the pre-application process the Applicant commissioned fully trained and qualified archaeologists to undertake archaeological studies of the marine cable route. This included a desk-based assessment to understand the archaeological potential of the proposed route; a walkover study at the landing site at low tide which included a geophysical survey; an offshore geophysical survey and archaeological review of the geophysical survey data. The archaeological review did not identify any archaeological material and the risk to archaeology from cable installation is therefore considered to be low.

The archaeological reports which were produced were submitted as supporting documents to the Planning Report in Appendix E. The Planning Report concluded that the proposed cable installation would not impact any archaeological sites.

An archaeological watching brief will accompany the installation activities, and should any archaeological material be discovered during installation activities either at the landing site or offshore, a protocol will be followed as agreed with Department of Culture, Heritage and the Gaeltacht (DCHG) - Underwater Archaeology Unit (UAU) in a meeting held on 02 April 2020.

2.4 Loughshinny Bay and Harbour

Applicant Response

PO7, PO8, PO9, PO10 PO15, PO20, PO39, PO77, PO85, PO86

A cable route study and cable landfall visits were conducted prior to developing the proposed Loughshinny Route. As described in the Planning Report three landing locations were reviewed for technical, engineering, and environmental constraints - Donabate, Portrane and Loughshinny beach. The Applicant assessed that Loughshinny beach provides the best engineering and environmental solution due to its sheltered location; soft sandy sediments that will allow good burial; and in addition, the route represented the shortest route across the Rockabill to Dalkey Island Special Area of Conservation (SAC) allowing the least risk of impact to the site.

The Loughshinny Harbour area is to the north-east of the bay adjacent to the break water. The harbour area is presented in Appendix B of this report. The proposed cable route will not pass directly through Loughshinny harbour and passes a distance of 28m from the designated harbour area at the closest point (please see Appendix B of this report). The cable corridor for the application is 500m wide offshore which narrows to 250m either side of the proposed cable route within Loughshinny Bay, however the cable corridor width is primarily for reasons of maritime safety when using the larger installation vessel. As the installation vessel is unable to enter

Loughshinny bay due to the vessel draft, installation within Loughshinny bay will be undertaken by divers and small dive support vessels with good manoeuvrability. During installation, a safety zone of 50m either side of the cable installation is required for diver support vessels. This safety zone will overlap into the harbour area for up to three days during the installation. This will require reduced vessel movements to the harbour area during installation but will not completely restrict access. The Fisheries Liaison Officer (FLO) will liaise with local vessels and the harbour master at the time of installation. The cable will be buried to a depth of 1.5m within Loughshinny bay.

With regards to harbour expansion, following reasonable enquiries no current harbour expansion plans had been identified at the time of submitting the Foreshore Licence application. Enquires included consultation with Fingal County Council and review of Foreshore Licence Applications submitted within the area. If the harbour is proposed for development after the cable is installed, the harbour development proposals would need to consider a range of existing infrastructure and constraints at the time of the development application, including the Havhingsten cable.

Fingal County Council was consulted on the Project (see Appendix J to the Planning Report) and have not provided any adverse comments regarding the Foreshore Licence application. The harbour master was provided with contact details in relation to the Project, however, to date the Applicant has not received any response.

The Applicant acknowledges there will be some temporary disruption in the area of the Bay during installation for approximately three days. Once the cable is installed there will be no visible sign of the cable, with no lasting adverse impacts to Loughshinny. The ducts for the connection of the cable to the terrestrial cable at the beach manhole (BMH) are already installed, and no further construction works are required under the public road. Terrestrial cable is not yet installed, but this is a simple pulling operation with no further construction required on land.

Once the cable is installed in the beach and through the telecommunications ducting, residents will not be able to see any evidence of it. Any disruption which may occur by the grant of the Foreshore Licence, will be confined to a works area within the intertidal section of the beach and a portion of the car park during the short installation period only. It is proposed to avoid the peak summer months (1st May - 30th September) to minimise disruption to amenity use of the beach.

The installation and long-term presence of the cable will not have any effect on the quality of the beach, Loughshinny bay, surroundings or the quality of life or amenity for local residents.

The cable installation will also have no effect on the quality of surface water or drainage discharges to the bay. Installation of the cable under the Foreshore Licence is not likely to affect the quality of the water within Loughshinny bay or indeed anywhere along the cable corridor. An assessment of sediment suspension and dispersion for the installation was included in Appendix H to the Planning Report.

Offshore, there will be some temporary and localised suspension of sediment as a result of cable installation and fine material may remain in suspension for up to 28 hours following disturbance (see Appendix H of the Planning Report) prior to settling back to the seabed. However, the installation will use a displacement plough which is designed to minimise sediment disturbance. This level of disturbance is likely to be within background levels of disturbance from trawling activities and for storm events. Any resultant changes in water quality, will be short term, localised and will not be detectable against natural background variability.

As installation within the intertidal area will be undertaken by trenching through the soft sediments at low tide, it is unlikely that significant levels of sediment will be suspended within the water column.

Sediments within the marine cable corridor have been analysed for selected elements (total hydrocarbons, aliphatic hydrocarbons, polyaromatic hydrocarbons and heavy metals). Within the nearshore, contaminant concentrations were generally elevated within Loughshinny bay (sample location LS_ST01 Appendix I3 to the Planning Report). This is as expected for coastal areas and is associated with a relatively high proportion of fine material and reflects a combination of terrestrial inputs and coastal processes favouring sedimentation in the sheltered waters of the bay (Chester and Jickells 2012).

Potential impacts on the environment and shipping and navigation have been evaluated. As detailed in the Planning Report, the impacts were assessed as Slight and Not Significant, due to the temporary nature (three days intertidal works at the landing site) and small footprint of any disruption caused. Fisheries interests have been provided with the opportunity to engage with the Project and any temporary disturbance to individual vessels using the harbour during this period will be discussed with the Project FLO prior to works commencing and the relevant fisheries organisations.

2.5 Onshore issues not related to this application

Applicant Response

PO12, PO23, PO32

Responses to this application are for activities under the Foreshore Licence No FS 0006915 which considers the marine elements of the application within the Foreshore jurisdiction of the Minister. Please see Section 2.6 for further information on terrestrial telecommunication installation.

2.6 Planning issues

Applicant Response

PO3, PO10, PO11, PO14, PO18, PO19, PO22, PO23 PO25, PO35, PO76, PO78, PO80, PO83, PO89, PO90, PO91, PO117, PO119, PO120, PO121, PO122, PO123, PO127, PO128, PO139, PO143, PO154, PO157

This application is for installation of a telecommunication cable within the Foreshore. The Foreshore is defined as "the land and seabed between the high water of ordinary or medium tides (HWM) and the 12 nautical mile limit". Therefore, the intertidal elements of the Project within the Minister's jurisdiction are captured in the Foreshore Licence. Section 225 of the Planning and Development Act 2000, as amended, confirms that planning permission is not required for development consisting of underwater cables, wires, pipelines or other similar apparatus used for the purpose of *inter alia* transmitting telecommunications signals, or development connected to land within the functional area of a planning authority solely by means of any such cable, wire, pipeline or apparatus. Fingal County Council's planning jurisdiction in relation to development onshore therefore does not overlap with the jurisdiction of the Minister in relation to the licence for the cable installation.

The Cable Installation Planning Report provided with the Foreshore Licence application includes a description of the Project, however, an expanded description has been provided below in response to comments received on the Foreshore Licence application to assist the Minister in making an informed decision in relation to this application (Appendix C of this report).

The Proposed Development is part of a fibre optic telecommunication cable system, also known as the Havhingsten cable. The development will deliver a boost of bandwidth between the countries concerned (Ireland, UK, Isle of Man, and Denmark). The Project aligns with the Europe 2020 Strategy and the Digital Agenda for Europe (lower prices for electronic communication, better internet connectivity for all and better protection of consumers in telecommunications). The Havhingsten Project will support the needs of the web-scale providers that underpin today's international cloud industry. The route will enable connectivity for global carriers, cloud-based networks, data centres, information technology companies, Internet Service Providers, and the global media. The provision of fast and reliable internet connection will support Information and Communication Technologies to foster innovation, economic growth, and job creation in this sector.

Whilst subsea telecommunications cables are identified in the consultation draft of the National Marine Planning Framework¹ as being a type of project in the public interest, subsea cables such as the Havhingsten cable involve a limited intervention in the natural environment. The installed cable will be no more than 40mm in diameter and will be buried (using a displacement plough) to a depth of 1.5m along the entire route, with the exception of a short section that will be surface laid due to the presence of rock on the seabed.

However, irrespective of the scale or location of the proposed cable project, no aspect of the Project falls within any of the project types listed in Annex I or Annex II of the EIA Directive 2011/92/EU, as revised by Directive 2014/52/EU (the EIA Directive). As is made clear by Articles 2 and 4 of the EIA Directive, the obligation to carry out screening for Environmental Impact Assessment (EIA) or EIA arise only in relation to the classes of project specified in Annex I and Annex II (or Schedule 5 of the Planning and Development Regulations 2001, as amended). As the Project does not fall under any of the project classes, the EIA Directive does not apply.

This is important, because on land the underground telecommunications ducting through which the cable will be installed is exempted development under Section 4 of the Planning and Development Act 2000, as amended, and Class 31 of Schedule 2 of the Planning and Development Regulations 2001, as amended. While Article 6 of the Planning and Development Regulations 2001, as amended, provides that exempted development is 'de-exempted' if any of the circumstances under Article 9 apply, including where the development is part of a project to which the EIA Directives apply, that is not the case here. The underground telecommunications ducting was therefore correctly and lawfully completed as exempted development, subject to Road Opening Licence Numbers: 2019DF0451, 2019DF0674 and 2019DF0676 granted by Fingal County Council.

Exempted development will also be de-exempted under Articles 6 and 9 of the Regulations where the development forms part of a project for which a Stage 2 Appropriate Assessment is required under Article 6(3) of the Habitats Directive 1992/43/EU. That is also not the case here, as the likelihood of significant effects on any European sites has been comprehensively excluded through the Stage 1 Screening for Appropriate Assessment.

In the foreshore (below the HWM) section 225 of the Planning and Development Act 2000, as amended, confirms that the laying of telecommunications cables in the foreshore does not require planning permission and is, from a planning perspective, outside of the functional jurisdiction of the planning authority.

The jurisdiction for the foreshore is currently vested in the Minister under the Foreshore Act 1933, as amended, subject to consultation with the public and with prescribed bodies including the planning authority, but otherwise there is no jurisdictional overlap between the Minister and the planning authority in relation to the telecommunications cable from the high water mark (HWM) out to the 12NM territorial limit.

Separately, ESB Telecom Limited applied to Fingal County Council for planning permission to develop a Cable Landing Station within the site boundary of the existing ESB Loughshinny 38kV substation. The planning application (F19A/0169) was initially refused and was the subject of a First Party Appeal to An Bord Pleanála (ABP – 306677-20)² with Planning Permission finally obtained following Appeal decision on 30 July 2020.

The planning application lodged by ESB Telecom Limited was for permission to develop a prefabricated cabin measuring circa 8.1m x 10m and 3.7m in height, together with associated cabling and ducting to be laid in approximately 2km of local road from the coast to the proposed Cable Landing Station site. It was accompanied by inter alia a Stage 1 Screening for Appropriate Assessment. During the course of the application process Fingal County Council determined that further information was required to enable Fingal County Council to conduct a Screening for Appropriate Assessment.

¹ Chapter 18 – Telecommunications: “Policy 1 Proposals that guarantee existing and future international telecommunications connectivity which is critically important to support the future needs of society and enterprise in Ireland, should be supported.”

² <http://www.pleanala.ie/casenum/306677.htm>

In particular, whereas the application (submitted in April 2019) noted that the proposed Cable Landing Station was intended to serve a proposed offshore / marine cable which would be the subject of a separate Appropriate Assessment, no detail was provided in the application. The application stated that “subsequent phases” would be subject to separate Appropriate Assessment. Accordingly, pursuant to a request from the Council, a revised Stage 1 Screening for Appropriate Assessment was submitted to Fingal County Council on behalf of ESB Telecom in January 2020. The Council had requested that the revised information would include an assessment of the cumulative impact of the proposed development of the Cable Landing Station with associated underground ducting with the subsea fibre cable / offshore element of the proposed development. At section 2.2. of the revised Stage 1 Screening for Appropriate Assessment report it was noted that the proposed offshore cable associated with the proposed Cable Landing Station and ducting was subject to an Appropriate Assessment Screening report, and the main conclusions of that report were quoted. In section 4.1, cumulative effects of the proposed Cable Landing Station together with the proposed offshore cable were identified and considered. The conclusions of the Stage 1 Screening for Appropriate Assessment report for the offshore cable were considered and it was concluded that as the proposed Cable Landing Station and ducting works are terrestrial, and as there was no connectivity between those works and any of the European sites concerned, there were no likely significant effects arising from the proposed Cable Landing Station and associated ducts, individually or in combination with the proposed offshore marine cable element. A copy of the Stage 1 Screening for Appropriate Assessment report for the Foreshore Licence application was not provided to Fingal County Council.

Fingal County Council determined to refuse permission primarily due to the Council’s concern that the Stage 1 Screening for Appropriate Assessment for the Cable Landing Station failed to adequately assess the effects of related aspects of the Havhingsten Project including:

- Cable Landing Station to the beach, via the underground telecommunications ducts;
- Beach out to 12NM limit; and
- Beyond the 12NM limit.

Fingal County Council was also concerned that the Stage 1 Screening for Appropriate Assessment failed to assess the potential connectivity between the proposed Cable Landing Station and the European sites via a drainage ditch at the perimeter of the Cable Landing Station site, and via the ducting works under the public road.

Further information on the installation of the cable and duct above the HWM is included in the supplemental information included with these responses (see Appendix C of this report). A copy of the Stage 1 Screening for Appropriate Assessment report for the Cable Landing Station can be found at:

<http://documents.fingalcoco.ie/NorthgatePublicDocs/00648476.pdf> [documents.fingalcoco.ie]

As can be seen, the Stage 1 Screening Assessments for both the terrestrial and the foreshore elements of the proposed Project exclude the likelihood of significant effects on any European site. There is no direct connectivity between the proposed Cable Landing Station and the underground ducting and the European sites concerned. Any indirect connectivity is via the subsea cable in the foreshore. The Stage 1 Screening Assessment submitted with this Foreshore Licence application demonstrates the Project will not have any likely significant effect on any European site.

As noted above, it was a matter for An Bord Pleanála to determine whether or not to grant permission for the Cable Landing Station at the existing Loughshinny substation with Planning Permission granted following Appeal decision on 30 July 2020. The Minister’s jurisdiction is limited to the foreshore. All requisite information to enable the Minister to complete the Stage 1 Screening for Appropriate Assessment of the proposed foreshore licence has been provided.

The supporting documents for the UK are available on the Marine Management Organisation’s Marine Case Management System (MCMS) at the following URL: <https://marinelicensing.marinemanagement.org.uk/> by searching for reference MLA/2019/00321.

Stage 1 Screening for AA within the UK concluded that there is the potential for likely significant effects on three European sites and Appropriate Assessment was undertaken by the UK Regulatory Authority in consultation with the statutory nature conservation bodies. The Appropriate Assessment examined the evidence contained within the Applicants Habitats Regulations Assessment, the proposed mitigation (a seasonal restriction to avoid effects to species) and concluded that there will be no adverse effect on the integrity of the UK European sites either alone or in-combination with other plans or projects.

The fact that Appropriate Assessment was required for the Project in UK waters does not mean that a Natura Impact Statement is required for the Project in Irish waters. The process of screening relevant sites to determine whether Appropriate Assessment is required is dependent on the Qualifying Interests of each individual European site, the sensitivities of these Qualifying Interests and the pressures exerted on the Qualifying Interests from the Project. The test for likely significant effects must be considered for each European site and it should not be inferred that because there is the potential for a likely significant effect at one European site there will be the same potential at another.

The Applicant acknowledges that there will be some temporary disruption during the installation of the marine cable (for approximately three days at the landing site). The disruption will be minimal and limited to the intertidal area and car park.

Installation of the cable is dependent on the granting of a Foreshore Licence which has been delayed, therefore indicative programme dates in the initial application have now passed. Due to Foreshore Licence availability and the amenity value of the Loughshinny beach, the cable will not be installed between 1st May and 30th September. The current indicative installation programme is dependent on the issue of a Foreshore Licence which has been subject to delay. Current estimates for installation are from Quarter 4 (Q4) 2020 and are dependent on the application process and possible effects of Covid-19.

Public Notices

The exact text of the published Public Notices was provided by the Foreshore Unit. The Applicant followed the Foreshore Unit instruction and was in full compliance with requirements set out in the Foreshore Unit letter dated 12th August 2019 and 10th January 2020. Notices were required to be published within one national and one local paper with a wide circulation. The Notices provided detail on the Applicant and contact details, cable landing location and location of where the application documents could be viewed. As the application was not subject to the EIA Directives, and as a Stage 2 Appropriate Assessment is not required, Section 19C, consultation with other Member States of European Communities did not apply to the application.

Public Notices were placed within the Irish Times and the Northside People East and were originally intended to be published in both newspapers on the 29 January 2020. The Notice for publication in the Irish Independent did not make the print deadline due to an administrative error. As soon as this was identified, the Foreshore Unit was immediately informed.

Following communication with the Foreshore Unit on the missed print deadline for the Irish Independence it was agreed that a Notice could be published in the Irish Independent on the 30th January 2020 (with a revised end date for the 30 day consultation period of 29th February 2020). The Notice placed in Northside People East was also re-advertised on the 05th February 2020 with the same end date for the consultation period of 29th February 2020. All public notices issued are provided in Appendix D of this report.

The application form and supporting documentation were displayed in Balbriggan Garda Station throughout the consultation periods in addition to being available on the Foreshore Unit website (<https://www.housing.gov.ie/planning/foreshore/applications/celtix-connect-havhingsten-telecommunication-cable-dublin>). The Foreshore Unit did not request the Applicant to place public notices at the landing sites, nor is there any legal obligation under the Foreshore Act 1933, as amended, for such a site notice.

In addition to the required Public Notices, the fishing interests who responded to the pre-application consultation were notified of the consultation period and fishermen were encouraged to comment.

A marine notice was also submitted by the Applicant as part of the ongoing fisheries liaison work in the Irish Sea. The notice did not mention the commencement of any works in Irish waters and was a precautionary notice to aid with the fisheries consultation prior to installation operations. No works in Irish waters will take place before the Foreshore Licensing process is complete and a Foreshore Licence has been granted. Publication of the marine notice is in no way intended to undermine the Foreshore Consent process. A further marine notice will be published with start dates prior to installation operations, with appropriate notice given.

The Application

A cable route study was conducted prior to developing the proposed Loughshinny Route. As described in the Planning Report, a number of alternative landing locations were reviewed and subsequently discounted, including Donabate and Portrane beaches. A number of engineering and environmental aspects were considered in the identification of an appropriate route. Loughshinny Bay provides a solution to engineering, environmental and archaeological constraints identified at the alternative landing locations. The Applicant acknowledge there will be some temporary disruption during the installation phase (for approximately three days at the landing site) during the time of cable installation. Once the cable is installed there will be no visible sign of the cable.

All information and conclusions presented in the Foreshore Licence application are based on up-to-date information obtained from a variety of sources, which are cited and referenced throughout the application and included as appendices where applicable.

The 500m wide marine cable corridor (250m wide in the near shore area) represents the outer limits of the zone within which the cable can be installed and within which any future maintenance activity could occur. Within this corridor an area up to 10m wide, centred on the cable, will be impacted by equipment used during installation. The cable will be up to 40mm in diameter and will be buried to a depth of 1.5m along the entire route, with the exception of a short section that will be surface laid due to the presence of rock on the seabed.

The Planning Report and supporting documents provided with the Foreshore Licence application have been presented based on scientific evidence gathered during extensive marine surveys, including geophysical and environmental surveys; archaeological assessment; and intertidal survey. The supporting literature review and scientific information to inform the application is presented in Appendices C to I of the Planning Report and the consultation undertaken is included in Appendix J of the Planning Report.

The outcome of the Planning Report environmental assessment and Stage 1 Screening for Appropriate Assessment is that there are no likely significant effects on any European Sites or other features of conservation interest, such as marine archaeological sites from the proposed cable installation. There may be minor disruption to fishing interests or pleasure craft within the installation area during installation, however this will be temporary for approximately three days at the landing site and a small restricted area ahead of the installation vessel. Works will be undertaken outside the peak summer period when the beach is a popular leisure amenity (i.e. works will not be carried out between 1st May and 30th September). Once installed, the cable will not be visible or have any effects on local amenity.

The findings of the marine surveys and assessments undertaken for this Foreshore Licence application have not identified any significant negative environmental effects. Any revisions made to the original application were administrative in nature and did not change the proposed activities, did not alter the outcome of its findings, therefore the original conclusions are still accurate.

The information submitted in support of this application is comprehensive, coherent and scientifically accurate. The Applicant has applied for a Foreshore Licence to install a marine telecommunication cable linking Ireland to the Isle of Man and UK. The Irish government have a commitment to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum.

No development works on land requiring planning permission were carried out prior to the grant of planning permission. Works to install telecommunications cables on land, including the

excavation of roads for the burial of such cables, are exempted development under Class 31 of Schedule 2 of the Planning and Development Regulations 2001, as amended. Installation was subject to Road Opening Licence Ref:019DF0451, 2019DF0674, 2019DF0676. Further information on the installation of the cable and duct above the HWM (ordinary tides) is included in the supplemental information included with these responses (see 'FS006915_Havhingsten_Terrestrial Description.pdf')

Consultation

Fingal County Council was consulted on the Project and have not provided any objections to the application. The harbour master was provided with contact details in relation to the Project, however, to date the Project have not received any response. The installation of the cable will not affect the future Loughshinny village. There will be temporary disturbance at the landing site on the beach during the installation, however, once installed, residents will not see any evidence of the cable. Regulation of development of telecommunications infrastructure in the Foreshore is a matter for the Minister for Housing, Planning and Local Government. Fingal County Council is a statutory consultee under that process and did not object to the installation of the cable. The terrestrial cable laying works is exempted development under the Planning and Development Acts.

2.7 Cable landing station

Applicant Response

PO13, PO21, PO24, PO27, PO89, PO100, PO131, PO138, PO139, PO143, PO159

Responses to this application are for activities under the Foreshore Licence No FS 0006915 which considers the marine elements of the Project within the Foreshore.

Planning application F19A/0169 is the responsibility of ESB Telecoms Limited. Background details and context are set out in Section 2.6 above.

Telecommunication cable installation works on land including the excavation of roads for the laying of cable ducting are exempted development under the Planning and Development Act 2000 (as amended) (see previous response in Section 2.6). The duct installation works were subject to a road opening licence and the ducts were installed under licence numbers: 2019DF0451, 2019DF0674, 2019DF0676 granted by Fingal County Council.

Further information on the installation of the cable and duct above the HMW (ordinary tides) is included in the supplemental information included with these responses (Appendix C of this report).

2.8 Application Process

Applicant Response

PO4, PO26, PO27, PO28, PO29, PO30, PO31, PO33, PO34, PO35, PO36, PO59, PO73, PO74, PO81, PO84, PO88, PO93, PO94, PO95, PO96, PO99, PO100, PO101, PO112, PO113, PO114, PO115, PO116, PO131, PO132, PO133, PO134, PO135, PO136, PO137, PO140, PO142, PO146, PO156

The infrastructure will support and upgrade the Irish telecommunication infrastructure to provide telecommunications interconnectivity with Europe and further afield.

The proposed Havhingsten cable is not subject to the EIA Directive 2011/92/EU as revised by Directive 2014/52/EU. No aspect of the Project falls within the scope of either Annex I or Annex II of the Directive. Accordingly, the obligations under the EIA Directive do not apply to this application for a Foreshore Licence.

As discussed in other responses within this document (see Section 2.6), installation of a telecommunication cable above HWM (ordinary tides) is subject to Road Opening Licences granted by Fingal County Council (ducting has been installed under licence numbers 2019DF0451, 2019DF0674, 2019DF0676). The applicant has supplied supplemental information (Appendix C of this document), on the installation of the telecommunication cable above HWM (ordinary tides) within Loughshinny.

