

REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)

on

**FORESHORE LICENCE APPLICATION FOR ECOLOGICAL SURVEYS BY
SUBTIDAL BENTHIC SAMPLING AT BALLYMACRINAN BAY, CO. CLARE.
(FS007141).**

APPLICANT: ESB

**Marine Licence Vetting Committee
23rd September 2020**

ESB – Foreshore Licence Application for Ecological Surveys by Subtidal Benthic Sampling Ballymacrinan Bay, Co. Clare. (FS007141).

Project Description

ESB operating Moneypoint Power Station has submitted an application for a foreshore licence to carry out Ecological Surveys by subtidal benthic sampling using day grab on the foreshore in Ballymacrinan Bay, Co. Clare, in order to comply with an EPA IED Licence. The EPA IED Licence requires the applicant to carry out ecological surveys and to gather the necessary information and data from the collection of sediment samples for infauna and granulometric analysis to provide data required to characterise the habitat and benthic communities within the Ballymacrinan Bay and to assess whether the conservation objectives for the habitats within the bay are being met.

The site abuts the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA and there are several discharge points, including cooling water discharge under licence directly to the Shannon estuary from the site.

It is proposed that the Ecological Survey activities will include:

- A maximum of nine (9) subtidal grab samples that will be collected using Day Grab with a sampling area of 0.01m² and will amount to maximum of 0.09m² of sediment removed. Sampling will be within 1.25km of the shore and over 155 hectares of foreshore. It is anticipated that sampling will be carried out over 2 days during daylight.
- Each sample retrieved will be sieved through a 1mm mesh sieve and images of the grab contents before and after sieving will be taken. The remainder of the sample will be preserved in buffered 4% w/v formaldehyde solution for subsequent transport and analysis at a certified laboratory. A subsample of the grab contents will be retained for granulometric analysis.
- Sampling will be confined to the area shown in Foreshore Licence Map 1 dated 05/07/2020 and Site Location Map dated 05/07/2020 as provided by the applicant.

Details of the proposed ecological surveys are provided in the Application Form dated 05/07/2020 and further in the applicant's AA screening report dated 02/06/2020.

The location of the proposed ecological surveys are shown in the following drawings submitted by the applicant:

- Drawing Number 1072020.2, "Foreshore Licence Map 1" dated 05/07/2020 and Drawing Number 1072020.1 "Site Location Map" dated 05/07/2020.

Environmental Impact Assessment (EIA)

This activity is not of a class that requires the submission of an Environmental Impact Assessment Report.

Appropriate Assessment (AA)

The proposed activity is located within two Natura 2000 sites. These sites are:

- Lower Shannon SAC (Site 002165)