Comprehensive environmental surveys and assessments have been provided to support the application. As the application also falls within the UK and Isle of Man jurisdictions, surveys / assessment and the appropriate consents necessary in the jurisdiction have been submitted in these countries.

Survey and site-specific studies

Extensive marine surveys and site-specific studies have been undertaken to identify the baseline environment. These included fisheries activity study (Appendix D to the Planning Report), archaeological survey, and archaeological review of geophysical survey data offshore (Appendix E to the Planning Report), underwater noise assessment (Appendix G to the Planning Report), suspended sediment and dispersion study (Appendix H to the Planning Report) and geophysical and environmental surveys (Appendix I to the Planning Report). The reports associated with these surveys have been submitted with the Foreshore Application as Appendices to the Planning Report.

Survey data collected in 2018 in support of this application remains relevant to inform the assessments that form part of this application. Seabed changes of any significance are unlikely to have occurred in the relative short timescale between survey and installation and it is unlikely that any significant species will colonise within the proposed marine cable corridor between the survey being undertaken and installation.

Benthic analysis of the proposed cable route included a review of data available from the National Parks and Wildlife Service (NPWS), EMODnet predictive sediment mapping and project specific survey data gathered in the development of the route. The EUNIS habitats within the survey corridor have been identified (Planning Report Appendix I3). Habitats have been classified in accordance with the hierarchical EUNIS habitat classification (EUNIS 2012), which has compiled habitat information from across Europe into a single database. The equivalent classification from 'The Marine Habitat Classification for Britain and Ireland – Version 15.03' (JNCC 2015) was also noted, along with the classification from 'A Guide to Habitats in Ireland' (Fossitt 2000). Geophysical survey data and drop-down video and still photography was acquired for the survey corridor to identify the seabed conditions and habitat.

Application Documents

The Planning Report was written to provide information required to determine a Foreshore Licence application and is similar in structure and scope to other documents provided to the Foreshore Unit. The report provides a project description, a concise summary of the survey information gathered and conclusions reached in the supporting information, allowing for

members of the public not familiar with the technical nature of the in-depth survey reports to be able to understand and provide comment on the application. The supporting technical and scientific documents were referenced within the Planning Report and provided as appendices. The Planning Report provides an assessment of shipping and navigation, marine archaeology and protected sites and species. The document draws on the technical appendix supporting the applications including the Stage 1 Screening for Appropriate Assessment. The objective of the report, as detailed in Section 1.4 of the Planning Report, is as follows:

'The objective of this report is to present an overview of the scope of the Project, to highlight the proposed plan for the laying of the telecommunication cable, establish the shipping and navigation, archaeological and environmental baseline and assessment (including Appropriate Assessment Screening of protected sites) in the vicinity of the cable corridor.'

Neither the Planning Report nor any of the Appendices to it purport to be an EIA Report or EIS for the purposes of the EIA Directive 2011/92/EU as revised by Directive 2014/52/EU, as the proposed Project does not fall within any of the classes of project to which those Directives apply.

As detailed in Section 2.6 of the Planning Report, no external cable protection will be utilised within Irish Territorial Waters, with the cable buried to a target depth of 1.5m along the entire length, with the exception of a short section of cable at the entrance to Loughshinny bay where circalittoral rock is present (Appendix E of this report). This section of the route is not assessed to be reef (Appendix I1 to the Planning Report) and will cover a length of 33.7m and 113.7m (147.4m). The cable, which is no more than 40mm wide, will be surface laid across the existing hard seabed at this location and there will be no significant change to the seabed type at this location.

For the remainder of the route within Irish territorial waters the cable will be buried and no artificial hard substrate will be available for invasive flora and fauna to colonise, with the overlying seabed quickly returning to its baseline condition after installation. Additionally, as a fibre-optic telecommunications cable, there will be no possibility of electromagnetic fields (EMF) or heat adversely affecting the local environment during any phase of its lifespan and as such, long-term effects of the cable's presence will be negligible.

Assessments were carried out of all potentially affected archaeological sites, fishing interests and shipping and navigation. No adverse significant effects from the cable installation were identified. The Stage 1 Screening for Appropriate Assessment identifies relevant Irish European sites i.e. those that could potentially be affected by the proposed Project. A thorough assessment of the potentially affected features of conservation interest of European sites was carried out. No likely significant effects were identified.

In Section 5.4 of the Stage 1 Screening for Appropriate Assessment, protected species within Irish waters have been considered and in addition, harbour porpoise and bottlenose dolphin protected within sites outside of Irish territorial waters (namely North Anglesey Marine SAC, Lley Peninsular and Sarnau SAC, West Wales Marine SAC, North Channel SAC and Bristol Channel SAC) were assessed due to the species sharing a management unit which therefore indicates potential for highly mobile animals which are Qualifying Interests of these European designated sites to venture into Irish territorial waters, and potentially into the marine cable corridor. Therefore, the species resident off the Welsh coast are considered in this application. No significant effects from temporary and transient cable installation to these species have been found to occur.

Bird and marine mammal species have been considered in full within the Stage 1 Screening for Appropriate Assessment. Birds which may be within the installation footprint have been considered, including, Wetland Bird Survey (WeBS) bird counts at the cable landing site. Within Ireland most birds and all marine mammals are afforded protection under the Wildlife Act 1976, as amended and have been considered on the information available at the time of writing the assessment.

Reef provide important habitat for marine mammals within the Rockabill to Dalkey Island SAC. The site specific geophysical and benthic survey, and the latest available reef survey data for the Dalkey Island SAC (NPWS 2013 as MERC 2010, MERC 2012a and MERC 2012) has not classified any habitat within the proposed marine cable corridor as Reef. Installation within this European

Site will be the shortest route possible (less than 24 hours based on vessel speeds of 0.5km/hr) and installation will avoid 1st May – 30th September due to restrictions on installation at the landing site within the summer months due to the amenity value of the beach. Subject to licence and any other restriction that may arise, for example due to Covid-19, installation is anticipated to commence from December 2020, however there cannot be absolute certainty as to the installation period until a licence is granted.

Potential cumulative effects between this proposed cable installation and all other relevant known projects and activities were assessed in Section 5.5 of the Stage 1 Screening for Appropriate Assessment. Projects were identified using a variety of data sources (including: DTTAS 2019 and DHPLG 2019). For a cumulative effect to occur between two or more projects, there must be an initial pathway for effect.

The assessment reviewed other projects in the area with spatial and temporal overlap and similar pressure-receptor pathways which is a standard approach to cumulative effect assessment (please refer to response Section 2.9 for further details on the methodology used). Other sections of the overall North Atlantic Loop cable system are located a significant distance from the section of route being assessed within the cumulative effects for this Project. At the time of writing, there was no potential for a cumulative effect to occur between the installation of the other cable route sections. Installation across the Irish Sea will be undertaken in one continuous operation. Consent within the UK section of the route has been granted (subject to agreeing conditions), with no concerns over cumulative effects. Further information on the Stage 1 Screening for Appropriate Assessment and the cumulative effects assessment is included in Section 2.9 of this document.

Appendix A to the Planning Report (Assessment Methodology) provides information on how the surveys and assessments have been undertaken. This methodology is separate to the Planning Report.

All information and conclusions presented in the Foreshore Licence application regarding the Projects potential impact on the receiving environment are based on up-to-date scientific information obtained from a variety of sources, which are cited and referenced throughout the application and included as appendices where applicable. The application provides sufficient evidence to allow the prescribed bodies to feed into the Foreshore Consent Process and to allow the Minister to make an informed decision on the application based on best available scientific information available at the time of writing.

Unexploded Ordnance (UXO)

The marine cable corridor is located 3.3km south of the boundaries of the firing practice area in question. Marine Notices for planned exercises show that this firing practice area has been in use since at least back as far as 2001. Survey data collected in support of this application include geophysical and geotechnical survey information. This information in association with the Ordtext mine map and likelihood of encountering UXO has informed the route development. No unexploded ordnance has been identified to have transited to within the boundaries of the marine cable corridor, as evidenced by the lack of any such items being recorded during the marine surveys. In developing the route, all unknown anomalies detected from the survey data have been avoided to minimise any risk of encountering UXO. As such, the potential for any novel unexploded ordnance to travel south into the marine cable corridor is negligible.

There was a further firing exercise undertaken at the site in 2019 however no unexploded ammunition has been reported as lost and risks are low and in line with risks experienced by fishing vessels operating within the area.

Document Submission

As a second public consultation period had been requested by the Foreshore Unit, the Applicant took the opportunity to strengthen and clarify some sections of the documentation to make it clearer to the reader. The changes made are outlined in Appendix F of this report (Documented changes in docs). While a number of minor changes were made to the application prior to re-submission, these changes did not materially impact the overall findings of the assessment and the outcome of the assessment are the same. The Foreshore Licence application was first accepted as submitted on 08th July 2019. The Rev1 Stage 1 Screening for Appropriate Assessment

contained distances from protected sites from the cable route corridor boundary. Following submission to the Foreshore Unit, the route coordinates and installation corridor were updated by the Applicant (and Rev2 version of the Stage 1 Screening for Appropriate Assessment was provided to the Foreshore Unit) which accounts for the identified difference in the cited distances to the protected sites. All sites in the Rev 2 Stage 1 Screening for Appropriate Assessment were reassessed to ensure that any effects to protected sites from the amended distances were captured. No such material changes were determined to have occurred, and the initial screening assessment therefore remained unchanged.

This updated Rev2 version of the Stage 1 Screening for Appropriate Assessment was issued to the Foreshore Unit on the 18th July 2019 and superseded the documents sent previously. This version of the Stage 1 Screening for Appropriate Assessment (Appendix F to the Planning Report) was also printed and sent to the Balbriggan Garda Station for public viewing during the initial public consultation period (between 21st August 2019 and 27th September 2019).

However, the original Rev1 version (Labelled Rev) in the document footers) containing the previously calculated distances was uploaded by the Foreshore Unit for public viewing on the Foreshore Unit's website by mistake and remained on the Foreshore Unit website throughout the consultation period for public viewing (Note the outdated Rev1 version was still available on the Foreshore Unit's website as of the 04th December 2019 https://www.housing.gov.ie/sites/default/files/foreshore-applications/application-documents/appendix_f_-_natura_impact_statement_-_screening.pdf).

At the end of the first consultation period (between 21st August 2019 and 27th September 2019) the Foreshore Unit notified the Applicant that the first consultation period was not valid, as although consultation was undertaken by the applicant for 21 working days as instructed by the Foreshore Unit, according to the Foreshore Unit it should actually have been for a period of 30 calendar days. This was despite the Applicant extending the consultation period beyond 21 working days to 27 working days (37 calendar days). The Application was therefore required to be re-submitted. A second public consultation period was requested by the Foreshore Unit to be undertaken covering the revised time period of 30 days.

As the application was required to be re-submitted the Applicant took the opportunity to strengthen and clarify some sections of the documentation to make it clearer to the reader following public observations received as part of the first consultation period. The changes that were made are outlined in Appendix F of this report. The application was re-submitted on 5th December 2019 and accepted by the Foreshore Unit on 9th January 2020. All changes (outlined in Appendix F of this document) are minor and have no material effect on the content of the application or proposed Project itself.

All distances from the installation corridor to protected sites detailed in each revision of the submission were accurate to the exact coordinates of the installation corridor available at the time of submission. Following the re-submission of the application on 5th December 2019, as requested by the Foreshore Unit, which included slight amendments (see Appendix F of this document), the application documents were finally uploaded to the Foreshore Unit website (as Rev 5 documents) for the second consultation period (between 30th January 2020 until 29th February 2020). For this consultation period, the documents displayed on the Foreshore Unit website and in the Balbriggan Garda Station were the same versions.

Pre-application consultation was undertaken as identified in Appendix J to the Planning Report. The application documents were therefore available for public viewing and comment on two occasions: between 21st August 2019 until 27th September 2019 and again between 30th January 2020 until 29th February 2020. Public notices were displayed advertising that the documents were available for public viewing both online on the Foreshore Unit website and in hard copy at Balbriggan Garda Station.

Public Notice Process

Under the Foreshore Act 1933 as amended, applicants for a Foreshore Licence are required to publish a notice of their proposals in newspapers circulating in the area. Public notices have been issued for Foreshore Licence No. FS006915, which considers the installation of a

telecommunications cable within the Foreshore Area. The public consultation required under the Foreshore Act provides opportunity for everyone to submit observations within the specified timeframe. No persons have been excluded from the consultation and any previous observations submitted under the FS006915 remain valid.

The Applicant complied with all public notice requirements under the Foreshore Act. For both consultation periods (August/September 2019 and January/February 2020). For each consultation period, a public notice was placed in a local and a national newspaper. The notice together with the application form, maps and supporting documentation were available for public observation in Balbriggan Garda Station throughout each the consultation periods. For both consultation periods notices were required to be published within one national and one local paper with a wide circulation (Appendix D of this report).

The exact text of the published Public Notices was provided by the Foreshore Unit. The Applicant followed the Foreshore Unit instruction and was in full compliance with requirements set out in the Foreshore Unit letter dated 12 August 2019 (initial consultation period) and 10 January 2020 (second period of consultation). The regulator did not request the Applicant to place public notices at the landing sites, and there is no requirement for site notices under the Foreshore Act 1933, as amended. Please refer to Section 2.6 for further discussion on this point.

In addition to the required public notices, the fishing interests who responded to the pre-application consultation were notified of the consultation period and fishermen were encouraged to comment.

A marine notice was also submitted by the Project as part of the ongoing fisheries liaison work in the Irish Sea. The notice did not mention the commencement of any works in Irish waters and was a precautionary notice to aid with the fisheries consultation prior to installation operations. No works in Irish waters will take place before the Foreshore Consent process is complete. Publication of the marine notice was in no way intended to undermine the Foreshore Consent process. A further marine notice will be published with start dates prior to installation operations, with appropriate notice given.

The application form and supporting documentation were displayed in Balbriggan Garda Station throughout the consultation periods in addition to being available online on the Foreshore Unit website.

Route corridor specific survey data and most recently available bird and marine mammal count data available at the time of writing were used in the Stage 1 Screening for Appropriate Assessment Report. Using the best available information, literature review and underwater noise modelling, the Stage 1 Screening for Appropriate Assessment concluded that there were no likely significant effects on any European sites and that a Stage 2 Appropriate Assessment (requiring the submission of a NIS) was not required. The purpose of the Stage 1 Screening for Appropriate Assessment is to determine whether there is a likelihood of significant effects. It is not necessary that significant effects be certain, or probable. According to the Court of Justice of the EU, a Stage 2 Appropriate Assessment must be carried out where there is 'doubt as to the absence of significant effects' and 'if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site'³. The European Commission Guidance 'Managing Natura 2000 sites' (November 2018) confirms that the significance of effects must be assessed on an objective basis, having regard to various factors such as magnitude of impact, type, extent, duration, intensity, timing, probability, cumulative effects and the vulnerability of the habitats and species concerned. The Screening for Appropriate Assessment report has been prepared on this basis. Case C-323/17 *People Over Wind and Peter Sweetman v Coillte* also establishes that, in determining the likelihood of significant effects (and the need for a Stage 2 Appropriate Assessment under the second step of Article 6(3) of the Habitats Directive) measures to avoid or reduce significant effects on European sites (sometimes referred to as 'mitigation measures')

³ *Waddenzee* ruling (C-127/02 paragraphs 39–44). The making of a bald assertion without any evidence to support it could not be said to give rise to "a scientific doubt" under the Habitats Directive - See *Harrington v An Bord Pleanála & others* [2014] IEHC 232, Judgment of O'Neill J delivered 9 May 2014, at paragraph 43
https://beta.courts.ie/view/judgments/ad2b3709-6a4d-456d-a96b-8c432d185f29/a22a67c8-0386-4e29-9f0c-b0e06831669a/2014_IEHC_232_1.pdf/pdf

cannot be taken into account at the screening stage. No such measures have been taken into account in the Stage 1 Screening for Appropriate Assessment. Whilst mitigation measures are outlined in the Planning Report (both 'embedded' and 'project specific') these are very clearly measures to demonstrate compliance mandatory requirements in guidelines and legislation, not measures intended to avoid or reduce likely significant effects on any European sites or their qualifying species. No such significant effects have been identified.

The EC (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011, as amended by S.I. No. 499/2013 and S.I. No. 355/2015) transpose the requirements of the Habitats and Birds Directives insofar as is applicable to the Foreshore Lease application process under the Foreshore Act 1933, as amended. Article 42(1) provides that a screening for Appropriate Assessment shall be carried out by the relevant competent authority (in this case the Minister) to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if the proposed plan or project, individually or in combination with other plans or projects is likely to have a significant effect on a European site. Article 42(7) provides that the competent authority shall determine that an Appropriate Assessment is not required where it can 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. This represents the test to be applied at Stage 1 AA screening. The question of whether a proposed project would *adversely affect the integrity* of a European site should generally therefore not arise in this first step of the Article 6(3) procedure, as a matter of EU law, and we note that some of the public observations raise the apparent conflation of Stage 1 and Stage 2 Appropriate Assessment tests in the Screening report as an issue of concern.

However, Article 42(16) provides that, notwithstanding any other provisions of the Regulations, a competent authority shall give consent for a project '*only after having determined that the plan or project shall not adversely affect the integrity of a European site*'. This provision of the Irish legislation could be interpreted as requiring an express determination on the part of the Minister not only that there are no likely significant effects on a European site, but also additionally and as a consequence of the screening assessment, no adverse effects on the integrity of any European site. It is for this reason that both the first stage and second stage tests under Article 6(3) are cited in the Stage 1 Screening for Appropriate Assessment report.

The applicant has checked the coordinates provided in the Marine Survey Notice 13 and Notice 25 of 2018. The coordinates were provided in WGS84 UTM Zone 29N (nearshore and WGS84 UTM Zone 30 offshore). The coordinates supplied with the application were verified as accepted by the Foreshore Unit.

Application Form

Section 1.7 of the Foreshore Licence application form requests information pertaining to previous applications the Applicant may hold. This section of the application form demonstrates the previous and current applications being sought by the Applicant as requested.

The 'Foreshore' area being applied for covers the area from HWM out to the Irish Territorial Water boundary (12 nautical miles). The application area encompasses the installation route and the installation corridor. This allows for the cable installation to take place anywhere within the installation corridor should the Applicant have the need to micro-route within the corridor during route development to avoid obstacles. During installation, the installation corridor provides flexibility to avoid seabed features or seabed conditions that may prove difficult for installation; and finally the installation corridor allows sufficient space to conduct cable repairs should they be required over the lifetime of the cable (25 years).

The area of foreshore applied for is 1446.41 hectares (14.4641km²). This equates to an application corridor of approximately 30km long by 500m wide with narrowing in the Bay area at Loughshinny to approximately 250m wide. The corridor represents the outer limits of the zone within which the cable can be installed and within which any future maintenance activity could occur.

Within this corridor, the offshore installation plough will travel across the seabed covering a footprint of 10m wide x 30km meaning that a footprint of 30 hectares is impacted by equipment

used during installation. Following installation, the cable will occupy an area up to 0.04m wide x 30km (total of 0.12 hectares), buried to a target depth of up to 1.5m. The actual installation corridor of the cable itself would equate to approximately 10m wide for the length of the cable, to allow for the installation equipment, with the rest of the application area unaffected. A Safety Zone of 500m is implemented around the installation vessel during operations offshore for navigational safety.

Operation

Fibre-optic telecommunications cables do not transmit electricity, emit electromagnetic fields or generate heat during their operation. As such, these pressures were not considered in this assessment. There are no emissions from fibre-optic cables during operation. Once installed and buried, no interaction with the surrounding environment is predicted.

Decommissioning

When telecommunications cables reach the end of their operational lifespan the current approach worldwide is to leave buried cables in situ, this is the intention in this Project, therefore decommissioning was not considered within the Stage 1 Screening for Appropriate Assessment. In view of the long operational life of subsea fibre optic cables, it is possible that this industry standard approach could change, and other decommissioning methodologies could be required. It would be inappropriate to fix upon a particular decommissioning approach at this time. From an ecological and environmental perspective, the effects of decommissioning by removal of the cable is likely to be similar to installation, that is no likely significant effects.

Fibre-optic cables do not contain any fluid, therefore there is no risk of contamination from the cable during or after the operational lifespan of the cable. A brochure produced by ASN providing an introduction to subsea cables is attached as Appendix G of this report which collaborates this statement.

2.9 Appropriate Assessment

Applicant Response

PO38, PO40, PO41, PO42, PO43, PO44, PO45, PO46, PO47, PO48, PO49, PO50, PO51, PO52, PO53, PO54, PO55, PO56, PO57, PO58, PO102, PO103, PO104, PO105, PO106, PO107, PO108, PO109, PO110, PO111, PO138, PO144, PO145, PO146, PO147, PO148, PO149, PO150, PO151, PO152, PO153, PO155

The Stage 1 Screening for Appropriate Assessment report was submitted with the application. This is Planning Report Appendix F. The document submitted is the final version of the Stage 1 Screening for Appropriate Assessment. The "Draft for client" comment in the Document Release Form refers to internal review and should have been removed prior to issue to the Foreshore Unit.

The aim of the screening was to determine if the Project is likely to have a significant effect on any European site, in line with Article 6(3) of the Habitats Directive, and in line with European Commission and National Parks and Wildlife Service (NPWS) guidance. The AA screening was undertaken according to the process set out in this guidance and is cited and referenced in Section 5 of the Stage 1 Screening for Appropriate Assessment report.

The conclusions of the Stage 1 Screening for Appropriate Assessment were reached without regard to any mitigation proposed in the Planning Report. The embedded mitigation presented in Table 2-7 of the Planning Report are constraints built into the design of the Project and are described in the Planning Report to demonstrate that the installation contractor ensures compliance with national and international statute and best practice guidance as determined by the cable industry as the basic standard for how to proceed on a project. These are not additional measures proposed specifically to address the potential for a likely significant effect on a Qualifying Interest, but constraints built into the design of the project and described for the purposes of demonstrating compliance.

The main drivers behind the constraints typically relate to compliance with environmental law; or known health and safety issues. Environmental laws and regulations protect the environment. The applicant has a legal obligation to comply with environmental law and therefore it is appropriate to assume that legal compliance will be achieved when conducting Stage 1 Screening for Appropriate Assessment; otherwise it is inferred that the Applicant will be wilfully breaking the law. Within Table 2-7, ID codes E4, E5, E7 and parts of E6 are statements demonstrating that the Applicant is cognisant of the environmental law in place that governs the activities and will follow it. Other ID codes in Table 2-7 of the Planning Report, address known health and safety risks common on installation projects. For example, the drivers behind E1, E2, E3, parts of E6 and E9 is to ensure safety of the public using the beach, other shipping or third-party assets.

ID codes E8 and E10 are constraints designed into all projects that the applicant undertakes and more widely the cable industry as standard common practice. They do not have a health and safety driver, nor do they ensure compliance with environmental law however, they are a fundamental part of the design that consent is being sought for. The Institute for Environmental Management and Assessment (IEMA) would define them as primary or inherent mitigation; defining it as *“modification to the design of the development made during the pre-application phase that are an inherent part of the project and do not require additional action to be taken”* (IEMA 2016). They were described in the table to provide the public with a better knowledge of the standard design constraints included in the project description being assessed.

Section 1.2 of the Planning Report (Legislative Context) details how the Appropriate Assessment process has been transposed into European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011), (as amended), and how the screening for Appropriate Assessment is provided for in Article 42 of the Regulations. The report was submitted to the Foreshore Unit pursuant to the Foreshore Acts 1933, as amended. European sites that were included in the screening assessment due to the identification of potential pressure-receptor pathways were assessed in respect of their site-specific conservation objectives, with these objectives being detailed in each individual case. As such the assessment of each European site focused specifically on the features for which the European site was designated. The Stage 1 Screening for Appropriate Assessment concluded that there were no "Likely Significant Effects" on any European site, and that the requirement for Stage 2 Appropriate Assessment (or submission of Natura Impact Statement) could be excluded.

Upon review of both the Foreshore Licence map (Drawing no: P2228-CORR-006) and Benthic Habitats map provided in the Stage 1 Screening for Appropriate Assessment (Drawing no: P2228-HAB-008), the route for cable installation and survey corridors is shown to be identical. For clarity, the thicker red line represents the cable route and the thinner red lines represent the survey corridor. The Benthic Habitats map has been revised to provide a clearer indication of the varying benthic habitats within the cable corridor and is provided as Appendix E of this document. A wider colour range has been used for ease of understanding and the offshore survey areas have been changed to a hatched effect for clearer distinction.

In undertaking the Stage 1 Screening for Appropriate Assessment, the Applicant used the most recently available public data sources and project specific survey information available at the time of assessment to identify the protected habitats and species (designated under the Habitats Regulations) which are likely to be present within the proposed marine cable corridor (Section 4 'Description of the Receiving Environment' within the Stage 1 Screening for Appropriate Assessment report). This information is still current and valid and therefore is suitable for describing and characterising the receiving environment. No updates to the information are required in consideration of the protected sites or species within the proposed marine cable corridor.

All conclusions reached in Sections 5.4 and 5.5 of the Stage 1 Screening for Appropriate Assessment were based on survey data acquired for this project along with up-to-date data and information available publicly. All evidence has been cited where used with a full reference list provided at the end of the document. The methodology underlying this process is presented in Section 5.1 of the report and is based in the guidance set out by the European Commission,

National Parks and Wildlife Service and The Department of Housing, Planning and Local Government.

The zone of influence and justification for receptors were identified within Table 5.1 of the Stage 1 Screening for Appropriate Assessment.

Table 5-2 of the Stage 1 Screening for Appropriate Assessment presents clear scientific reasoning for why particular pressures (taken from the OSPAR Intercessional Correspondence Group on Cumulative Effects (ICG-C) pressure list and descriptions) were screened out for further assessment in the report.

The Applicant notes that the reference to 'NIS' in Section 1.2 of the Stage 1 Screening for Appropriate Assessment is incorrect language and should refer to the Stage 1 Screening for Appropriate Assessment as undertaken by the Applicant.

Habitats

Habitats considered within the Stage 1 Screening for Appropriate Assessment are included under the relevant European site within Table 5.3 of the report.

Benthic analysis of the proposed route included a review of data available from the National Parks and Wildlife Service (NPWS 2013 as MERC 2010, MERC 2012a and MERC 2012b), EMODnet predictive sediment mapping and project specific survey data gathered in the development of the route. The EUNIS habitats within the survey corridor were identified (Planning Report Appendix I3). Habitats were classified in accordance with the hierarchical EUNIS habitat classification (EUNIS 2012), which has compiled habitat information from across Europe into a single database. The equivalent classification from 'The Marine Habitat Classification for Britain and Ireland – Version 15.03' (JNCC 2015) was also noted, along with the classification from 'A Guide to Habitats in Ireland' (Fossitt 2000). Geophysical survey data and drop-down video and still photography was acquired by Fugro in 2018 within the proposed cable corridor to identify the seabed conditions and habitat. No reef habitat was identified within the marine cable corridor, including within the Rockabill SAC, during the benthic characterisation survey of the route (Fugro 2019a, b, c, Planning Report Appendices I1 and I2).

Furthermore, the marine survey undertaken by Fugro also included a site immediately outside the Rockabill to Dalkey Island SAC (station LS_ST01). Boulder and/or cobble substrata identified at this site were assessed to determine their resemblance to 'stony reef' habitat listed under Annex I of the EC Habitats Directive. The results of a 'reefiness' assessment characterised this area to be of a 'low' level of resemblance to reef habitat (Appendix I1 to the Planning Report). At the same location adjacent to Loughshinny Bay, a short section of outcropping bedrock was identified (Appendix I to the Planning Report). This was not characterised as reef and is not within a European site. In addition, surface laying cable across the feature will have minimal effect.

As such, no qualifying interest, intertidal or subtidal reef, or benthic protected species or habitats were identified within the cable corridor, either within or outside of the Rockabill to Dalkey Island SAC, from geophysical and benthic surveys undertaken for the Project. Furthermore, analysis of the data collated for this project determined that the EUNIS habitat A5.351 (*Amphiura filiformis*, *Kurtiella bidentata* and *Abra nitida* in Circalittoral Sandy Mud) was the dominant habitat within the proposed cable route within Rockabill to Dalkey Island SAC. The nearest identified reef habitat within Rockabill to Dalkey SAC was approximately 2 km from the cable corridor.

The Applicant is confident that there will be no likely significant effects on reef habitat and that no mitigation is required.

Modelling of sediment suspension and dispersion can be found in Appendix H to the Planning Report. This appendix shows the likely suspension and distribution of sediments from cable installation based on assumption and calculations. Appendix H to the Planning Report determined that coarser sediments disturbed by the cable installation (ploughing) and maintenance activities will be deposited close to the cable route (within 36m). Low levels of fine sediments disturbed during cable installation (ploughing) will be dispersed up to 15.3km from the installation corridor in a worst-case scenario and will be deposited as a fine veneer over a wide area. The depth of sediment deposits will be within background levels associated with deposition due to water clarity changes during stormy conditions and will (at worst case) have an

imperceptible effect on the reef habitat. As a result, the potential for significant effects on the reef habitat was considered not likely and thus screened out of further assessment.

Indirect effects of sediment dispersion to potential areas of reef in the nearshore that may be outside the survey corridor will not be significant due to the minimal distance at which medium-to-large grain sediment will be dispersed in a worst-case scenario (see Appendix H to the Planning Report). Fine sediment particles may stay in suspension for longer in the nearshore and travel greater distances (up to 5.1km) from the installation corridor during ploughing. However, fine sediments will settle out to a median depth of 0.009mm and will not cause an indirect significant effect to reef habitats (Appendix H of the Planning Report).

Any sediment disturbed will be small in volume, localised in nature and dispersed by the prevailing tide and will be much less than a typical storm event, therefore no effects to reef features from sediment dispersion are likely. There will be no reduction in the area of any Annex 1 habitat. Given the burial of the cable to 1.5m for almost all the route the need for repairs is unlikely, however, due to the temporary nature and short duration of the works there will be no ongoing disturbance to species or habitats and any temporary disturbance would be at an even lesser scale than at installation. The only section where cable burial is not possible within Irish territorial waters is where the proposed cable route intersects two points at which it will be laid upon the seabed due to the presence of circalittoral rock / boulders at the entrance to Loughshinny bay (as now shown more clearly in the revised Benthic Habitats Map, Appendix E of this document). This section of the route does not qualify as reef (Fugro 2019a) and it should be noted does not fall inside the boundary of any Special Area of Conservation. At this section of the route the cable will be surface laid for approximately a length of 33.7m and 113.7m (total 147.4m).

Using predicted sediment maps, project specific geophysical, geotechnical, and environmental survey information, it has been established that the proposed cable installation is not likely to have a significant effect on any European site. According to the statutory scheme, there is no requirement for Stage 2 Appropriate Assessment or submission of a Natura Impact Statement with the application.

Species

Special Protection Areas (SPAs) are designated for Bird species under the Birds Directive⁴. SACs are designated for habitats under the Habitats Directive⁵. Section 5.3.3 of the Stage 1 Screening for Appropriate Assessment notes that there are currently no candidate SACs (cSACs) within the search area.

The zones of influence (ZOI) for determining the effects to species are set out in Table 5.1 (and footnotes) of the Stage 1 Screening for Appropriate Assessment report. The ZOI have been established from literature review of documents including scientific survey reports, monitoring and papers that indicate distances at which species become sensitive to the potential effects of cable installation. The visual disturbance for bird species has been set using the following: breeding tern species – 10km (Thaxter et al. 2012); 4km divers and sea ducks (JNCC 2017) and 2km all other bird species (JNCC 2017). Fish sensitivity to installation activities has been assessed as 50m radial distance from the installation (based on the underwater noise assessment provided as Appendix G to the Planning Report). Cetacean and pinniped will not be injured by cable installation activities. The potential for disturbance from underwater noise was established as within 150m of the installation vessel in Appendix G to the Planning Report; visual disturbance to seal is possible if activities are within 900m of the seal haul out (Brasseur & Reijnders 1994).

UK SACs are included in the Stage 1 Appropriate Assessment where their Qualifying Interests include highly mobile marine mammals or birds capable of moving within the application corridor within the Foreshore licencing area. Marine mammals may range across the management unit (which encompasses the Irish Sea) and there is therefore potential for animals to enter the application corridor within Irish territorial waters (and therefore within the scope of the Minister's jurisdiction under the Foreshore Act 1933, as amended).

⁴ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds

⁵ Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

Marine mammals

Species considered within the Stage 1 Screening for Appropriate Assessment are included under the European sites within Table 5.3 of the report. Marine mammal species listed as Qualifying Interests include harbour porpoise, grey seal and harbour seal:

Annex II listed pinnipeds - Grey seals and harbour seal are listed as qualifying interests. The closest SAC for pinnipeds is Lambay Island SAC which is 5.33km from the cable corridor.

Annex II & Annex IV listed cetaceans – Harbour porpoise are listed as Annex II Qualifying Interests. As highly mobile species, marine mammals from protected sites within the Irish Sea have been considered. The cable route passes through the Rockabill to Dalkey Island SAC for approximately 7km and installation activities based on the speed of the vessel will be within the site for less than 24 hours. The assessment was based on the available scientific research at the time. The report of harbour porpoise surveys in the SAC during 2016 (O'Brien and Berrow 2016) was not publicly available at the time. It is the Applicant's understanding that this report was published on the internet on Monday 29 June 2020. The findings of this report determined that average harbour porpoise densities remained similar between surveys conducted in 2016 and those conducted previously in 2013. As such, this new report does not materially change the assessment or conclusions reached in the AA screening report. Table 4-1 of the Stage 1 Screening for Appropriate Assessment report provides specific details on the peak time period for harbour porpoise numbers within the vicinity of the cable corridor. Cable installation will not occur between 1st May and 30th September due to restrictions on installation at the landing site (amenity beach with bathing water and lifeguard) which means that peak harbour porpoise summer season is also avoided.

Seven sites were identified as featuring a potential pressure-receptor pathway for underwater sound changes for marine mammals, with these sites being grouped together due to the pathway being identical for each site, therefore avoiding repetition. Appendix G to the Planning Report – Underwater Sound Modelling – confirms that, without mitigation, the predicted underwater sound levels are below the relevant thresholds prescribed for the onset of injurious effects for marine mammals and therefore will not have a likely significant effect on these species. According to the DAHG (2014), there is no requirement for any mitigation measures where such conclusions are reached. With respect to disturbance effects, Section 5.4.3 of the Stage 1 Screening for Appropriate Assessment concluded that there will be no likely significant effect and Appropriate Assessment is not required for any of the European sites.

The conclusion of no likely significant effect was reached without the application of any mitigation measures, based on the conclusions of the underwater noise modelling and review of the activity within the European sites. ASN have started including crew members trained as Marine Mammal Observers (MMOs) on installation vessels in response to heightened concerns across the marine industry with respect to underwater noise. This feature of the project description was outlined in the Planning Report as ID code E9. However, ASN did not commit to the use of the Department of Arts, Heritage and the Gaeltacht (DAHG) 2014 guidance to manage the risks to marine mammals from man-made sound sources in Irish waters in either the Stage 1 Screening for Appropriate Assessment or Planning Report. Stage 1 Screening for Appropriate Assessment concluded that no mitigation measures e.g. implementation of the mitigation measures specified in DAHG (2014) guidance, is required to reduce the effect of underwater sound. The Applicant recognises that commonly the DHPLG propose as a Special Condition of the Foreshore Licence that the DAHG (2014) guidance is adhered to. If this Special Condition is attached to the Foreshore Licence the Applicant will comply with the Special Condition, however, the Stage 1 Screening for Appropriate Assessment and Appendix G of the Planning Report concluded that this is not required as mitigation to avoid or reduce a likely significant effect.

It is important to note that the DAHG (2014) guidance requires Applicants to undertake a risk assessment to determine whether further mitigation is required. The activities to be undertaken during the proposed Project are not of the type listed in the guidance note as of potential concern i.e. dredging, drilling, pile driving, geophysical survey and blasting. The risk assessment conducted by the Applicant reported in the Stage 1 Screening for Appropriate Assessment (Section 5.4.3) and the Planning Report (Section 5.1.2), and informed by the underwater noise assessment

provided as Appendix G to the Planning Report, concluded no likely significant effects and that no further mitigation is required. Therefore, the Applicant has complied with the guidance to date. Compliance to the guidance is not inherently mitigation as it does not necessarily require that mitigation is applied.

Fish

The relevant fish and shellfish species protected under European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011) (as amended), include:

- River lamprey (*Lampetra fluviatilis*) - Covered in the Stage 1 Screening for Appropriate Assessment Report and assessment process.
- Salmon (*Salmo salar*) - Covered in section 4.3 of the Stage 1 Screening for Appropriate Assessment Report and in the assessment process.
- Allis shad (*Alosa alosa*) – While samples of the species have been caught off the south-east coast of Ireland, Allis shad is considered a vagrant species in Irish waters due to the minimal recordings of the species both in the marine environment and, owing to the species diadromous nature, in Irish river systems (NPWS 2019). There are no SACs in Ireland which list Allis shad as a Qualifying Interest (NPWS 2020b). As such significant numbers of the species will not be present within the application area within the Foreshore licencing area.
- Twaite shad (*Alosa fallax*) - Diadromous species that reside in estuaries and coastal waters, returning upriver to spawn in late May to early June (NPWS 2019). Surveys have located migrating adults in rivers to the south/south-east of Ireland (Blackwater, Suir, Barrow and Nore). There exists the possibility that foraging shad may be found within the nearshore area of the marine cable corridor, but due to the species spawning upriver there will be no interaction with their spawning habitat.
- It should be noted that the shad species were not considered relevant when the initial assessment was carried out due to the low likelihood of their presence within the cable corridor (NPWS 2019).
- Pollan (Freshwater species not present within the marine cable corridor)
- Freshwater pearl mussel (Freshwater species not present within the marine cable corridor)

Pollan and freshwater pearl mussel are found in freshwater lochs and rivers in Ireland and will not interact with the marine cable route (NPWS 2019).

Birds

Birds were covered in Section 4.2 of the Stage 1 Screening for Appropriate Assessment and in the assessment process.

Protected sites within 15km have been reviewed as a starting point to identify sites in the Stage 1 Screening for Appropriate Assessment baseline Section 4.3. The title of Section 4.3 should have read “SPAs within 15km”. The 15km is based on Department of Environment, Heritage and Local Government (DEHLG) 2009 Guidance “Appropriate Assessment of Plans and Projects In Ireland” which states (page 31/32)

“The approach to screening is likely to differ somewhat for plans and projects depending on scale and on the likely effects, but the following should be included:

1. Any Natura 2000 sites within or adjacent to the plan or project area.
2. Any Natura 2000 within the likely zone of impact of the plan or project. A distance of 15km is currently recommended in the case of plans, and derives from UK guidance (Scott Wilson et al. 2006). For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects.
3. Natura 2000 sites that are more than 15km from the plan or project area depending on the likely impacts of the plan or project, and the sensitivities of the ecological receptors, bearing in mind the precautionary principle. In the case of sites with water dependent habitats or

species, and a plan or project that could affect water quality or quantity, for example, it may be necessary to consider the full extent of the upstream and/or downstream catchment.”

With this guidance in mind search areas were evaluated to determine if there was a scientifically justifiable reason for increasing or decreasing the area. For example, to include foraging distances. Having reviewed the Qualifying Interests within 15km it was identified that it could be reasonable to reduce the search area for birds based on the mean foraging distance for tern species (10km) as these are the Qualifying Interest birds most likely to come in to contact with the proposed installation and maintenance activities. This information was included within Table 5-1 of the Stage 1 Screening for Appropriate Assessment, but all SPAs in Irish waters within 15km of the Project were still screened. This precautionary approach concluded that there will be no likely significant effects from the Project. The conclusion that Appropriate Assessment is not required is still valid.

With respect to SPAs outside 15km, although it is recognised that some bird species have foraging ranges exceeding this distance e.g. Manx shearwater, kittiwake, Northern fulmar, and will forage and loaf in the zone of influence, disturbance will be limited in extent and duration, with the installation vessel presence being transitory in nature. Any disturbance caused will be on an individual level, with animals being able to easily move away from any perceived danger and continue foraging. There is enough space in the surrounding environment for birds to temporarily relocate. The population dynamics of any sites outside of the 15km area screened will not be impacted by the Project, with the species’ natural range and available habitat being unaffected. As such the conservation objectives of any European sites will not be affected. Therefore, there will be no likely significant effect on European sites further than 15km from the Project.

There has been no bias in the screening of species to take forward for further assessment, with these determinations being based on best available scientific information which has been referenced throughout the report.

Great cormorant and European shag are Qualifying Interest of three SPAs initially identified within the 15km search area in the Stage 1 Screening for Appropriate Assessment. These sites and their distances to the cable corridor are as follows: Skerries Islands SPA (2.28km); Lambay Island SPA (4.9km); and Ireland’s Eye SPA (14.26km).

The Qualifying Interests great cormorant and European shag from the Skerries Islands SPA were taken forward for further assessment because this European site is very close (within 280m) of the predicted 2km ZOI as defined in Table 5.1 of the Stage 1 Screening for Appropriate Assessment (JNCC 2017) for visual disturbance.

Lambay Island SPA and Ireland’s Eye SPA were screened out of the assessment for further consideration because there are beyond the ZOI for visual disturbance. Although it is acknowledged that based on the foraging ranges of the great cormorant (5.2km – 30km, Thaxter et al. 2012) and European shag (5.9km – 17km, Thaxter et al. 2012) individuals could use the application area for feeding and loafing, the application corridor hasn’t been designated as an SPA for foraging great cormorant and European shag. As the distance from the application area to the European site for which they are a Qualifying Interest increases, the range of alternative feeding areas for these individuals can utilise also increases. Where birds have flown into the Project ZOI the installation or maintenance activities will temporarily disperse these birds to feeding within other surrounding areas. Such temporary disturbance will not significantly affect the distribution and intensity of feeding in alternative areas and would not significantly affect the population dynamics or distribution of great cormorant or European shag.

Other bird species from the three European sites were excluded as it was determined that there was no likelihood of interaction between them and pressure pathways caused by the installation and maintenance works based on the zones of influence defined in Table 5.1 of the Stage 1 Screening for Appropriate Assessment.

For all three SPAs the Stage 1 Screening for Appropriate Assessment concluded that there will be no likely significant effect and Appropriate Assessment is not required.

The Eurasian curlew utilises the Skerries SPA during winter, however it is not a Feature of Conservation Interest (FOCI) of the SPA. The assessment of the SPA focused on determining if

the project could have a negative effect on species listed as Special Conservation Interests for the SPA. As with the other wading species present within Skerries Island SPA, such as the Purple Sandpiper (a FOCI for the site), the vessel will be outside the range at which the curlew would be visually disturbed by the vessel's presence. While it is noted that the Eurasian curlew is listed as 'Near Threatened' on the IUCN Red list and that the numbers of breeding pairs in Ireland have declined drastically since the late 1980's, there exists no pathway for effect between the Project and any breeding pairs of curlew present on Skerries Island SPA.

The assessment in the Stage 1 Screening for Appropriate Assessment on visual disturbance⁶ to light-bellied Brent goose from installation and maintenance works concluded there would be no significant effects for all SPAs designated for this species, this conclusion still stands.

Four European sites with the Qualifying Interest light-bellied Brent goose, were included within the Stage 1 Screening for Appropriate Assessment in the initial identification of relevant sites. Two European sites (Malahide Estuary SPA and Baldoyle Bay SPA) were taken forward for further discussion within the document. Skerries Islands SPA and Rogerstown SPA were not taken forward and this was an oversight but it does not change the conclusion of the assessment.

Based on the foraging ranges of light-bellied Brent goose, it is possible that if geese are present during the cable installation or maintenance works, they could be from any of the four SPAs. All four sites are considered within the Stage 1 Screening for Appropriate Assessment in connection with Light-bellied Brent goose and the failure to include the two sites within the further discussion was not a material omission. The numbers of light-bellied Brent goose present at the cable landing beach site have been considered in full in relation to the potential effects to the species, the omission of further discussing these species in relation to their sites has no effect on the outcome of the assessment for all sites considered within the Stage 1 Screening for Appropriate Assessment.

As noted in the Stage 1 Screening for Appropriate Assessment, between the winters of 2011/12 to 2015/16 a mean of 86 individuals were recorded at Loughshinny – Rush North Beach, making the species on average the 7th most abundant at the site during the winter months (i-WeBS 2019, Appendix H of this report). The peak count of Light-bellied Brent goose is during January when their numbers appear to more than double. Even at their height, the January peak numbers reach 0.32% of the national population and at other times are well below this level. Loughshinny likely provides some alternative functional feeding habitat during January for this species, however numbers are not significant. Cable installation at the shore end will take no more than approximately three days to complete. Even if installation were to occur in January, there would be some minor temporary disturbance to nationally insignificant numbers of Light-bellied Brent goose, which would have no effect on their population. If 0.32% of the national population is displaced from the Loughshinny feeding site for up to three days, this may temporarily disperse these birds to feeding within other surrounding areas, temporarily increasing the intensity of feeding at those locations. However, such temporary disturbance will not significantly affect the distribution and intensity of feeding in alternative areas, and would not significantly affect the population dynamics or distribution of Light-bellied Brent goose, ensuring the conservation objectives for the site are maintained.

Purple sandpiper and turnstone (Rockabill SPA and Skerries Islands SPA) were screened out of further assessment in Table 5-3 of the Stage 1 Screening for Appropriate Assessment, as they are intertidal wading birds and unlikely to be foraging within range of offshore installation activities where they would be disturbed.

The cable landing site at Loughshinny is not within a designated area for birds. Review of low tide count data between 2011 and 2016 (i-WeBS 2019, Appendix H of this report) indicates that the landing site is occasionally important for two species of wading birds; turnstone and sanderling. The count data for these species indicates monthly annual peak counts above nationally important numbers (1% of the all-Ireland population (Crowe and Holt 2013) during November for turnstone and December for sanderling. While elevated numbers of grey plover were recorded during 2011/12, numbers during every other period recorded were generally low (i-WeBS 2019,

⁶ This pressure includes disturbance from noise and visual aspects of the proposed works.

Appendix H of this report). The remainder of the overwintering period numbers within Loughshinny Bay are below nationally important numbers.

Loughshinny Bay landing site likely provides some alternative functional feeding habitat during November for turnstone and December for sanderling, however, numbers are not significant across the overwintering season. Cable installation at the shore end will take no more than approximately three days to complete. Even if installation were to occur in November or December, the birds present would be temporarily dispersed to feeding within other surrounding areas. Such temporary disturbance will not significantly affect the distribution and intensity of feeding in alternative areas and would not significantly affect the population dynamics or distribution of turnstone and sanderling. Therefore, if installation is within the peak months for these species the proposed Project is not likely to have significant effects on these species or their habitat.

As noted in the Stage 1 Screening for Appropriate Assessment report, there is a resident breeding colony of Northern fulmar (*Fulmarus glacialis*) that is present during the summer months at Loughshinny, with 113 individuals being recorded there (Fingal County Council 2004). The precise location is recorded in the intertidal habitat report. Northern fulmar is a breeding species of national importance listed as a Qualifying Interest of Lambay Island SPA. As noted in the Stage 1 Screening for Appropriate Assessment report, given the distance between the proposed installation and maintenance activities and the Lambay Island SPA, the proposed Project is unlikely to significantly displace breeding seabirds that may be foraging in the area of the SPA. Whilst there remains a possibility that the small breeding colony of Northern fulmar identified near Loughshinny may be connected with the Lambay SPA, there is no likely effect on these birds as cable installation will not occur between 1st May and 30th September due to the need to avoid impacting local beach amenity.

Potential impacts to tern species from the Rockabill SPA have been determined for visual disturbance within the Stage 1 Screening for Appropriate Assessment report. The progress of the installation plough will also give rise to a temporary increase in suspended sediment surrounding the cable. Offshore, as sediment is displaced silt, sand and gravel will be suspended in the water column. The coarser sediment fractions e.g. sand and gravel, will drop out of suspension from ploughing within 54m of the equipment within three minutes. Silt has a much slower settling velocity and will therefore remain in suspension for longer, up to 14 hours. It has been calculated that silt particles could be transported up to 15.3km by offshore tidal currents before they settle out of suspension. Calculations were presented in Appendix H of the Planning Report. An increase in suspended sediments may temporarily reduce prey visibility. However, the increased levels of suspended sediment will be within the level of variation experienced following stormy conditions or seabed disturbance from trawling (which is present within the region) and will not seriously impair prey identification in birds. As the installation will not occur between 1st May and 30th September due to the amenity value of the Loughshinny beach, there will be no effects to breeding tern species foraging with the application area from the Rockabill SPA.

Effects on the Primary Feature Manx shearwater of the Irish Sea Front SPA (within UK waters) has been addressed within the Stage 1 Appropriate Assessment Screening undertaken for the UK licence application. There will be no in-combination effects between the Irish foreshore and UK elements of the Project. Although, Manx shearwater have a wide foraging range (up to distances of 330km, Thaxter et al 2012) and birds from the SPA could therefore be present within the Irish foreshore licensing area, disturbance in the Irish foreshore will be limited in extent and duration and there is sufficient space in the surrounding environment for birds to temporarily relocate. In addition, the Irish Sea Front SPA is designated as an offshore foraging ground in the breeding season. Birds will have already flown from coastal colonies in the UK to reach the site; the site lies 36km for the UK coastline; and has been designated as it is a foraging hotspot in the breeding season. As there are no SPAs listing Manx shearwater as a Qualifying Interest on Irelands east coast, birds using the site will return to coastal colonies in the UK and Isle of Man. Significant numbers of birds from the SPA will not be foraging in the application corridor within the Irish Foreshore licensing area.

Ireland has five SPAs which list Manx shearwater as a Qualifying Interest (Puffin Island SPA, Skelligs SPA, Blasket Island SPA, Cruagh Island SPA and Deenish Island and Scariff Island SPA; NPWS 2020a). All SPAs are located on the west coast of Ireland at least 300km across land from the application corridor. Therefore, birds from Irish sites will not be present in significant numbers, if at all.

Underwater noise assessment

The underwater noise assessment (Appendix G to the Planning Report) has been provided for cable installation activities which are continuous noise sources. A pinger which is widely used as standard navigational aid on most pleasure craft and fishing vessels in addition to larger vessels and ships, does not operate at a frequency or pressure level (sound intensity) that is of concern to marine mammals and fish and therefore is not currently considered in standard environmental assessment. Pingers operate at low levels (dB) and approximately 12kHz, which is far below 120dB which is the threshold of injury or disturbance to marine mammals.

No geophysical survey is being undertaken prior to installation. The underwater noise assessment (Appendix G to the Planning Report) undertaken for the Project, is highly precautionary and uses a cylindrical spreading method in line with industry recognised methods at the time of writing, to assess the distance that sound is likely to travel underwater. Appendix G to the Planning Report concluded that there is no potential for injury to marine mammals due to cable installation activities as the sound produced is below the injury thresholds for all species of marine mammals. Installation will be short term and temporary and the installation vessel will only be within the Foreshore area for approximately five days (approximately three at the landing site and approximately two days installation offshore). The installation activities occurring within the foreshore area are beyond the audible range for Harbour Porpoise and therefore, they are unlikely to be able to hear the activities.

The assessment concluded that minor disturbance may occur to marine mammals, conservatively up to 130m from the installation vessel, but the sound levels are predicted to be well below the applicable thresholds for which mitigation might be required. The greatest disturbance effect is from regular shipping noise. The model is highly precautionary as it does not take in to account the effects of natural background sound (natural rain, wind, waves, currents etc) and anthropogenic noise (shipping, pleasure craft, trawling, dredging, wind farm construction, drilling). The model also does not account for the soft sediments within the installation corridor, temperature, salinity, or variation in animal hearing. Had the model taken these factors into account it is unlikely that any disturbance to marine mammals or fish would be predicted.

In reaching the conclusion of no likely significant effects on any marine mammals, no reliance is placed on the implementation of mitigation measures to avoid or reduce underwater noise.

This is of particular importance when considering the progress of the installation through the Rockabill to Dalkey Island SAC and the proximity to Skerries Islands SAC.

Harbour porpoise abundance estimates have been taken from the Conservation objectives supporting document - Marine Habitats and Species Version 1 for the Rockabill to Dalkey Island SAC. While the entirety of the site is utilised by harbour porpoise, the northern half of the site has been found to feature higher densities of animals per km² compared to the southern half (0.54 – 6.93km² to 0.48 – 2.05km² respectively). Additionally, the site features comparatively high group sizes of >5 individuals. The species is found year-round within the site, with the peak numbers occurring in August. As noted previously the more recent 2016 survey data (O'Brien and Berrow 2016) was not publicly available at the time. However, review of the document to inform this response has identified that the report comes to the same conclusions as the Conservation Objectives i.e. that the northern end of the European site is more important for harbour porpoise, particularly in August. The findings of this report determined that average harbour porpoise densities remained similar between surveys conducted in 2016 and those conducted previously in 2013. As such, this new report does not materially change the assessment or conclusions reached in the AA screening report.

Given that the installation activities are beyond the audible range for harbour porpoise, the potential zone of disturbance surrounding the vessel is small (if worst case hearing variability in

animals is considered) and the temporary nature of the disturbance (the installation spread will be within the SAC for less than 24 hours), the effects to harbour porpoise will be negligible when placed in the context of ambient noise factors in the area which include fishing activity, jet ski, pleasure craft, and shipping. These factors would effectively reduce the zone of influence within the SAC to negligible levels. The installation will not take place between 1st May and 30th September due to the restrictions at the Loughshinny landing site because of its status as an amenity beach. Disturbance to harbour porpoise will have no likely significant effects. No mitigation is required, therefore a Stage 2 Appropriate Assessment is not required whether in relation to harbour porpoise or any other Annex IV cetacean.

The Stage 1 Screening for Appropriate Assessment also concluded that there will be no likely significant effects on seal due to the small (if any) zone of disturbance and the distance from the installation or repair activities to their haul out on Lambay Island.

In Combination Effects

Potential cumulative effects between this project and all other relevant known projects / activities were assessed in Section 5.5 of the Stage 1 Screening for Appropriate Assessment.

All pressures are assessed through to pressure-receptor pathway assessment. This concluded only three receptors (habitat, birds and marine mammals) will be affected by four varying pressures ((1) Penetration and/or disturbance of the substrate below the surface of the seabed including abrasion, (2) Siltation rate changes, including smothering (depth of vertical sediment overburden), (3) Visual disturbance and (4) Underwater noise changes)).

Section 5.5 provides comprehensive coverage of all potential in-combination effects that could, in conjunction with this Project, have a likely significant effect on any European sites. Projects were identified using a variety of data sources (including: DTTAS 2019 and DHPLG 2019). Projects which had applied for foreshore consent and were in the public domain at the time of submission were considered by the assessment.

Once the relevant projects were identified and mapped within the GIS system, a screening exercise was undertaken to determine whether any Potential Cumulative Effects may occur between the proposed installation and maintenance activities and these projects. In lieu of specific guidance on the approach to undertaking in-combination assessment in Stage 1 Screening for Appropriate Assessment, the UK Marine Management Organisation (MMO) 2014 guidance "A Strategic Framework for Scoping Cumulative Effects" was used to inform assessment; although not specifically referenced. At the timing of writing this was an approach agreed with the UK Licensing authority and therefore was considered appropriate to apply to the Irish Foreshore Licence application. This approach requires consideration of common pressure-receptor pathways, spatial overlap and temporal overlap between the installation and maintenance activities and the identified projects with projects being screened out at different stages if a pathway or interaction is not identified.

One project, SSE Renewables Braymore Point survey, was concluded to have both temporal and spatial overlaps with the proposed cable installation for the presence of vessels disturbing seabirds. However, due to the temporary and transient nature of both activities by slow moving vessels, and distance of the proposed route from the tern breeding colony that was being considered, the potential cumulative effects were concluded to be Not Significant, and therefore screened out, leaving no possibility of in-combination effects.

The Stage 1 Screening for Appropriate Assessment Report provided with this application examined the possible in-combination effects of projects which had the potential to overlap with the cable installation and found that the project either alone or in combination with other plans or projects was not likely to have a significant effect on the European sites (SACs and SPAs) or their Qualifying Interests. As no significant effects on European sites has been identified, Stage 2 Appropriate Assessment is not required.

The linear nature of a telecommunication system project such as Havhingsten, mean that most of the potential pressures result in short term and localised effects. Intra-project effects can occur between different components of the same project which are geographically close to each other and have the potential for the pressure they exert on receptors to overlap. For a linear cable, the

scope of the intra-project effects is limited to the interfaces between terrestrial and offshore project components. At the marine interface i.e. between different maritime jurisdictions, the effects from the cable spread will move with the installation spread and therefore there is no spatial or temporal overlap; it is a continuation of the effects along the linear project. The likely significance of effects on European sites is therefore considered by the appropriate Stage 1 Screening for Appropriate Assessment for that jurisdiction. No effects have been identified within the Project in any of the jurisdictions or components that could accumulate to have a significant effect.

The Stage 1 Screening for Appropriate Assessment was undertaken for the terrestrial elements of the Project and was submitted to Fingal County Council. As reported in Section 2.6 of this report, further information was requested on the potential connectivity between the terrestrial elements and the foreshore elements which was submitted as supplemental information (see Appendix C of this document).

The Stage 1 Screening Assessments for both the terrestrial and the foreshore elements of the proposed Project in Ireland exclude likely significant effects on any European site. There is no direct connectivity between the proposed Cable Landing Station and the underground ducting and the European sites concerned. Any indirect connectivity is via the subsea cable in the foreshore, which the Stage 1 Screening for Appropriate Assessment submitted with this Foreshore Licence application demonstrates is not likely to have any significant effect on any European site.

Stage 1 Screening for Appropriate Assessment was also undertaken for the Project within UK waters to support an application for a Marine Licence. The supporting documents for the UK are available on the Marine Management Organisation's Marine Case Management System (MCMS) at the following URL: <https://marinelicensing.marinemanagement.org.uk/> by searching for reference MLA/2019/00321.

Stage 1 Screening for Appropriate Assessment within the UK concluded that there is the potential for likely significant effects on three European sites and Appropriate Assessment was undertaken by the UK Regulatory Authority in consultation with the statutory nature conservation bodies. The pressures screened through to AA related to underwater noise changes in a European site for which the Primary Feature is harbour porpoise, and visual disturbance to common scoter, red-throated diver offshore and overwintering bird species at the landing site. The Appropriate Assessment examined the evidence contained within the Applicants Habitats Regulations Assessment, the proposed mitigation (a seasonal restriction to avoid effects to bird species) and concluded that there will be no significant adverse effect on the integrity of the UK European sites either alone or in-combination with other plans or projects.

The fact that Appropriate Assessment was required for the Project in UK waters does not mean that a Natura Impact Statement is required for the Project in Irish waters. The process of screening relevant sites to determine whether Appropriate Assessment is required is dependent on the Qualifying Interests of each individual European site, the sensitivities of these Qualifying Interests and the pressures exerted on the Qualifying Interests from the Project. The test for likely significant effects must be considered for each European site and it should not be inferred that because there is the potential for a likely significant effect at one European site there will be the same potential at another.

The cumulative effects assessment within the Stage 1 Screening for Appropriate Assessment Report was undertaken, taking into consideration other relevant plans and projects consented or known to be in development (including at application stage) at the time of writing. Since the Stage 1 Screening for Appropriate Assessment Report was undertaken Irish Water has submitted an application for a licence (FS006843) under Section 3 of the Foreshore Act 1933, as amended, for a water outfall as part of the Greater Dublin Drainage Scheme which was granted consent for the terrestrial elements by an Bord Pleanála on 7th November 2019. That application is yet to undergo the consultation process under the Foreshore Act however an inspection of the maps available to view at <https://www.housing.gov.ie/planning/foreshore/applications/irish-water-greater-dublin-drainage-outfall> shows that the planned outfall is approximately 14.5km to the South of the Havhingsten Cable system and therefore there is no spatial overlap with the

Havhingsten Cable. This application is also more advanced than the Greater Dublin Drainage Scheme Application and given the scale of that development and the timeframe for installation of the Havhingsten Cable within the Irish Foreshore limits there is highly unlikely to be any temporal overlap between the two projects.

In addition, a search of the Environmental Protection Agency (EPA) Dumping at Sea Licence Database showed three licences in the Dublin area however none of them overlap spatially with this application. All three (S0031-01 Malahide Marina Village Limited, S0024-01 Dublin Port Company and S0004-02 Dublin Port Company) do not overlap spatially with the route for the Havhingsten Cable.

A search of the Foreshore Unit Applications and Determinations Database conducted on 10 July 2020, did not show any other applications or consents that overlap spatially with the route for the Havhingsten Cable except for the Statkraft North Irish Sea Array (NISA) Site Investigation Licence Application for Site Investigations for an Offshore Wind Farm (FS007031) and this has been examined in the Stage 1 Screening for Appropriate Assessment Report submitted with the application.

The installed cable will be buried for the entirety of the route within Irish waters (with the exception of a small section close to Loughshinny), and its status as a fibre-optic telecommunications cable negates any potential EMF or heat effects, therefore the potential for cumulative effects to occur in the future once the cable has been installed is not likely.

Legislation

The assessment conducted in this application was carried out to determine if the proposed Project would be likely to have a significant effect on any European sites (and their conservation objectives). Bird species were the predominant features of conservation interest in the relevant European sites screened. Through consideration of all appropriate scientific evidence (cited and referenced throughout the report), in conjunction with the technical specifications and proposed installation methodology, it was determined that the Project would not have a likely significant effect on any species assessed. A similar conclusion was reached in relation to the other species and habitats listed as Qualifying Interest in the relevant European sites assessed in the Stage 1 Screening for Appropriate Assessment.

As noted in C-258/11 Sweetman v An Bord Pleanála:

'Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 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'.

The question of 'site integrity' does not arise in this case as it has been demonstrated that the proposed Project will not have any significant effect on the European sites concerned, i.e. the likelihood of a significant effect on the European sites has been excluded on the basis of objective scientific evidence. There is no likely impact on the Qualifying Interests or conservation objectives of the European sites concerned that is the reason or reasons why each European site was designated.

2.10 Conclusion

All information and conclusions presented in the Foreshore Licence application regarding the Project's potential impact on the receiving environment are based on up-to-date scientific information obtained from a variety of sources, which are cited and referenced throughout the application and included as appendices where applicable. The application provides an objective scientific basis for the Minister to exclude, without mitigation, any likely significant effects on a European site or its Qualifying Interests.

The application further provides a proportionate and sufficient basis for the Minister to make an informed decision in the public interest on authorisation of a Foreshore Licence for telecommunication cable installation, subject to such conditions as are considered necessary or appropriate in the circumstances.

The cable project is not a project to which the EIA Directives apply, and there is accordingly no legal requirement under Irish or EU law to carry out a screening for EIA prior to the grant of development consent.

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APPENDIX A

Public Observation Comments Received

ID	Comment	Category within document that the comment is responded to
PO1	I have the following submissions/requests for information on the proposal: 1. what consultation was there with Loughshinny Community Association, as mentioned in the Application form? I am a member of that association and do not recall any consultation. Also there is none referred to in appendix J.	Consultation
PO2	2. This work is clearly adjacent to archaeologically sensitive lands of Drumanagh, contrary to application form statement.	Archaeology
PO3	3. What does the corridor represent?	Planning
PO4	4. Is there not a requirement to put up notice in the locality?	Application Process
PO5	5. What future works are precluded in the areas near the cable?	Installation
PO6	6. Any beach disturbed by installation must be restored to original condition.	Installation
PO7	1. this is an absurd location to install a cable, right through the middle of Loughshinny Harbour and right through the middle of the town.	Loughshinny Bay / Harbour
PO8	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.	Loughshinny Bay / Harbour
PO9	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.	Loughshinny Bay / Harbour
PO10	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.	Planning Harbour
PO11	5. What digging up of the roads in and to the town will take place and when are these works planned for.	Planning
PO12	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 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.	Onshore issues not related to this application
PO13	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. (handwritten side note: Already dug up the road in relation to this Environmental Impact Statement. No pre application consultation)	Cable Landing Station
PO14	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.	Planning
PO15	9. The installation of the cable into Loughshinny harbour will have severe impacts on the environment, marine archaeology, on our cultural heritage, on the fishery industry and on tourism in the town.	Loughshinny Bay / Harbour Archaeology
PO16	10. On the company's 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.	Archaeology
PO17	11. After scanning through the company's 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 shortcomings and should not be allowed in the harbour of Loughshinny.	Habitats
PO18	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.	Planning
PO19	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.	Planning
PO20	The cable if installed will sterilise any future development of the harbour.	Loughshinny Bay / Harbour
PO21	The cable will negatively impact the current Irish water project to clean the quality of our water and make it safe for our children.	Planning
PO22	Has Fingal County Council been consulted?	Planning
PO23	The town has been dug up for the last 12 months since we moved to Loughshinny, and the road has finally just been resurfaced.	Onshore issues not related to this application Planning

PO24	<p>We, the undersigned, refer to the above planning application & wish to make the following submission / objection / observation in relation to the proposed development.</p> <p>We, the undersigned, wish to object to the proposed development based on the points outlined below:</p> <ul style="list-style-type: none"> • 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 Rural objective & vision) as detailed below • We have concerns regarding the ABSENCE OF A SITE NOTICE - as detailed below. • We have concerns regarding the absence of a LANDSCAPING PLAN not being submitted with the planning application. <p>There are many trees/hedgerows located on the site which enhance our community and in our opinion must be kept.</p> <p>Further concerns outlined below</p> <ul style="list-style-type: none"> • We have concerns regarding the APPLICATION FORM ERRORS: <ol style="list-style-type: none"> (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. <ul style="list-style-type: none"> • We have concerns regarding the ENVIRONMENTAL IMPACT as detailed below. <p>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.</p> <p>(for full comment see "Consolidated Public Submission.pdf" [pages 11-31])</p>	Cable Landing Station
PO25	<p>We the undersigned, refer to the above planning application & wish to make the following submission / objection / observation in relation to the proposed development.</p> <p>We, the undersigned. wish to object to the 'GRANTING OF A FORESHORE UCENCE' based on our concerns outlined below:</p> <ul style="list-style-type: none"> • 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 TSO fibre network and. therefore, under EU Directives the entirety of the 'project' must be assessed as one. 	Planning
PO26	<p>We have concerns regarding the 'METHODOLOGY USED' as detailed below</p> <ul style="list-style-type: none"> • 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 ENVIRONMENTAL IMPACT detailed below. <p>Regarding Peter Sweetman and others v An Bord Pleanala - 11 April 2013 (see Consolodated Public Submissions.pdf [pages 34-37])</p> <p>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.</p>	Application Process
	Concerns regarding the methodology (see Consolodated Public Submissions.pdf [pages: 37-39])	
	Referring to - Appendix A - Environment Assessment Methodology - 1.2.1 Characterisation of the baseline environment:	
PO27	- The applicant has completely failed to scientifically establish the 'baseline' as exists today	Application Process
PO28	- 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	Application Process
	Referring to 1.1 Project Background (Appendix F):	
PO29	- The 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).	Application Process
PO30	- 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'.	Application Process
PO31	Referring to 2.1.3 Stage 2 - Appropriate Assessment:- 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...'	Application Process

PO32	<p>Concerns regarding the 'Planning Process' as it applies to this 'project':</p> <p>- 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 contract 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.</p> <p>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 and stated '...A recent Inspection of lands at featherhead Lane, Ballykea, Loughshinny, Co Dublin revealed that th works undertaken on the site have been carried out in accordance with the plans submitted under the approved Planning Permission Register Reference F17A/0169. Accordingly there is no further enforcement action open to the Council in relation to this matter. The file is now closed.</p> <p>These same works were pointed out to Mr Kevin Foley 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 recieved frm 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 development carried out by ESB Telecoms Lts and Thre 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.</p> <p>Concerns regarding the 'Environmental Impact' as it applies to this 'project':</p> <p>- 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'</p> <p>- Planning Reference Number: F19A/0169</p>	<p>Onshore issues not related to this application</p> <p>Planning</p>
PO33	<p>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.</p> <p>1.1 APPLICATION FORM</p> <p>1. Item 1.1 states that the works relate to a "landing site" at Loughshinny.</p> <p>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.</p>	Application Process
PO34	<p>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.</p>	Application Process
PO35	<p>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.</p>	Application Process
PO36	<p>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.</p>	Application Process
PO37	<p>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 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 Earthwick on the eroding sea cliffs south of Loughshinny harbour. As such the entry on the application 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.</p>	Archaeology
	<p>1.2 THE PLANNING REPORT</p>	
PO38	<p>Section 2.3 of the Planning Report deals with Route Development and outlines the basis for the selection of Loughshinny.</p>	
PO39	<p>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.</p>	Loughshinny Bay / Harbour
PO40	<p>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.</p>	Appropriate Assessment

PO41	<p>APPROPRIATE ASSESSMENT SCREENING</p> <p>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.</p>	Appropriate Assessment
PO42	<p>5b) In combination effects</p> <p>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.</p>	Appropriate Assessment
PO43	<p>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.</p>	Appropriate Assessment
PO44	<p>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.</p> <p>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. "</p>	Appropriate Assessment
PO45	<p>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)</p> <p>The implementation of these mitigation measures are specifically targeting features of interest of Natura 2000 sites which triggers a stage II Natura Impact Statement.</p> <p>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.</p>	Appropriate Assessment
PO46	<p>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)."</p> <p>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.</p>	Appropriate Assessment
PO47	<p>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.</p> <p>All solid green labels A1 Littoral rock A1.2143 Fucus serratus and piddocks on lower eulittoral soft rock A1.3132 Fucus vesiculosus on mid eulittoral mixed substrata A1. 3152 Fucus serratus on full salinity lower eulittoral mixed substrata A1.45 Ephemeral green or red seaweed communities (freshwater or sand-influenced) on non-mobile substrata</p> <p>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</p> <p>A2.245 VI Lanice conchilega in littoral sand - variant 1</p> <p>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</p>	Appropriate Assessment

PO48	<p>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). "</p> <p>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.</p>	Appropriate Assessment
PO49	<p>5i) 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"</p> <p>The source of these data has not been identified. Species protected under National legislation have not been included anywhere.</p>	Appropriate Assessment
PO50	<p>5j) Section 4.3, "SPA's within 30km".</p> <p>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 SACS within 30km just Annex II listed pinniped species & Annex II and IV listed cetacean species.</p>	Appropriate Assessment
PO51	<p>5l) Table 5-2 Pressures scoped out of the assessment and the reason for exclusion. This states "pressure Screened Out of EIA"</p> <p>This is an AA screening and not an EIA and these pressures do not relate to the potential pressures outlined in Table 5.1.</p>	Appropriate Assessment

PO52	<p>5m) Table 5-3 Initial screening of relevant Natura 2000 sites.</p> <p>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.</p> <p>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)."</p> <p>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"</p> <p>"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).</p> <p>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 (J-WeBS 2019)." This clearly contradicts the reason for screening out Malahide Estuary SPA and Baldoyle Bay SPA.</p> <p>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 SACS have been included.</p>	Appropriate Assessment
PO53	5n) The possibility and quantification of possible trans-boundary effects has not been addressed in the AA screening.	Appropriate Assessment
PO54	50) 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.	Appropriate Assessment
PO55	<p>5p) The AA Screening in section 5.43 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).</p> <p>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".</p>	Appropriate Assessment
PO56	<p>5q) Section 5.5 In combination effects</p> <p>The project does not assess the potential in combination implications Of all elements of the project.</p>	Appropriate Assessment
PO57	<p>5p) 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."</p> <p>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.</p>	Appropriate Assessment
PO58	<p>This assessment suffers from;</p> <ul style="list-style-type: none"> • 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 Daikey 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 	Appropriate Assessment

PO59	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.	Application Process
PO60	With reference to planning application reference number F90691S , 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 (MFA) 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 Loughshinnv harbour and the Irish 12nm territorial limit.	Fisheries
PO61	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 md 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	Fisheries
	Underestimation Of Inshore Activity	
PO62	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 (€12m LOA) are not required to use vessel monitoring systems (VMS) 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.	Fisheries
PO63	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 rneeting 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.	Fisheries
	Underestimation of short-term disruption to Inshore fishing activity.	
PO64	Partly based on the above concern regarding an underestimation of Inshore Vishing 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	Fisheries
PO65	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.	Fisheries
PO66	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 win have no alternative to bring gear ashore which is economically unviable from their perspective. This would be an unacceptable solution from our 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.	Fisheries
PO67	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.	Fisheries
	Underestimation Of disruption to	

PO68	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.	Fisheries
PO69	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.	Fisheries
PO70	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 it's 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.	Fisheries
PO71	As per above members are concerned that any future maintenance on the cable cause disruption to their fishing operations and have a negative economic impact.	Fisheries
PO72	Finally to conclude, we would like to thank DPLHP for the opportunity to make this submission, we commend the applicant on 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 than 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.	Fisheries
PO73	We wish to put in an objection against the above application at Loughshinny Harbour	Application Process
PO74	I would like to register my objection to the proposed application by Celtix to install a telecommunications cable through Loughshinny harbour	Application Process
PO75	There has been absolutely no public consultation on this proposal what so ever with the people of this village	Consultation
PO76	What is it for? Who will it benefit? Where is the cable going? What distribution should the residents expect	Planning
PO77	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	Loughshinny Bay / Harbour
PO78	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	Planning
PO79	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'	Habitats
PO80	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.	Planning
PO81	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'.	Application process
PO82	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.'...	Cable Landing Station
PO83	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.	Planning
PO84	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:	Application process
PO85	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.	Loughshinny Bay / Harbour
PO86	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.	Loughshinny Bay / Harbour
PO87	And finally 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.	Archaeology Planning
Section 1: Project Definition		

PO88	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.	Application process
PO89	AQUA COMMS have not complied with this requirement of the EU Directive.	Planning
PO90	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.	Planning
PO91	Public confidence in the planning process is fundamental to sustainable development. Therefore the 'process' must be seen to be beyond reproach and scrupulous in its application of the rules. Sadly, in this instance this has not been the case so far. The breaches of procedure have been many to date and include: Not disclosure the true and full extent of the 'project', treating each element as a seperate application contrary to EU Directives; Commencing work prior to receiving planning approval; and Providing misleading and inaccurate information. If proper procedures were being followed this application would have been rejected before now.	Planning
PO92	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.	Cable Landing Station
PO93	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.	Application process
PO94	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.	Application process
PO95	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.	Application process
	Section 2: Inaccurate 'Figures'	
PO96	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'	Application process
PO97	(NOTE: Regarding reference to consultation with Loughshinny Community Association on 11/06/2019). This claim was not in the original EIS document submitted in Oct'19. Committee members have no such recollection of any meeting taking place.	Consultation
PO98	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 lodgment of objections against planning application F19A/0169. Prior to this point there was no engagement with residents on any element of this 'project'.	Consultation
PO99	To measure the distance between 2 points is a simple and straightforward calculation. As can be seen from the above (referring to changes in distances to protected sites between the submissions) this simple task was beyond the capabilities of the applicant. Practically every 'distance' measured and reported in Table 5-3Initial screening of relevant Natura 2000 sites EIS document submitted Oct'19 is different when compared to the exact same 'measurement' as reported in Table 5-3Initial 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 characterisitc 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 application relating to the project 'North Atlantic Loop'. On this basis alone the foreshore licence application must be rejected.	Application Process
	Section 3: Inaccurate 'Information'	
PO100	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'.	Application process
PO101	Taking 'Skerries Islands' as an eample the section titles '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.'	Application process

PO102	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 '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.	Appropriate Assessment
PO103	The full NPWS Report (Irish Wetland Bird Survey: Waterbird Status And Distribution 2009/10 – 2015/16) 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. (NOTE: Respondent has underlined a section of text from a Judgement of the Irish Supreme Court that was made on the 11th of April 2013, which reads as '... 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...').	Appropriate Assessment
PO104	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.	Appropriate Assessment
PO105	Other species of bird on skerries island, in serious decline and not included in the 'environmental impact assessment' (Purple sandpiper, turnstone, ringed plover).	Appropriate Assessment
PO106	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.	Appropriate Assessment
PO107	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.	Appropriate Assessment
PO108	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.	Appropriate Assessment
PO109	An independent assessment needs to be carried out to verify the facts of the situation concerning the 'cumulative effects' of this type of activity which are expected to occur over the next 25 years on this environment.	Appropriate Assessment
	Section 4: Opinion vs Scientific Evidence	
PO110	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 2000s 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'.	Appropriate Assessment
PO111	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 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.	Appropriate Assessment
PO112	Another expert view is the OSPAR COMMISSION. Upon reading their report it becomes clear that the applicant 'understated' the environmental impact of their cable, both as a singular cable and in combination with cables. (NOTE: A section of text from the OSPAR report 'Assessment of the environmental impacts of cables' is highlighted in yellow stating 'The main-long term impact of submarine cables is the presence 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'.) Not once in their application did the applicant say their cable would have a 'long term' effect.	Application Process
PO113	The applicant also stated that the cable would not be recovered when its useful life was over. (NOTE: Respondent then references a section from the OSPAR report, as follows (highlighting consistent with the response provided): '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.	Application Process
PO114	The applicant did not at any stage outline specific mitigation measures which is a requirement of an EIS	Application Process
PO115	The applicant did not address species migration effects or thermal heating effects on the benthic communities all of which are requirements of an EIS.	Application Process
	Section 5: Changes to Original Documentation	

PO116	The reason for the revised documentation as given by the Marine Planning and 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.	Application Process
	Appendix A	
PO117	STRATEGIC IMPORTANCE CLAIMS 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 Statement's 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 process prior to receiving the required planning approvals.	Planning
PO118	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 stations' (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.	Cable Landing Station
PO119	Notwithstanding the above the application 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 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.	Planning
PO120	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 substatntial and strategically important elements of the 'Strategic Infrastructure Plan'. On this basis alone the the foreshore licence must be rejected.	Planning
PO121	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 reagrd' thereby diminihsing AQUA COMMS' claim of 'strategic importance'. (NOTE: This is referring to a section from the report titled 'The Role of Data Centres in Ireland's Enterprise Strategy', which states "Data centres require significant communications infrastructure, international cable capacity, and local fibre connectivity. Ireland has been well served in this regard. Irelands's attractiveness as a location for data centres will be enhanced with the completion of planned direct cable connection to the EU").	Planning
PO122	Whatever 'importance' the cable has in relation to the 'Strategic Infrastructure Plan' it is not dependent on the AQUA COMMS selected 'route'. The route was chsoen 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 and Asia).	Planning
PO123	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 to connect to the US. This project is simply to leverage a current investment in 'infrasturcture' 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.	Planning
PO124	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.	Planning
PO125	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.	Cable Landing Station
PO126	Direct impact on environment - electricity generation causes air pollution and is a significant contributor to global warming. AQUA COMMS did not address this issue in relation to the power consumption of both 'landing stations' in their Environmental Impact Statement.	Cable Landing Station

PO127	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 not the expected tenfold increase in bandwidth requirements generally.	Planning
PO128	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. (NOTE: This comment a section taken from the Government Statement on the Role of Data Centres in Ireland's Enterprise Strategy, stating "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..")	Planning
PO129	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 was this reason that Loughshinny 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..."	Planning
PO130	On the basis that ESB own a substation with spare capacity, with excess land within the site not being used, with no knowledge of the players in the 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. Based on all of the above the foreshore licence must be rejected.	Cable Landing Station
Appendix 1A		
PO131	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.	Application Process
PO132	AQUA COMMS have failed in this step. The information they 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 September 2018. If this project goes ahead then this information will be approx. two years out of date.	Application Process
PO133	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'.	Application Process
PO134	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 do have a section on 'unexploded ordnance' which states that 'none' were discovered during the 'route survey'. So the only claim AQUA COMMS 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'.	Application Process
PO135	AQUA COMMS claim that 2 further 'cable route works' were carried out, one using hull mounted multibeam echosounder lines to survey the route. AQUA COMMS 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.	Application Process
PO136	The second 'cable route works' involved 3 days of 'pre-lay grapnel run and route clearance'. AQUA COMMS provided the Dept of Marine with the co-ordinates for where the ship, Ili D'AIX, will be carrying out this work, who then issued Marine Notice 13, of 2019.	Application Process
PO137	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. (NOTE: Respondent here is describing a map where the red and blue pins are found located in the North Sea).	Application Process
Appendix 1B		
PO138	The appropriate legislation states that an 'appropriate assessment' is required as part of the 'Environmental Impact Assessment'. AQUA COMMS have complied with this by producing: (NOTE: Respondent is referring to picture listing all documents submitted in the application, excluding the Planning Report). The outcome of this is an Environmental Impact Statement. The applicant has failed to comply with the rules as can be seen below. Applicant failed to disclose the full scale of the project. Applicant failed to disclose 'transboundary effects'	Appropriate Assessment
Public Notice		

PO139	The Public Notices which were published on 29th 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 is flawed and incorrect and we formally object to it.	Planning
Planning Report		
PO140	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 the 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.	Application process
Scope and Objectives of the Planning Report		
PO141	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 the public consultation process. We strongly object on these grounds.	Cable Landing Station
Route Position of the Cable		
PO142	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.	Application Process
Indicative Installation Programme		
PO143	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 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.	Planning
Appropriate Assessment Screening and Natura Impact Statement		
PO144	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 Loughshinnv and is not in compliance with the 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 application and neither has one been prepared for the current application and this is a significant omission and we object strongly to this.	Appropriate Assessment
Detailed Comments Relating to Appropriate Assessment Screening		
PO145	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); 1) whether a plan or project is directly connected to or necessary for the management of the site, and 2) 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 " <i>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</i> ". This is the Natura Impact Statement and not the AA Screening Test outlined in the guidance.	Appropriate Assessment
PO146	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.	Appropriate Assessment
PO147	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.	Appropriate Assessment
PO148	This AA screening does not detail all of the equipment to be used e.g. USBL (Ultra short baseline used for underwater positioning). 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.	Appropriate Assessment

PO149	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.	Appropriate Assessment
PO150	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 NPWS 2010 "Where doubt exists about the risk of a significant effect, an AA must be carried out".	Appropriate Assessment
PO151	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.	Appropriate Assessment
PO152	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 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 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 20m site Interfering With mitigation measures put in place for other plans or projects"	Appropriate Assessment
PO153	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) " <i>Thus, in line with the precautionary principle, it is unacceptable to to undertake appropriate assessment on the basis that it is not certain that there are significant effects.</i> " As outlined in NPWS (2010) " <i>The precautionary principle, 'derived from the EU Treaty and developed in the case 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</i> ".	Appropriate Assessment
PO154	We strongly object to this application on the basis of the above installation period in the Summer of 2020.	Planning
	Consultation with NPWS	
155	In the AA and Planning report it states that the result of consultation with the National Parks and Wildlife Service (NPWS) that " <i>Response to introduction of the project — advised NPWS will respond to main application</i> " However, the communication With Dr David Lyons infers that he is expecting that a NIS is carried out (emphasis added) i.e. " <i>From; David Lyons <David.Lyons@chg.gov.ie> Sent; 13 September 2018 12:20 TO; Paula Daghish Intertek Subject RE Havhingsten Telecommunication Cable</i> <i>Dear Paula</i> <i>Thank you for forwarding the information. From what I 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 protection was included. This could be a separate or it could be included the NIS.</i> " We strongly object to this application on the basis of the above.	Appropriate Assessment
	Lack of assessment in relation to nationally designated sites and species	
PO156	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. We strongly object to this application on the basis of the above.	Application Process
	Marine Notice	
PO157	We refer to the Marine Notice below which was recently published. (NOTE: This refers to an image of the Marine Notice published on the 20th of February 2020 Titled 'Havhingsten (Irish Sea) - Cable Installation') This Marine Notice states thsat 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. We strongly object to this application on the basis of the above.	Planning

APPENDIX B

Loughshinny Harbour Map

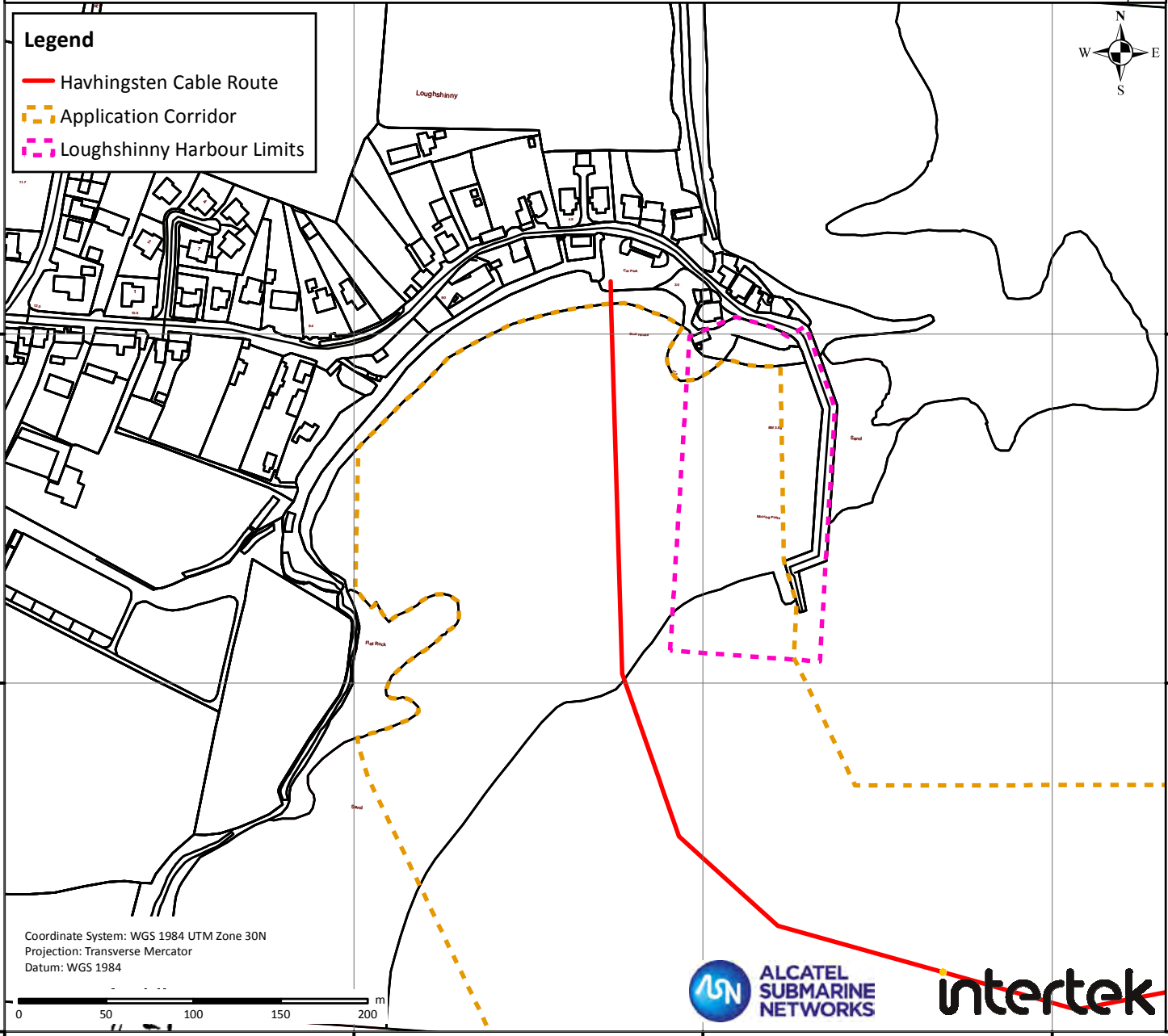
HAVINGSTEN TELECOMMUNICATIONS CABLE

LANDFALL LOCATION - Loughshinny Harbour Limits

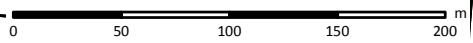
Drawing No: P2228-LOC-014 | A

Legend

- Havingsten Cable Route
- Application Corridor
- Loughshinny Harbour Limits



Coordinate System: WGS 1984 UTM Zone 30N
Projection: Transverse Mercator
Datum: WGS 1984



Document Path: J:\P2228\Mxd\01_LOC\P2228-LOC-014.mxd Date: 17/10/2019

APPENDIX C

Supplemental Information

Havingsten Fibre Optic Telecommunication Cable

Foreshore License Application for Cable Installation

Applicant: Celtix Connect Ltd

Responses to Public Consultation:

Supplemental Information for Terrestrial Duct Installation

May 2020

Foreshore Licence Application Number: FS006915

Havhingsten Terrestrial Duct Installation

The consents for the onshore elements of the cable installation from Fingal County Council have been sought separately from the Foreshore Licence application by M&M Contractors on behalf of Celtix Connect Ltd. Fingal County Council granted three T2 road opening licences for the terrestrial works for the fronthaul route in 2019 (licence reference numbers: **2019DF0451**, **2019DF0674**, **2019DF0676**).

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**).

The front haul terrestrial connection will be achieved by using previously installed 110mm ducts and associated chambers in the public highway, as shown in **Figure 1** below and as-built drawings provided on pages 3-5. This ducting, vault and Beach Manhole (BMH) installation was completed in July to August 2019 under the licences issued by Fingal County Council. All ducts were installed by horizontal directional drilling (HDD), apart from the section laid with the ESB duct. This HDD method drills under the ground and avoids disturbing and excavating the existing ground surface, therefore having a lower impact on the environment and reducing traffic management and health & safety risks.

All ducts were installed at a minimum standard depth of cover: 600mm in the carriageway, 450mm in the footway and 750mm in the grass verge. As part of the duct installation works, the installer obtained utility prints from all utility service companies, as well as meeting with Fingal County Council prior to work starting to ensure full alignment and mitigate any unforeseen issues. The overall distance of the duct installation is 1.7 km and includes 10 chambers which range in size from CW2 (1220mm x 680mm) to JF4 (915mm x 455mm).

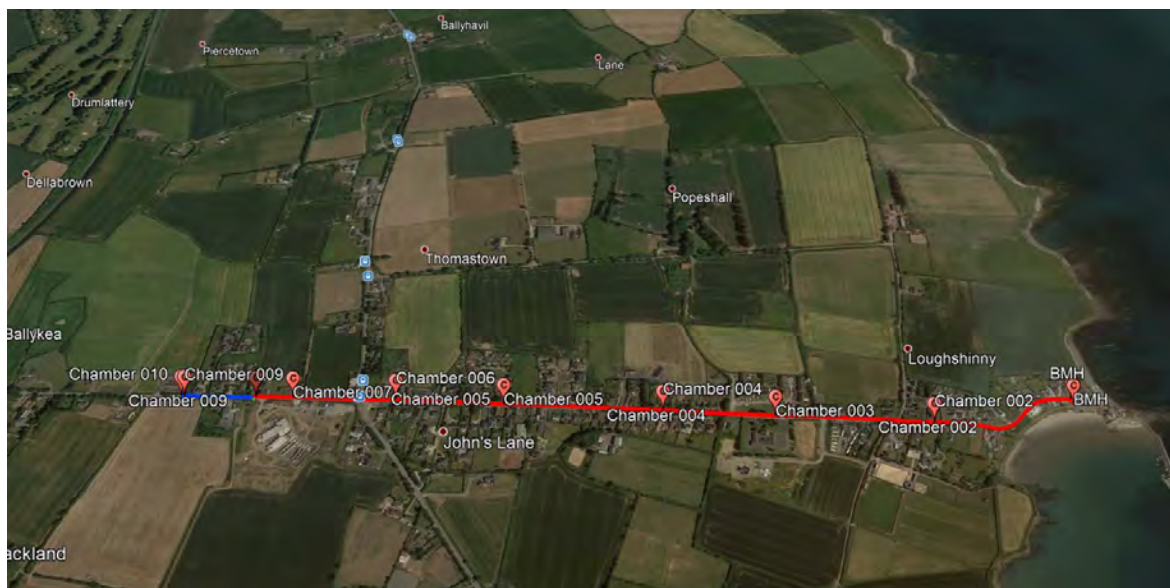


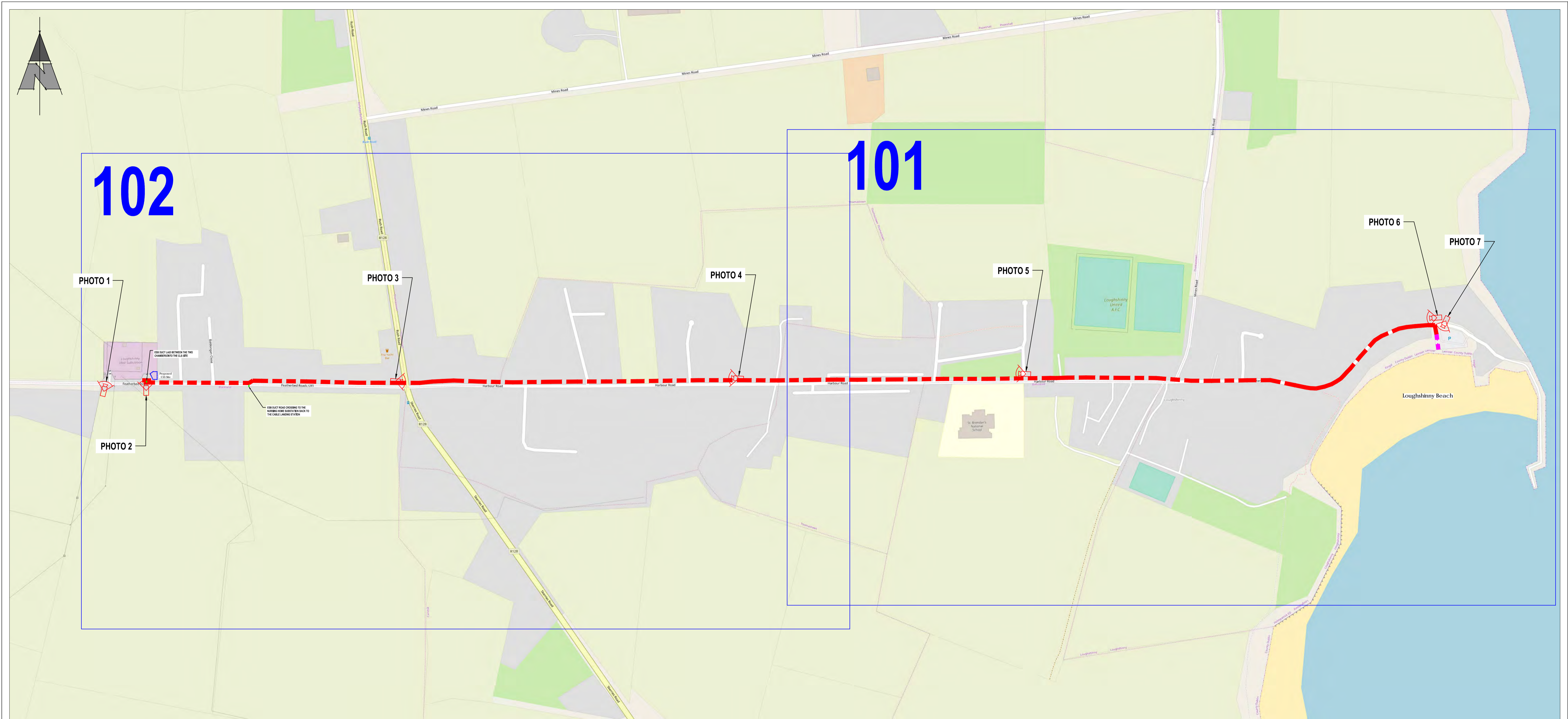
Figure 1: Map showing Havhingsten duct route between BMH and EBS Terminal Station.

For further details of the terrestrial duct route please refer to the following as-built drawings:

MM2172-CP100 - Site Plan - Rev E;

MM2172-CP101 - Duct Route Rev E;

MM2172-CP102 - Duct Route Rev E.



SITE LOCATION
(SCALE: 1:2500)



SITE PHOTOGRAPH 1
(SCALE: N.T.S.)



SITE PHOTOGRAPH 2
(SCALE: N.T.S.)



SITE PHOTOGRAPH 3
(SCALE: N.T.S.)



SITE PHOTOGRAPH 4
(SCALE: N.T.S.)



SITE PHOTOGRAPH 5
(SCALE: N.T.S.)



SITE PHOTOGRAPH 6
(SCALE: N.T.S.)



SITE PHOTOGRAPH 7
(SCALE: N.T.S.)

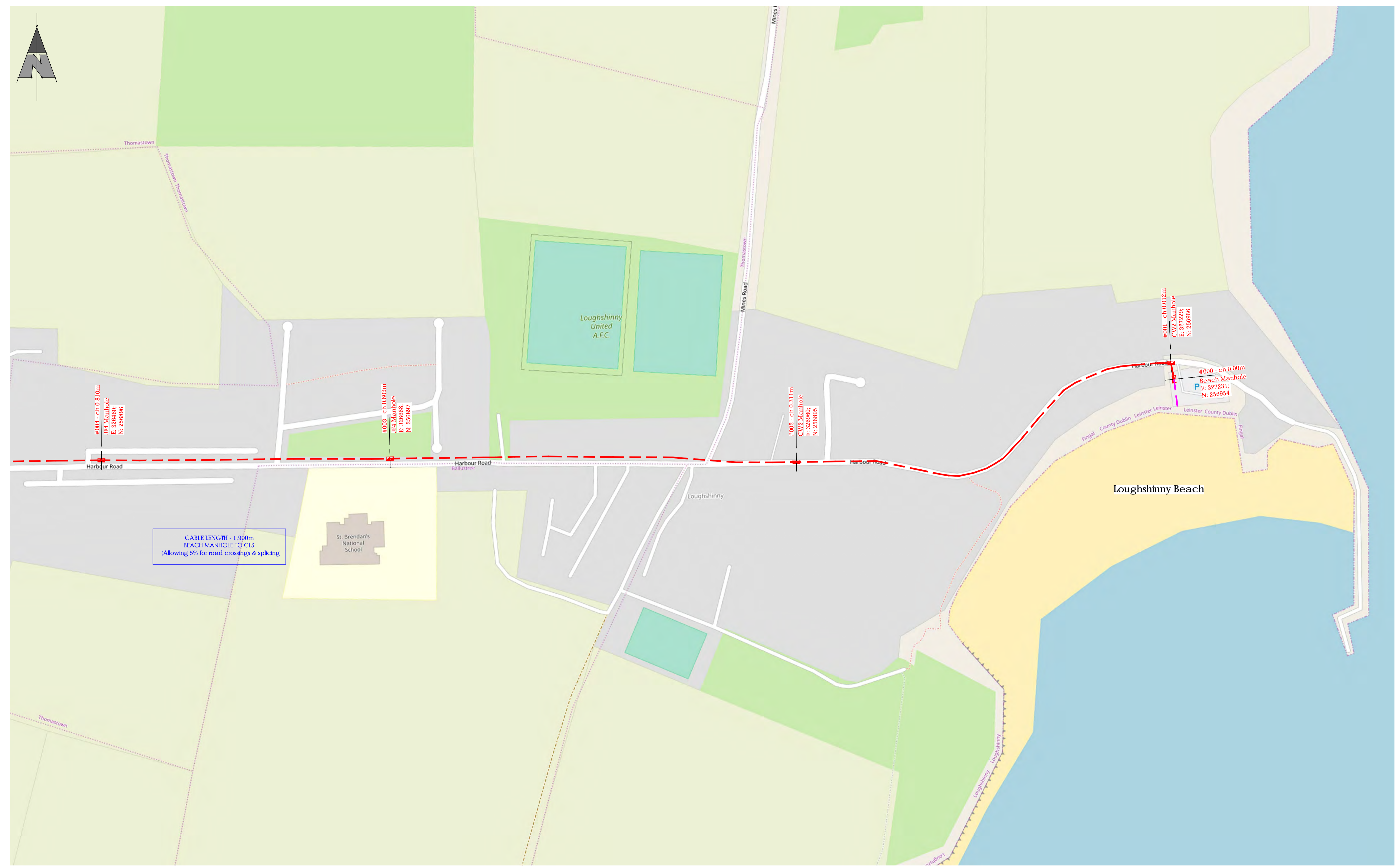
notes DO NOT SCALE figured dimensions only to be taken from this drawing
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PHOTOGRAPH LOCATION
 FRONTHAUL TELECOM DUCT
 SEAWARD DUCT
 PROJECTION TO 'IRISH GRID'

Rev	Date	Drawn	Description
E	09/08/19	MMcS	Updated to As Constructed Status
D	06/06/19	MMcS	Seaward ducts added to the plans
C	08/05/19	MMcS	Route updated following completion of the trial holes
B	27/03/19	MMcS	Irish Water section of dig shown and CLS location updated
A	12/12/18	MMcS	Route changed to avoid school traffic and chamber locations amended to suit

Job	AQUACOMMS - LOUGHSHINNY BACKHAUL	Scale	AS SHOWN @ A1	Status	AS CONSTRUCTED
Dr.	SITE LOCATION PLAN & PHOTOS	Date	30/11/2018	Dim	MMcS
		Job No.	MM2172	Chd	GL
		Drawing No.	CP100	Rev.	E

M&M CONTRACTORS (EUROPE) LTD
 4 PILOTS VIEW, HERON ROAD, BELFAST BT3 9LE
 Tel: 028 9075 4090 Fax: 028 9075 4091 email: info@mm-contractors.com



- GENERAL NOTES:**
- The Contractor must ascertain the location of all underground services in the area before excavating.
 - Chamber Dimensions:
 CW2 CHAMBER – 1220 x 680mm INTERNAL
 JF4 CHAMBER – 915 x 445mm INTERNAL
- NEW CHAMBER LOCATIONS**
- 110mmØ 1 WAY FRONTHAUL DUCT
 - 110mmØ 1 WAY FRONTHAUL DUCT WITH 125mmØ ESB DUCT
 - 125mmØ ESB DUCT
 - SEAWARD DUCT

notes **DO NOT SCALE** figured dimensions only to be taken from this drawing
 THIS DRAWING IS COPYRIGHT ©

ALL DUCTS INSTALLED BY HORIZONTAL DIRECTIONAL DRILLING (APART FROM THE SECTION LAID WITH THE ESB DUCT) AT MINIMUM STANDARD DEPTH OF COVER:

- 600mm IN CARRIAGEWAY
- 450mm IN FOOTWAY
- 750mm IN GRASS VERGE

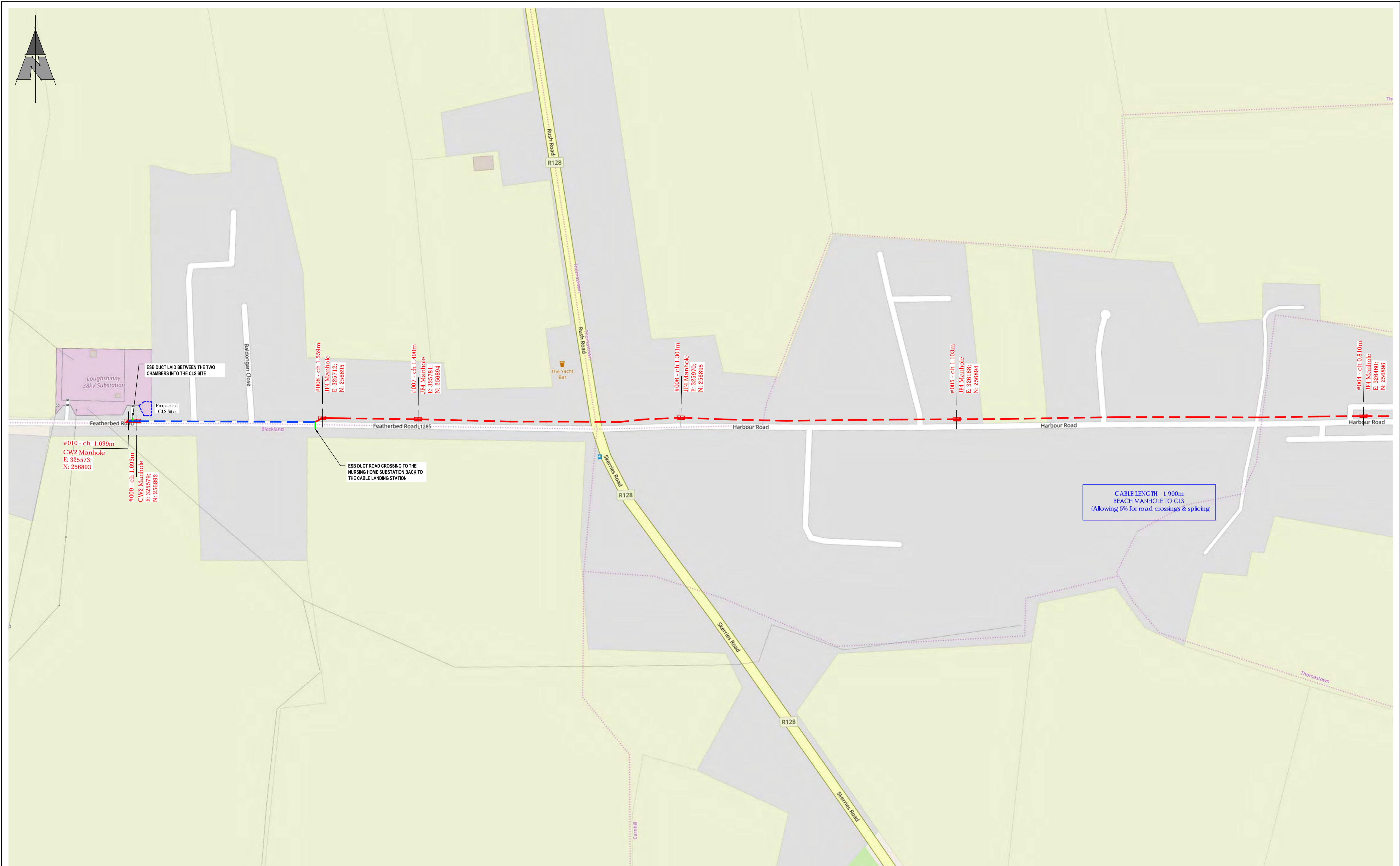
PROJECTION TO 'IRISH GRID'

Rev	Date	Drawn	Description
E	09/08/19	MMcS	Updated to As Constructed Status
D	06/06/19	MMcS	Seaward ducts added to the plans
C	08/05/19	MMcS	Route updated following completion of the trial holes
B	27/03/19	MMcS	Irish Water section of dig shown and CLS location updated
A	12/12/18	MMcS	Route changed to avoid school traffic and chamber locations amended to suit

Job	AQUACOMMS - LOUGHSHINNY BACKHAUL	Scale	1:1250 @ A1	Status	AS CONSTRUCTED
Date	30/11/2018	Drn	MMcS	Chd	GL
Drw	PROPOSED DUCT LAYOUT (SHEET 1)	Job No.	MM2172	Drawing No.	CP101
Rev					E

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- GENERAL NOTES:**
- The Contractor must ascertain the location of all underground services in the area before excavating.
 - Chamber Dimensions:
 CW2 CHAMBER – 1220 x 680mm INTERNAL
 JF4 CHAMBER – 915 x 445mm INTERNAL
- NEW CHAMBER LOCATIONS**
- 110mmØ 1 WAY FRONTHAUL DUCT
 - 110mmØ 1 WAY FRONTHAUL DUCT WITH 125mmØ ESB DUCT
 - 125mmØ ESB DUCT
 - SEAWARD DUCT

notes **DO NOT SCALE** figured dimensions only to be taken from this drawing
 THIS DRAWING IS COPYRIGHT ©

ALL DUCTS INSTALLED BY HORIZONTAL DIRECTIONAL DRILLING (APART FROM THE SECTION LAID WITH THE ESB DUCT) AT MINIMUM STANDARD DEPTH OF COVER:

- 600mm IN CARRIAGEWAY
- 450mm IN FOOTWAY
- 750mm IN GRASS VERGE

PROJECTION TO 'IRISH GRID'

Rev	Date	Drawn	Description
E	09/08/19	MMcS	Updated to As Constructed Status
D	06/06/19	MMcS	Seaward ducts added to the plans
C	08/05/19	MMcS	Route updated following completion of the trial holes
B	27/03/19	MMcS	Irish Water section of dig shown and CLS location updated
A	12/12/18	MMcS	Route changed to avoid school traffic and chamber locations amended to suit

Job	AQUACOMMS - LOUGHSHINNY BACKHAUL	Scale	1:1250 @ A1	Status	AS CONSTRUCTED
Dr	PROPOSED DUCT LAYOUT (SHEET 2)	Date	30/11/2018	Dim	MMcS
		Job No.	MM2172	Drawing No.	CP102
				Rev.	E

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 Tel: 028 9075 4090 Fax: 028 9075 4091 email: info@mm-contractors.com

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APPENDIX D

Public Notices

TOURS

TOURS

TOURS

PUBLIC NOTICES

PUBLIC NOTICES

PUBLIC NOTICES



8 DAYS · HALF BOARD

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Limone, Lake Garda, Italy

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Depart Belfast
Prices from **€915**
per person sharing

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Comhairle Cathrach na Gaillimhe
Galway City Council

FÓGRA POIBLÍ MAIDIR LE PARÁID LÁ FHÉILE PÁDRAIG 2020

Tá sé beartaithe ag Comhairle Cathrach na Gaillimhe ócáid a réachtáil de réir Chuid XVI den Acht um Pleanáil agus Forbairt 2000. Cuirfear tús leis an ócáid seo ina mbeidh taibheoirí agus flótaí ag Bóthar na hOllscoile agus críochnóidh an pharáid ag Cnoc na Radharc. Beidh an ócáid seo ar siúl idir 11.30am agus 1.00pm Dé Máirt, 17 Márta, 2020.

Meastar go mbeidh slua de thart ar 30,000 + i láthair don pharáid seo. Is féidir an moladh seo, agus an dréachtphlean atá ann do bhainistiú na hócáide, a scrúdú ag an Oifig Pleanála, Comhairle Cathrach na Gaillimhe, Bóthar an Choláiste, Gaillimh, le linn ghnáthuaireanta oifige ar feadh tréimhse 3 seachtaine ó dháta an fhoilseacháin seo. Beidh siamsaíocht teaghligh traidisiúnta ar siúl san Fhaiche Mhór roimh an bParáid agus ina diaidh ag tosú ag 10.30am agus ag críochnú faoi 5.00pm.

Is féidir aighneachtaí agus tuairimí a dhéanamh i scríbhinn chuig an Rannóg Pleanála, Comhairle Cathrach na Gaillimhe, Halla na Cathrach, Bóthar an Choláiste, Gaillimh roimh 4.00pm De hAoine, an 21 Feabhra, 2020.

Dáta: 30 Eanáir, 2020

PUBLIC NOTICE OF ST. PATRICK'S DAY PARADE 2020

Galway City Council proposes to hold an event in accordance with Part XVI of the Planning & Development Act, 2000. This event, involving performers, floats and entertainment, will commence at University Road and finish at Prospect Hill. This event will take place from 11.30am to 1.00pm on Tuesday 17th March, 2020. Traditional family entertainment will take place in Eyre Square before and after the Parade starting at 10.30am and finishing by 5.00pm.

It is anticipated that an audience of approximately 30,000 + will attend the parade. This proposal, including a draft plan for the management of the event, may be inspected at the Planning Office, Galway City Council, City Hall, College Road, Galway, during normal office hours for a period of 3 weeks from the date of publication.

Submissions and observations may be made in writing to the Planning Department, Galway City Council, City Hall, College Road, Galway on or before 4.00pm on Friday, 21st February, 2020.

Date: 30th January, 2020

PLANNING APPLICATIONS

DUN LAOGHAIRE RATHDOWN COUNTY COUNCIL Permission is sought for alterations to a previously approved scheme, Planning Register Reference: D15A/0689 at this site: Rear of 'Bryher', Stradbroke Road, Blackrock, Co. Dublin by Denis & Sandra Coughlan. The alterations will consist of: (1) A new single storey hipped roof Garage with rooflight. (2) Relocation of the existing vehicle entrance, with new piers and automated gate, provision of new pedestrian entrance and gate. (3) New curved boundary wall above 1.2m in height to boundary with Montpelier Manor. (4) Associated drainage works. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority, County Hall, Dun Laoghaire, during its public opening hours. A submission / observation may be made on payment of €20 within a period of 5 weeks from the date the application is received by the Planning Authority.

VAN REMOVALS

★ **ALL HOUSEHOLD JUNK REMOVED.** beds, sofas, kitchen appliances, garden sheds cleared. We do the loading. Full removal service:- house / office / apartments etc. Free quote ph: **087 1782441**

MISCELLANEOUS

★ **COMPANION WANTED** for elderly lady in Dublin 7, off NCR, free accommodation, nice house, quiet area. Box No. 102186

PLASTERER seeks work from building/public. Inside/outside. Work Guaranteed. **085 2257852**

PLANNING APPLICATIONS

FINGAL COUNTY COUNCIL - Further Information / Revised Plans. Reference number of the application: F19A/0545. We, EPUT Property Trust Nominees Ltd intend to apply for development at this site address: Units 230, 235 & 240 Lakeshore Drive, Airside Business Park, Swords, Co Dublin, K67XF79. The development will consist / consists of: (a) the demolition of the existing entry porch to the front of the building, (b) provide a new entry porch, (c) provide a new bike shelter to the north of the site and (d) all associated site works. Significant Further Information has been furnished to the planning authority in respect of this proposed development and is available for inspection or purchase at the offices of the authority during its public opening hours. A submission or observation in relation to the further information/revised plans may be made in writing to the planning authority within the statutory time limit of 2 weeks after the receipt of the Newspaper notice and Site Notice. A submission or observation must be accompanied by the prescribed fee, except in the case of a person or body who has already made a submission or observation.

USEFUL SERVICES

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HOLIDAY HOMES ABROAD

★ **APARTMENT FOR SALE.** 2 bed, Torrevieja, Spain, 40 mins from Airport. 15 mins from town centre & 15 mins from beach. €60K Tel **018490708**

PUBLIC NOTICES

**THE HIGH COURT
THE PROBATE OFFICE
THE PRINCIPAL
REGISTRY
IN THE ESTATE OF
MARY KATE Ó'MÁILLE,
DECEASED**

LATE OF:

19 St. Finbars Terrace, Bohermore, County Galway

TO:

The next of kin (if any) and all other persons interested in the Estate of Mary Kate Ó'Máille late of 19 St. Finbars Terrace, Bohermore in the County of Galway who died at St. Brendan's Home, Loughrea, County Galway, intestate on the 15th December 2008 aged 92 years.

TAKE NOTICE

that a citation has issued whereby you are cited to appear in the Probate Office, Four Courts, Dublin within thirty days after the publication of this notice, and accept or refuse Letters of Administration of the estate of the above-named deceased or show cause why the same should not be granted to Maria Browne, Chief State Solicitor of Osmond House, Little Ship Street in the City of Dublin as the nominee and on behalf of the State, and take notice that in default of your appearance the said administration may be granted to said Maria Browne.

Dated the 22nd February 2018

Probate Officer In the Goods of Mary Kate Ó'Máille, deceased.



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

PUBLIC NOTICE

Environment & Transportation Department Disposal of Vehicles in the Pound by Crushing

In accordance with Article 9. (2) of the Road Traffic (Removal, Storage and Disposal of Vehicles) Regulations 1983.

Notice is hereby given of Dublin City Council's intention to dispose of the following vehicles on or after **Friday 14th February 2020.**

00D101259, 06D12692, 06KK5223, 07D42344, 07D79101 Total (5)

dublincity.ie

HOLIDAY HOMES ABROAD

★ **MARBELLA, Golden Mile.** 3 bedroom apartment (sleeps 6), gated community, private parking, pool, wifi. **087 794 4054** holidayhomesdirect.ie/13523

★ **NEW YORK, YONKERS.** Large Apt, sleeps 6. 25 mins Manhattan, Irish owned, priv s/c accom. For all rates Ph: **086 409 5721 mariecaff911@gmail.com**

SPAIN

★ **OVER 50'S COSTA DEL SOL** 23 Apr, Sol Principe 7 Nts H/B 4-star. 16 May, Best Sabinal 7 nts H/B 4-star with wine. €589 inc **JOHN GALLIGAN TRAVEL (01) 207 6555 www.jgt.ie**

WATERFORD

4* **Granville Hotel** Jan/Feb 1 nt DBB for 2 €145.00 **051 305555**

PUBLIC NOTICE

APPLICATION FOR A FORESHORE LEASE/LICENSE

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 Havhingsten Telecommunication 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 Balbriggan Garda Station, Drogheda Street, Fankardstown, Balbriggan, Co. Dublin. An earlier version of this application was previously displayed between 21st August and 27th September 2019.

The documentation is also available on the Department's website

<https://www.housing.gov.ie/planning/foreshore/applications/celtix-connect-havhingsten-telecommunication-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 (quoting ref: FS006915), to the Marine Planning Policy and Development Section, Department of Housing, Planning and Local Government, Newtown Road, Wexford, Co. Wexford or foreshore@housing.gov.ie. 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 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 30th January 2020

Celtix Connect Ltd., 51-54 Pearse Street, Dublin 2, D02 KA66

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PLANNING DUBLIN

Dun Laoghaire Rathdown County Council

Permission is sought for the widening of the vehicular entrance and the relocation and reconstruction of pillars at 28 Foxrock Mount, Foxrock, Co. Dublin by Merlyn Reed. The planning application may be inspected or purchased for a fee not exceeding the reasonable cost of making a copy, at the offices of the Planning Authority, Marine Road, Dún Laoghaire, Co. Dublin, during its public opening hours of Monday to Friday from 10am - 4pm. A submission or observation in relation to the application may be made in writing to the Planning Authority, on payment of a fee of €20 within 5 weeks of receipt of the application by the Planning Authority and such submissions or observations will be considered by the Planning Authority in making a decision on the application.

PLANNING DUBLIN

Fingal County Council

I, Dorinda Harding intend to apply for planning permission for development at this site 57 Grace O'Malley Road, Howth, Co. Dublin, D13 F991. Development will consist of demolishing the existing roof to the ground floor extension to the rear of the existing house and adding a ground floor extension the full width of the existing house and a proposed first floor extension also at the rear of the existing house and a proposed new dormer roof to the rear of the existing house roof and all ancillary works. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during the public opening hours of (9.30a.m.- 16.30p.m.) Monday to Friday at Fingal County Council, Fingal County Hall, Main Street, Swords, Fingal, Co. Dublin. A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee (€20.00) within the period of 5 weeks beginning on the date of receipt by Fingal County Council of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions or may refuse to grant permission.

PLANNING DUBLIN

Dublin City Council

Planning permission sought by Patricia Dwyer of 26 Clancarthy Road, Dublin 5, D05P768, for the construction of a single storey timber framed, residential build to the rear of the existing 2 bed semi detached property and associated site works. The rendered build measures 6m x 11m with a ridge height of 2.925m. Development consists of 2 bedrooms, kitchen/living area and bathroom, entrance is gained through the existing side entrance with parking for two cars. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of Dublin City Council during its public opening hours and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application.

PLANNING DUBLIN

Dublin City Council.

I Aodhán Ó Deá, intend to apply for planning permission for development at 9 Gairdíní Vernon, Cluain Tarbh, Baile Átha Cliath 3. The development will consist of the widening of existing entrance to provide vehicular access, pavement dishing and associated site works to the front of 9 Gairdíní Vernon. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of dublin city council during its public opening hours and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application.

PLANNING DUBLIN

FINGAL COUNTY COUNCIL

Loughglynn Developments Limited intend to apply for planning permission for revisions to previously permitted development Reg. Ref. F16A/0535, located at Beresford, Donabate, Co. Dublin. The proposed revisions to the permitted layout comprise of the following; a) Omission of 6 no. Duplex units and provision of 2 no. 4 bed houses and 2 no. 3 bed Houses. b) Minor revisions to the adjacent road and cycleway layout. c) Revisions to the parking provision and configuration and to the semi-private open space and relocation of the bin/cycle store that serve the approved apartment block d) Minor revisions to the paly area that serves the approved crèche unit. Located on a site bounded to the north and east by Beaverstown Golf Club, to the south by Beresford residential development and to the west by Turvey Golf Club lands at Turvey Ave, Donabate, Co. Dublin. The Planning Application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the Planning Authority during the public opening hours of 9.30 - 16.30 Monday - Friday at: Fingal County Council, Fingal County Hall, Main Street, Swords, Fingal, Co. Dublin (to inspect Planning Applications on all lands except those lands to the west of the N2).

PLANNING DUBLIN

Fingal County Council

Planning permission is sought by Marron Estates Ltd. on lands south of Knocksedan Demesne, Naul Road, Brackenstown, Swords, Co. Dublin for alterations to previously approved Reg. Ref. F06A/0347 (as extended under Reg. Refs. F06A/0347/E1 and F06A/0347/E2). The development will consist of: (i) change of House Types at "Belvedere Green" to provide 14 no. semi-detached three-bedroom houses with photovoltaic panels on roof slopes (with additional option for rooflights and en-suite bedroom within the attic level roof space) and 1 no. detached three-bedroom house with photovoltaic panels on front roof slopes (with additional option for rooflights and en-suite bedroom within the attic level roof space). (ii) change of House Types at "Belvedere Avenue" and "Belvedere Way" to provide 18 no. semi-detached four-bedroom houses with photovoltaic panels on front roof slopes (with additional option for rooflights and en-suite bedroom within the attic level roof space) and 3 no. detached four-bedroom house with photovoltaic panels on front roof slopes (with additional option for rooflights and en-suite bedroom within the attic level roof space); and, (iii) all associated landscaping and ancillary site works necessary to facilitate the development. The proposed development will result in an increase of 6 no. units from the previously permitted 30 no. units originally permitted within this application area under parent permission Reg. Ref. F06A/0347 (as extended under Reg. Refs. F06A/0347/E1 and F06A/0347/E2) to 36 no. units. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the planning authority during its public opening hours and a submission or observation may be made to the authority in writing on payment of the prescribed fee (€20) within the period of 5 weeks beginning on the date of receipt by the authority of this application.

Social Butterfly?



Email your photos of
your Big Night Out

to

news@dublinpeople.com

PUBLIC NOTICE APPLICATION FOR A FORESHORE 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 for Housing, Planning and Local Government for a licence under 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 30 calendar days, free of charge, at Balbriggan Garda Station, Drogheda Street, Tankardstown, Balbriggan, Co. Dublin. An earlier version of this application was previously displayed between 21 August and 27 September 2019.

The documentation is available on the Department's website:

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

Any person who wishes to make an objection to, or a representation in respect of the grant of the licence sought should do so in writing, giving reasons, within 30 calendar days of first publication of this Notice (advertised in this newspaper on 29 January 2020) (quoting ref: FS006915), to the Marine Planning, Policy and Development Section, Department of Housing, Planning and Local Government, Newtown Road, Wexford, Y35 AP90 or foreshore@housing.gov.ie.

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:

<https://www.housing.gov.ie/planning/foreshore/public-participation-foreshore-consent-process>

Please be aware that this notice, as advertised on 29 January 2020, contained an error with regard to the closing date for submissions. Please note that the closing date for submissions is close of business 29 February 2020.

Dated this 5th day of February 2020

Celtix Connect Ltd., 51-54 Pearse Street, Dublin 2, D02 KA66

PLANNING DUBLIN

Fingal County Council

I Angela Malone am applying to Fingal County Council for full planning permission for extension & alterations to my existing dwelling to include; conversion of attached garage to study, erection of an 11sqm first floor extension over the existing garage, removal of existing chimney stacks and elevational changes to the existing dwelling together with all associated and ancillary site works @ 39 St. Margaret's Road, Malahide, Co. Dublin, K36 D292. The planning application may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of Fingal County Council, County Hall, Main Street, Swords, Dublin, K67 X8Y2 during its public opening hours of Monday to Friday from 9:30am to 4:30pm., and may also be viewed on the Council's website - www.fingal.ie. A submission or observation in relation to the application may be made in writing to the Planning Authority on payment of a fee of €20 within 5 weeks, beginning on the date of receipt by Fingal County Council, and such submissions or observations will be considered by the Planning Authority in making a decision on the application. The Planning Authority may grant permission subject to or without conditions or may refuse to grant permission.

PLANNING DUBLIN

Dublin City Council

I James O'Keeffe intend to apply for Permission to create vehicular access to the front of property with kerb dishing to facilitate off street parking at 12 Santry Villas, Dublin 9. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of Dublin City Council during its public opening hours and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application.



Talk to
Dublin...
Talk to
us!



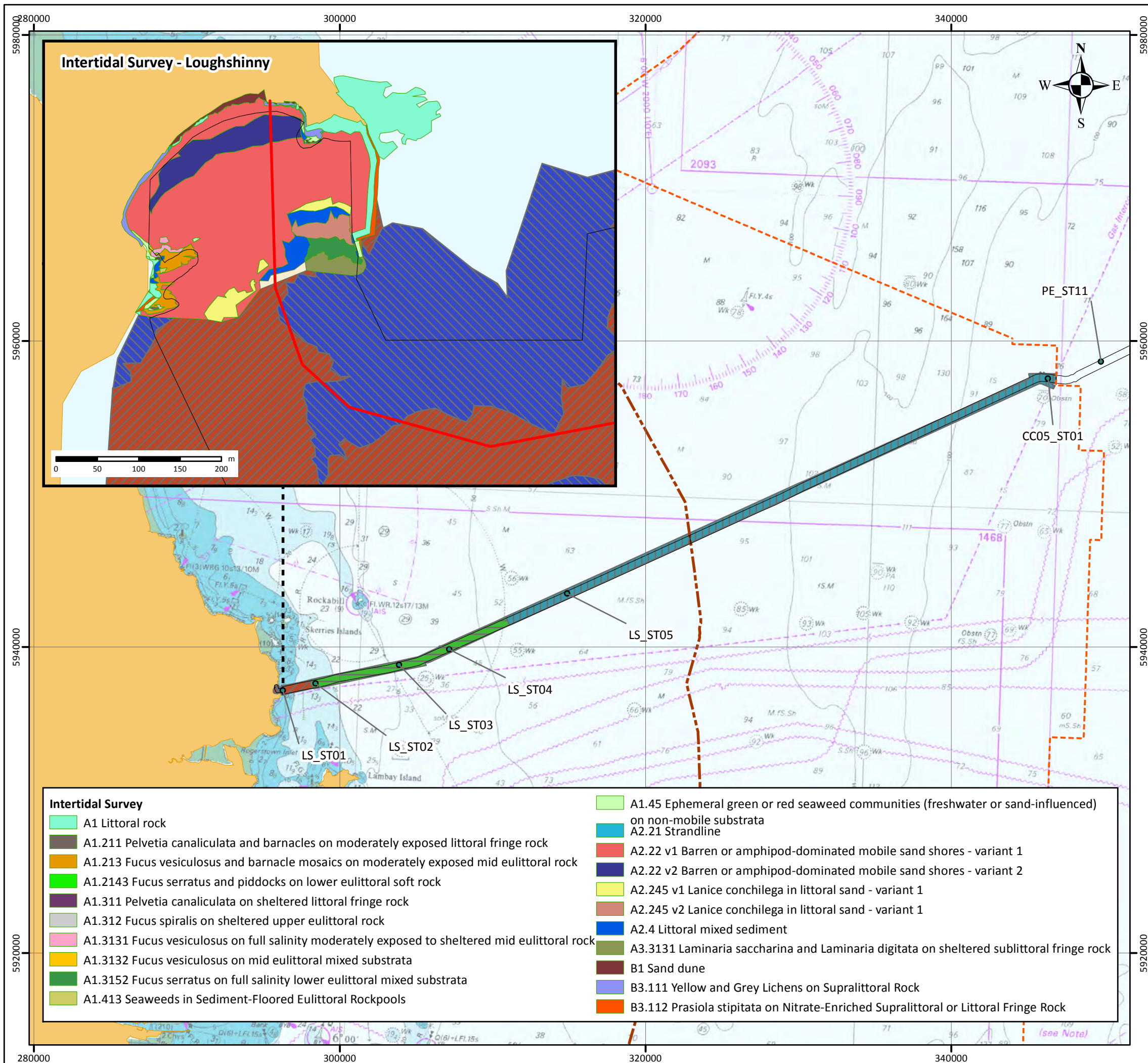
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APPENDIX E

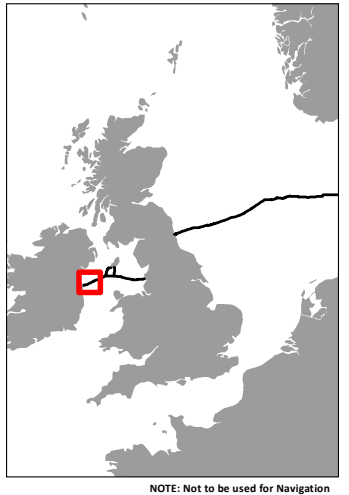
Biotope Map



HAVHINGSTEN TELECOMMUNICATIONS CABLE BENTHIC HABITATS ROI Route Survey Data

Drawing No: P2228-HAB-008 B

- Legend**
- Havhingsten Cable Route
 - Application Corridor
 - Median Line
 - 12nm Territorial Sea Limit
- Offshore Survey**
- Grab Sample Location
 - A4.21 Echinoderms and Crustose Communities on Circalittoral Rock
 - A5.26 Circalittoral Muddy Sand
 - A5.261 Abra alba and Nucula Nitidosa in Circalittoral Muddy Sand or Slightly Mixed Sediment
 - A5.351 Amphiuira filiformis, Kurtiella bidentata and Abra nitida in Circalittoral Sandy Mud



NOTE: Not to be used for Navigation

- Intertidal Survey**
- | | |
|---|---|
| <ul style="list-style-type: none"> A1 Littoral rock A1.211 Pelvetia canaliculata and barnacles on moderately exposed littoral fringe rock A1.213 Fucus vesiculosus and barnacle mosaics on moderately exposed mid eu littoral rock A1.2143 Fucus serratus and piddocks on lower eu littoral soft rock A1.311 Pelvetia canaliculata on sheltered littoral fringe rock A1.312 Fucus spiralis on sheltered upper eu littoral rock A1.3131 Fucus vesiculosus on full salinity moderately exposed to sheltered mid eu littoral rock A1.3132 Fucus vesiculosus on mid eu littoral mixed substrata A1.3152 Fucus serratus on full salinity lower eu littoral mixed substrata A1.413 Seaweeds in Sediment-Floored Eu littoral Rockpools | <ul style="list-style-type: none"> A1.45 Ephemeral green or red seaweed communities (freshwater or sand-influenced) on non-mobile substrata A2.21 Strandline A2.22 v1 Barren or amphipod-dominated mobile sand shores - variant 1 A2.22 v2 Barren or amphipod-dominated mobile sand shores - variant 2 A2.245 v1 Lanice conchilega in littoral sand - variant 1 A2.245 v2 Lanice conchilega in littoral sand - variant 1 A2.4 Littoral mixed sediment A3.3131 Laminaria saccharina and Laminaria digitata on sheltered sublittoral fringe rock B1 Sand dune B3.111 Yellow and Grey Lichens on Supralittoral Rock B3.112 Prasiola stipitata on Nitrate-Enriched Supralittoral or Littoral Fringe Rock |
|---|---|

Date	Tuesday, August 13, 2019 15:20:54
Projection	WGS_1984_UTM_Zone_30N
Spheroid	WGS_1984
Datum	D_WGS_1984
Data Source	UKHO; CDA; GEBCO; Fugro; MarineFind; ASN
File Reference	J:\P2228\Mxd\05_HAB\ P2228-HAB-008.mxd
Created By	Chris Goode
Reviewed By	Chris Carroll
Approved By	Paula Daghish

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APPENDIX F

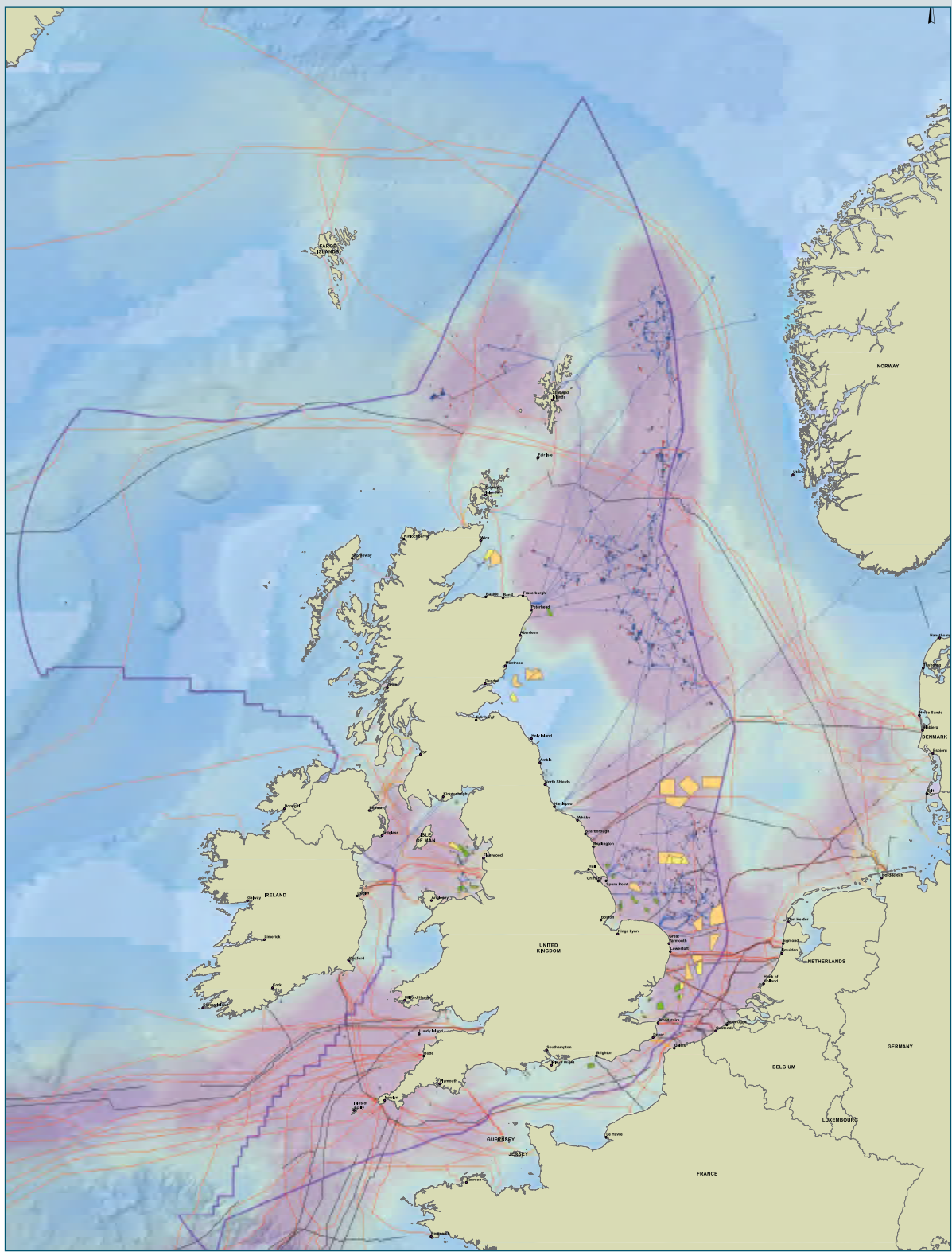
Changes / Updates to application documents

Planning Report Ref: P2228_R4693_Rev4	
Section 2.11	Table 2-7 Table moved to this section
Section 3.1	Strengthened section 3.1.1 paragraph 2
	Strengthened section 3.1.2 paragraph 3
Section 3.2.2	Strengthened paragraph 3 and 4
	Updated Table 3-3 – changed colours & added columns
Section 4.1.1	Table 4.1 – updated table – changed colours & added columns
Section 5	Changed title
	Updated Table 5-1 – changed colours & added columns
Section 6	Added short section
Section 7	Added conclusion Section and summary Table 7-1
Planning Report Ref: P2228_R4693_Rev5	
Through the document	Reverted the appendix numbering as in the initial submission as requested by FU on 5/12/19 and up-revved document.
Stage 1 Screening for Appropriate Assessment: P2228_R4694_Rev4	
Table 3.1	Updated Table 3-1
	Added clarification on mitigation measures
Section 5.4.3.1	Strengthened the assessment
Stage 1 Screening for Appropriate Assessment: P2228_R4694_Rev5	
Table 3-1	Removed table 3-1 to keep document structure the same as initial submission - per FU request on 05/12/19 and up revved document
Appendix A: Environmental Assessment Methodology	Updated to reflect assessment process used
Appendix G: Underwater Noise Assessment	Removed all references to survey activities as none will be undertaken within the proposed activities.
Appendix J: Pre-application Consultation	Addition of Public comment responses form first round of public consultation undertaken between 21/08/19 and 27/09/19

APPENDIX G

Section 6 Introduction-to-Subsea-Cable-Brochure- 14.06.19

An Introduction to 
Subsea Cables
 **around the UK**
and North Western Europe



RENEWABLE ENERGY	OIL & GAS	SUBSEA CABLES	ADDITIONAL INFORMATION
<ul style="list-style-type: none"> ■ Windfarm (Operational) ■ Wind Farm (Under Construction) ■ Wind Farm (Proposed/Consented) — Wind Farm Power Cable 	<ul style="list-style-type: none"> ■ Suspended Wells ■ Subsurface Structures Oil & Gas ■ Surface Structures Oil & Gas — Oil & Gas Pipeline 	<ul style="list-style-type: none"> — Subsea Telecomms Cable — Subsea Power Cable - - - Out of Use Cable - - - ESCA Non Members Cable 	<ul style="list-style-type: none"> UK Exclusive Economic Zone Asset Density High Asset Density Low

Production Information
 Date: January 2018
 Projection: WGS 1984 World Meridian
 Spheroid: GCS WGS 1984
 Datum: WGS 1984
 Scale: 1:4,000,000

This product and all associated data is issued as a guide only. Seafish, cable/structure owners and distributors accept no responsibility for any inaccuracies however caused. Please be aware that other structures & cables may exist in addition to those shown on this chart. All data supplied by IIS-ORCA & FishSAFE projects.
 Please see www.iis-orca.eu / www.fishsafe.eu

1. Introduction

This document has been prepared to give an introduction to the subsea cable sector around the UK and North Western Europe and to highlight work in recent years that supports both existing and future projects. It is targeted at anyone who has an interest in subsea cables or wants to gain a better understanding of the industry.

The document provides an overview of the subsea cable industry by setting out information on the technology being used and the importance of the industry to the economy. In addition, the document sets out our growing understanding of the environmental impacts of cable activity on the seabed and the importance of working with others to ensure that the cable industry contributes to good management of the seabed and the marine environment. To this end the European Subsea Cables Association (ESCA) works closely with regulators and stakeholders to support the continued development of marine policy, spatial planning and the practical implementation of legislation that licenses activities in the marine environment to ensure effective solutions for both the industry and the environment.

The aim of this document is not to be exhaustive in the information it contains, but to provide a background and then point the reader to those sources that give further detail and information.

There are two basic categories of cable and a brief description of each is given below.

1.1. Telecommunication cables

The first international submarine cable, a copper-based telegraph cable, was laid across the English Channel between the United Kingdom and France in 1850 and since then, the submarine telecommunications industry has been connecting countries and continents around the world. Since the introduction of millisecond communication in the 1940s with telephone connections, the development of fibre optics in the late 1980s has enabled the volume of traffic along cables to rise by orders of magnitude since then. It has been calculated that the capacity of a single transatlantic cable has increased by a factor of 100,000 in 25 years (1). What this all means is that telephone conversations, the Internet, emails and television are all reliant on subsea cables so that 97% of the world's

communications are now transported around the world via fibre optic submarine cables.

Access to the Internet worldwide is increasing and the demand for internet capacity is increasing at a rate of about 40% per year (1), as is the number of devices that people own that have Internet access, such as smart phones and laptops. Facebook, Netflix, Google, iTunes and email are part of everyday life and all require subsea cables. There is, therefore, an increasing need to meet the demand for more and better data movement, so that while cables are becoming increasingly effective at carrying information, there is still a need for more cables to meet the needs of the modern world. ESCA estimates that we may reach capacity in 5 to 8 years after which time more cables will be an absolute necessity (2).

Submarine Telecoms Cable structure

Since 1986, submarine telecommunication cables have been made using fibre optics, which are strands of glass not much thicker than hair. Data can be transmitted along these strands at the 2/3rds the speed of light and over hundreds of kilometres without interference.

Each fibre optic strand is capable of carrying vast amounts of information. The latest technology could potentially provide 12-24 Terabits down just one fibre optic pair; the equivalent of 375 million simultaneous telephone calls. The number of fibre optic pairs in a cable varies, usually dependant on length, from around 2 - 16 for a Trans-Atlantic cable, but up to 200 for a cable across to Europe (2).

In addition to fibres, submarine cables require a power path (needed to carry power to signal boosting equipment), insulation and protection, consisting of either a metallic screen with additional polythene layer or varying combinations of steel armour wires, depending on location and how the cable is laid on the

sea floor. Armouring is particularly important in inshore areas where there are dangers from damage by anchor drag from shipping and trawl fishing equipment (2).

Common types of Submarine Telecommunications Cables



LW = Light Weight

LWP = Light Weight Protected

SA = Single Armour

DA = Double Armour

1.2. Power cables

Power cables provide electrical energy transmission between two points, e.g. local and regional distribution, grid transmission and for export of power from offshore generation developments such as wind farms. Subsea power transmission is typically medium or high Voltage and either alternating or direct current (AC or DC respectively).

Cable design and insulation medium can vary with technology and includes, oil filled, mass impregnated paper insulation or with synthetic materials, e.g. XLPE

and may be single or double armoured with external steel wire armouring.

The first submarine cable to carry electricity was laid across the Isar River in Bavaria in 1811. Since then they have evolved significantly and developments in technology and design have allowed them to be of ever increasing capacity and length. The importance of submarine power cables has also increased enormously in recent years with the huge growth of offshore renewable energy and, in particular, wind turbines.

Interconnector cables are increasingly being laid to move energy freely throughout Europe, thereby ensuring security of supply (2). Being able to share energy between countries reduces the frequency and severity of high price spikes and smoothes supply and demand timelines.

Submarine power cables can be anything from 60mm to over 200mm in diameter and can be High Voltage AC (Alternating Current) or High Voltage DC (Direct Current). The selection criteria for which type of cable to use is heavily dependent on the route length, voltage, transmission capacity and Grid synchronisation.

A very useful source of reference material is available Cigre (3).

2. Subsea cables and the economy

Both telecommunications and power cables play an increasingly important role in modern living and the value of the subsea cables sector is clearly growing rapidly as a response to this.

2.1. Telecommunications cables

While discussion about the future is speculative, it is clear that Internet traffic will continue to increase and that capacity is needed to ensure that data moves efficiently and rapidly (3). A recent report by Huddersfield University values the contribution of telecommunications subsea cables to the UK economy at £62.8 billion (4) and cites many sources which demonstrate that the value of the internet is growing rapidly as the importance of the Internet to economic growth and business development grows. It is important to note, however, that the Internet and digital economy is wide ranging and growing at an enormous rate which is difficult to measure accurately.



Example of a HV DC bi-pole cable featuring copper core, XLPE insulator, semiconducting screen and concentric copper return conductors

An example of the growing importance of the need for speed was given in a report by Information Week Magazine which advised that in the world of Algorithmic Stock Trading, a 1 millisecond advantage in speed over a submarine cable from New York to London can be worth £100 million a year to major brokerage companies (4). This is, however, only a small aspect of the capacity of cables and the majority of traffic is unable to detect such minute differences, but what is absolutely clear is that none of this internet traffic would occur without subsea cables and that growth in all these areas is driving the need for new international subsea cables.

In a similar vein, and to stress the importance of the UK subsea cable sector, the Financial Times reported that financial institutions are dependent on subsea cables and that moving financial centres away from London would require huge investment by other countries to match the facilities that already exist in the UK (5).

2.2. Power cables: export cables from offshore energy and interconnectors

The subsea cables industry is critical to the transmission of power from offshore renewable energy

projects as well as creating a more globalised energy sector as seabed power interconnector systems can transmit electricity between countries.

Interconnector cable systems enable secure and affordable supply of energy between countries. They improve sustainability, by providing a means to pass surplus energy between countries when too much is generated at once to be used domestically, and should therefore make a significant contribution to forging a lower carbon economy both in the UK and Europe (6). Great Britain has 5 interconnectors in operation to Ireland, Northern Ireland, France, The Netherlands and Belgium. A new electricity interconnector that will link Great Britain and Belgium is currently being installed. Links between Great Britain and Norway and Great Britain and France have commenced installation in 2018 to add to those interconnector projects that are currently in the development stages between Great Britain and France, Germany and Denmark.

Demand for more interconnected UK and European energy is driven by European energy and environmental policy. The European Union 2030 climate and energy framework (6) refers to Member States achieving 10% interconnection by 2020 and aiming for 15% by 2030.

A preliminary estimate of the economic value of the UK electricity subsea cables industry to the UK energy sector is given as £2.8 billion pa (4), but this figure will grow as both the interconnector and export cable markets expand. For example, a report (7) on the development of offshore renewable energy published in 2013 advised that the UK economy could gain £6.7bn per year and 150,000 jobs by 2020. A more recent document prepared by The Crown Estate (8) suggests that there will be double-digit growth at least until 2020. The UK continues to be the most attractive place to invest in offshore wind globally and it is estimated that offshore wind will provide 10% of the UK's electricity demand by 2020.

3. Marine Planning and Policies – Good Practice Engagement

The National Marine Policy Statement is the framework for preparing marine plans and taking decisions affecting the marine environment (9). Provision of national and regional marine plans became a statutory obligation under the Marine and Coastal Access Act, 2009.



The importance of subsea cables has led to a fully integrated link with marine planning, policy development and implementation which has been achieved through active involvement by the subsea cables industry in the development of both marine policy and plans.

3.1. The UK Marine Policy Statement

The Marine Policy Statement (MPS) (9) sets out the broad framework and policies for delivering sustainable development in the marine environment and, as such, provides significant direction for the development of individual marine plans in all the Devolved Administrations.

The MPS recognises that...

“Submarine cables are part of the backbone of the world’s power, information and international telecommunications infrastructure, and socially and economically crucial to the UK.”

It also recognises that...

“Impacts from cable installations on the sea bed are low and spatially minor” and tend to occur only “due to the physical disturbance involved during placement.”

At the same time as setting the context in terms of the importance of the subsea cables sector and the typically low levels of environmental impacts that result from installation and operation, the MPS also provides

an overview of where key impacts may occur to help focus considerations in production of marine plans and licensing decisions. It suggests that cable laying could cause impacts:

- On the marine environment; for example, where cable protection, rock armour or concrete mattresses are required and potentially in the intertidal areas where the cables are brought ashore.
- If the cable runs through any site designated as being of national or international importance for cultural heritage or nature conservation or other sensitive areas such as designated shell fish sites and spawning or nursery ground for economically important fish species. Other potential impacts could include disturbance to known or undiscovered archaeological sites.

The MPS goes on to state...

“The importance of telecommunication and power cabling as vital infrastructure for the domestic and global economy should be recognised in Marine Plans and for integrating across marine plan boundaries.”

In support of this importance, the MPS also notes that the continued development, operation and maintenance of cables is vital. Working with others to ensure that this is the case is something that the cable industry has emphasised when working with relevant agencies during the development of Marine Plans.

3.2. Marine Plans

Marine planning in the UK is a statutory requirement managed by Department for Environment, Food and Rural Affairs (Defra (10)), and states that Marine Plans should set out priorities and direction for future development within a plan area and influence sustainable use of marine resources as well as help marine users understand the best locations for their activities, including where new developments may be appropriate. Marine plans should also guide those who regulate the marine environment to assist them in delivering sustainable development by ensuring that social and economic aspects are considered in addition to environmental aspects when administering licence applications.

Based on the MPS, Marine Plans need to acknowledge that while cables are often buried below the sea bed to protect them from damage from trawling and anchors, given the increased activity in the UK marine area, there is a risk that the number of incidents may increase. The MPS suggests that

“Through the marine planning process, marine plan authorities should help facilitate the co-ordination of marine activities, a better understanding among relevant industries and the communication of guidelines to ensure both the safety of these installations and safe access to them for maintenance purposes.”

Marine Planning in England, Wales, Scotland and Northern Ireland aims to:

- Ensure multiple benefits from the marine environment – understanding opportunities for co- location of activities and uses of the marine environment so that we can maximise “win- wins”.
- Optimise opportunities for the sustainable exploitation of all sectors, particularly those with substantial room for growth including coastal tourism, aquaculture and renewable energy.
- Take practical opportunities to secure ecosystem recovery to support resilience whilst enabling the sustainable exploitation of natural resources within limits.
- Focus more on providing benefits to society, but particularly for coastal communities, from the marine environment.

This advice goes further as increasingly developers will need to show that their proposals are in accordance with Marine Plans and that in doing so they should:

- Engage early across and between relevant stakeholders;
- Apply the general cross-cutting and sector-specific policies set out in Marine Plans to guide proposals;
- Consider the potential beneficial and adverse impacts of their proposed activity on the economy, society and the environment;
- Minimise adverse effects and maximise opportunities for coexistence and securing multiple benefits;
- Consider relevant sectoral marine planning and contribute to strategic sectoral planning initiatives;
- Supply the information required for the relevant public authorities to assess their proposal(s)
- Ensure that evidence provided is sound and proportionate given the development in question and its associated risks; and
- Support filling evidence gaps by gathering and sharing evidence on the impact of developments



Marine plans, with bespoke policies for subsea cables for the whole of the UK should be in place by 2021, after which developers will always need to refer to Marine Plans when planning new work. This is important as Section 58 of the Marine and Coastal Access Act states that a public authority must make any authorisation and enforcement decision in accordance with the appropriate marine policy document and how this legislation relates to marine plan policies from an applicant's perspective.

Marine Plans in England are all complete or in production. There are currently single plans being developed for Wales and Northern Ireland and the Scotland Plan is complete, although consideration is being given to Regional plans to support the main plan. Consequently, there will be differences in the way that Marine Plans are drafted in the UK and what they say. It is therefore important that promoters wishing to lay cables are aware of the status of the local Marine Plan and the policies that relate specifically to cables and other areas that may relate to cables, such as environmental protection. ESCA continues to engage in the development of marine plans to ensure consistent consideration of subsea cable projects and will continue to work with planners in monitoring and reviewing plans in the future.

In terms of the status of Marine Plans in Mainland European countries, good progress is being made in The Netherlands, Germany, Ireland, Spain, Portugal and France and this is expected to continue.

4. Brief technical description of cable operations

The design and operation of subsea cables is technical and significant expertise is required in the design, construction installation, operation and maintenance of all subsea cables. This document cannot aim to cover the information regarding technical aspects of subsea cables, but a wealth of guidance and information exists in a range of technical guidelines for ESCA members and covers everything from design to decommissioning (see Appendix 1).

Generally telecommunication submarine cables are no larger than 60mm diameter, although submarine power cables can be anything from 70mm to 210mm in diameter and can be AC or High Voltage AC (Alternating Current) and High Voltage DC (Direct Current). The selection criteria for which type of power cable to use is heavily dependent on the route length, voltage, transmission capacity and Grid synchronisation. Typically for a route length less than 80km, AC would be the most economical system as it is the cheaper technology, but it is limited by the distance it can go. Longer distances have to be undertaken using DC technology and the use of higher system Voltages is also being introduced to extend cable reach even further. AC cables are “three phase” cables, and are

laid either as a bundle in a three core formation, or as three separate cables. The configuration of DC cables is dependent on the DC system. There are two main types: mono-pole and bi-pole. Generally speaking they consist of two conductors, either laid separately, bundled together or in a co-axial arrangement. More information on power cables can be found in Worzyck (3).

5. Subsea Cable law

Subsea cable law is complex and defined by a range of legislation and regulation, both domestic and international. In 2016 ESCA commissioned Winckworth Sherwood LLP to produce an overview of the law relating to subsea cables to help ensure both project developers, regulators and other stakeholders are able to work from a common understanding of the legislation. This document (11) is available on the ESCA website by request or through membership of ESCA. The document comprises a number of chapters which breakdown the law into discrete areas covering UK and relevant International and EU law.

Different aspects of law relate to different statutory locations, such as coastal, 0nm to 12nm, up to territorial limits and the open sea and the report clarifies where and how the law applies to these different areas. The report also recognises that there are still ‘grey’ areas where the law is unclear and it provides pragmatic advice on how these can be addressed and emphasises that it is essential to work with regulators to achieve this.

The document also includes useful summaries and flow diagrams to assist in showing the reader where the law applies from 0nm to 12nm and from 12nm to 200nm out to sea.

In summary, the principle regulations of the subsea cable industry in the UK and the issue of marine licences under which it operates is prescribed by the following legislation and regulations:

The Marine and Coastal Access Act 2009; and Marine Works (EIA) Regulations 2007 (as amended).

These can be viewed at the following link:

<http://www.legislation.gov.uk/uksi/2007/1518/contents/made> (12)

Since the enactment of the Marine and Coastal Access Act, there has been some confusion over how the law

should be applied, partly as a result of the varying nature of the laws representing both international and domestic obligations, but also over interpretation of the wording of the legislation. The Winckworth Sherwood report summarises the legal position and this has recently been accompanied by the drafting of a desk note by the Marine Management Organisation which governs marine licensing in England. This was drafted in conjunction with ESCA and clarifies many of the issues that have been raised over the years concerning the laying and repair of cables. Normally these desk notes are internal guidance for MMO staff, but the MMO have made this note available as a public document so that there is a consistent basis for planning work for both the cable industry and MMO. The desk note is available on the ESCA website (13) as a public document and it is recommended that anyone interested in applying for a licence for cable activity should read this and the Winckworth Sherwood report. Although the MMO note technically only applies to England, it provides valuable guidance for any UK activity.

In addition to the above guidance, Solent Forum has also produced a very useful practical guide to the consenting process which is available on:

http://www.solentforum.org/publications/key_publications/coastal_consents_guide (14)

This provides very useful guidance on where consent may be needed for work, information on designated conservation sites, information on planning and a directory of useful contact points.

6. The environmental impact of cable activity

It is increasingly recognized by regulatory bodies that cables can be laid on the surface of the seabed or buried, dependent on which is preferred by the operator. Burial of cables for physical protection is important where there is a risk of damage by external factors such as anchor impacts or entanglement with fishing gear, but the process does cause some disturbance to the seabed during installation operations. Laying cables directly on the surface may be perceived to have a reduced impact during laying operations but can be considered as creating environmental impacts through the development of non-native habitats which may lead to the introduction of species non-native to the area.

Whichever course of action is taken, assessment of the potential environmental impacts of laying the cable is essential in the licensing process. The Winckworth Sherwood report (11) examines the legal requirements in great detail as the right to lay cables is enshrined in marine law (principally UNCLOS), but the principles of Environmental Impact Assessment are largely universal.

EIA is the assessment of the environmental consequences (positive and negative) of a plan, policy, programme, or project that might cause significant environmental damage before any decision is made on whether to allow the proposal to proceed. In relation to subsea cables, it is undertaken mostly at assessment of individual proposed cable routes, but of course may be linked to offshore wind development and the export of power cables from the offshore array to shore.





It should, however, be stressed that in many instances EIA under the EIA Directive is not obligatory for cable laying (see 11), but it is increasingly recognised that undertaking some form of voluntary Environmental Assessment should be of considerable value to the developer in making applications to regulatory bodies and in speeding up the process of gaining consent.

ec.europa.eu/environment/eia/eia-legalcontext.htm
(15)

Much has been written about the potential environmental impacts of cable laying and although there is an increasing amount of evidence to assist the assessment process. Some of the earlier guidance is based on the application of the precautionary principle; such as the OSPAR Best Environmental Practice (16). This guidance still applies in OSPAR waters, but the increasing amount of evidence which demonstrates that cables can have a relatively benign impact on the marine environment has led to a recognition that the OSPAR guidance must be updated in 2020/1 when OSPAR undertakes its Quality Status Review and that, as a consequence there will be less reason to apply the precautionary principle if objective evidence is available on environmental impact.

There are two important developments that are assisting the process of helping to clarify the impact that cable activities have on the sea bed. The first of these is a very useful summary of the literature which has been prepared on objective studies into the impacts on the environment by Carter (17) and the second is the work that Natural England have carried out to provide conservation advice on cable activities based on their own studies of the literature available (18).

In summary, the outcome of this work is that there is increasing evidence that impacts are short term and that the long-term impacts created by electromagnetic disturbance and heat loss are typically negligible. Natural England's conservation advice is a very comprehensive on-line system that allows a developer to scope activities in relation to the conservation features of a designated site. The system will also determine whether these interactions should be considered as insignificant or whether they should be studied further as part of environmental assessment. Natural England are hopeful of developing this work further to provide an on line tool which would assist developers even further in this approach.

It is important to note that the information above is specifically related to cable laying and burial, but in some cases, particularly for power cables, it can be necessary to pre-sweep or dredge the crests of sandwaves or areas of mobile sediment to protect the cables from exposure from sediment mobility. It should be noted, however, that the work undertaken to define pre-sweeping quantities should aim for a minimum impact to balance the need for cable protection, noting that in areas of high seabed mobility the protection of cable, environmental impact and requirement for periodical remedial maintenance work need careful evaluation and although it has the benefit of laying cables in deeper channels to avoid movement and possible damage from anchors and trawl equipment, it may have a greater environmental impact. The reasoning behind this approach is that if a cable becomes exposed it can be at risk from instability in a dynamic environment or contact damage from third party activities. As power cables are often greater in diameter and, as a consequence, less flexible than telecommunications cables it can be problematic to route cables around areas of sediment mobility or through troughs between sandwaves and therefore sometimes pre-sweeping is the only feasible option, particularly in areas of the seabed where routing is constrained by other seabed users.

Such work requires environmental assessment and assessment of options for disposal of the material requires significant amounts of seabed material to be moved while the cable is laid. ESCA and the regulatory bodies are currently looking at this issue with the aim of preparing a best practice approach. It should be emphasised, however, that this practice is currently not standard to the industry and may well require separate consenting.

7. Co-existence

Cables are at risk from natural phenomena such as earthquake which can cause serious rupturing, but the more likely risk in UK waters is damage from benthic trawl fishing gear and anchor impacts from shipping. ESCA works closely with Seafish to provide information to fishing vessels on the location of cables and although ESCA pays for this work the information is supplied by Kis-Orca free of charge to encourage skippers to avoid cables or lift gear while passing over the area where cables are known to be laid. Even though cables are only buried where the developer feels this is required and appropriate, the industry still strongly supports moves to prevent fishing over cables whether or not they are buried and it is increasingly hoped that regulatory and planning authorities will make this part of good marine management.

A good introduction to Kis-Orca and further details about the Kis-Orca charts showing the location of cables is given in the news section of the ESCA website (2).

While planning cable routes it is also essential to look for other activities along potential routes and for other users to be notified of possible cable activity. A good example of the working practices which have been developed is the ESCA/BMAPA proximity guideline which was developed between the cable sector and marine aggregates and is also available on the ESCA website (2).

8. Liaison and communication

All the above makes it clear that liaison and communication with regulators and other sea users is critical to good cable operations and activities and it is recommended that this takes place from the outset and before routes are determined.

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16. <https://www.ospar.org/documents?d=32910>
17. Carter, in press. Elsevier Publishing
18. Natural England. <https://www.gov.uk/.../conservation-advice-packages-for-marine-protected-areas>

Appendix 1.

Technical guidance notes available to ESCA members

Guideline 01 - Fishing Liaison

Guideline 01 - Appendix 01 - Principal UK Fishing Organisations

Guideline 01 - Appendix 02 - Principal Operational Regulations

Guideline 01 - Appendix 03 - Fishing Claims forms & Guidance Notes

Guideline 01 - Appendix 04 - Guidance Fishing Reps

Guideline 01 - Appendix 05 - Guidance Notes for Guard Vessels

Guideline 01 - Appendix 06 - Telecom Cable Works Notice

Guideline 02 - UKHO Liaison

Guideline 04 - Offshore Liaison

Guideline 05 - Inclusion of SCUK Recommendations

Guideline 06 - Proximity of Wind Farms

Guideline 07 - Rock Placement

Guideline 08 - Appendix 6.2 - Typical Decommissioning Summary Report

Guideline 08 - Submarine Cable Decommissioning

Guideline 09 - Interfaces During Cable Fouling Incidents

Guideline 10 - Research Vessel Safe Working Distances

Guideline 12 - Reporting Faults Caused by Anchors to the MAIB and MCA

Guideline 13 - Fishing Compensation

Guideline 14 - Power Cable Installation

Guideline 15 - Power and Renewable Energy Cable Repair

Guideline 17 - Testing of AC and DC Subsea Power Cables

Guideline 19 - Marine Aggregate Extraction Proximity

APPENDIX H

I-WeBs Data (i-WeBS 2019)

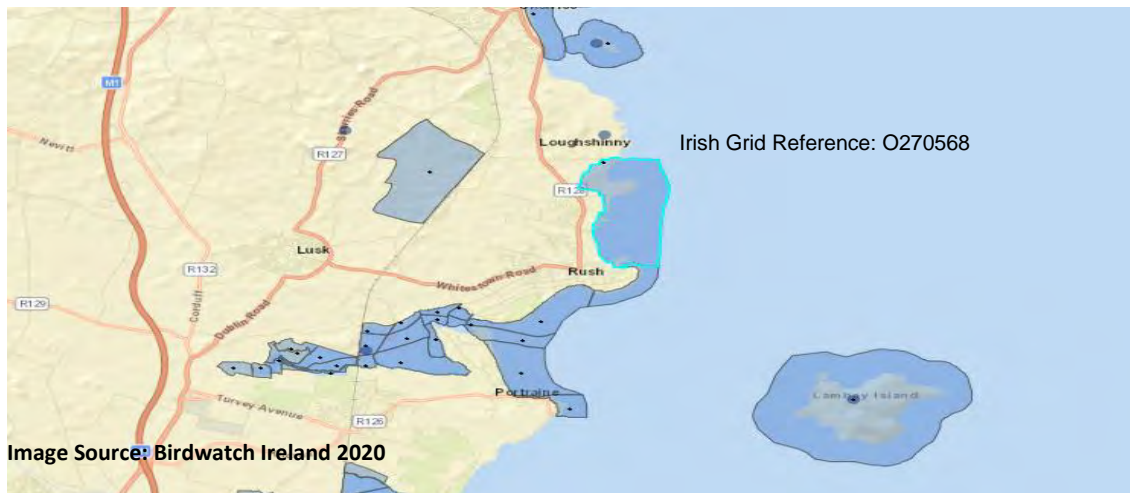
Appendix H to the Public Observation Response

I-WeBS Core Count Data Issued 2019

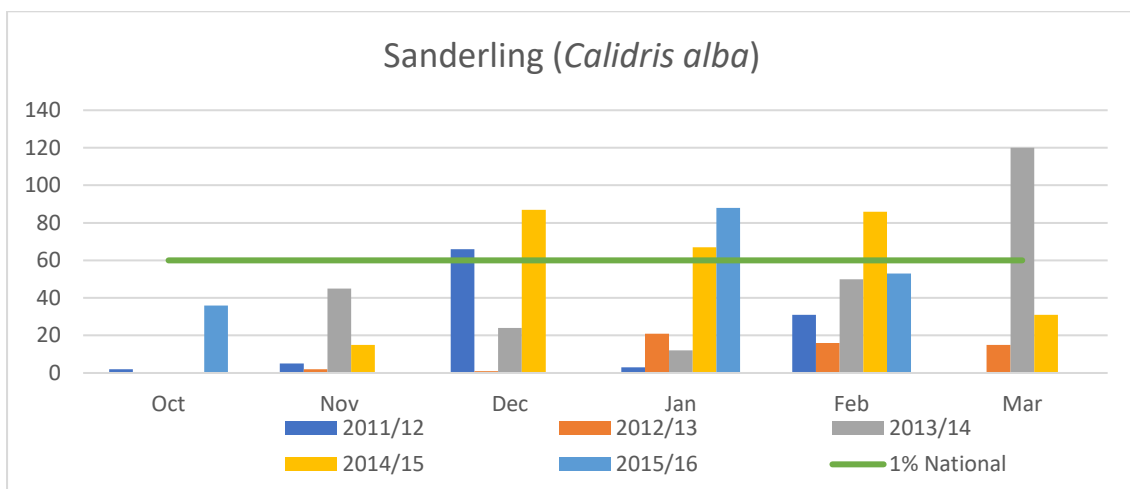
Data were supplied by the Irish Wetland Bird Survey (I-WeBS), a scheme that is funded by National Parks and Wildlife Service of the Department of Culture Heritage and the Gaeltacht and that is co-ordinated by BirdWatch Ireland.

Site - Skerries Coast - Loughshinny Bay - Rush North Beach (0U995)

Locations plan of Skerries coast sub-site which the Loughshinny landing site falls within:



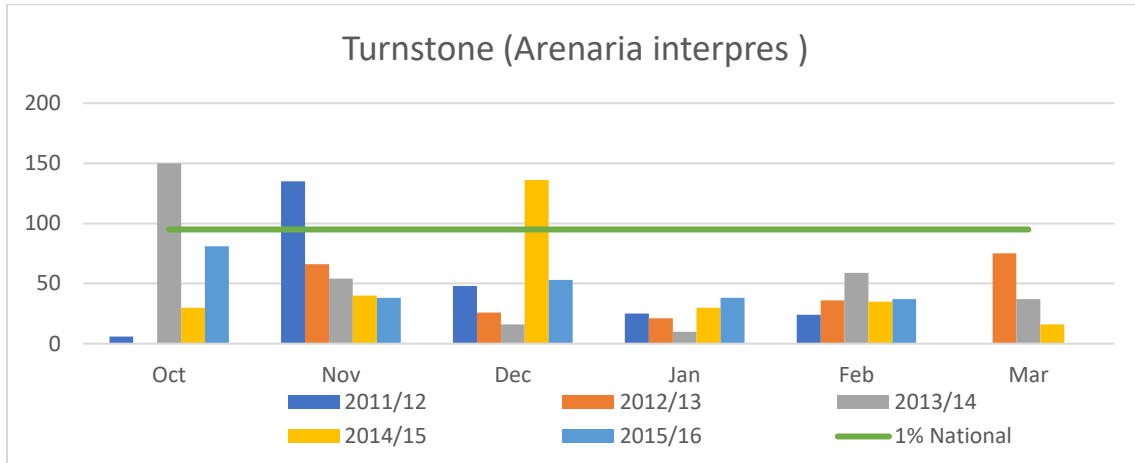
Sanderling Monthly Core Count:



I-WeBS Data 2019 (Birdwatch Ireland 2019)

Site - Skerries Coast - Loughshinny Bay - Rush North Beach

Turnstone Monthly Core Count:



Light Bellied Brent Goose Monthly Core Count:

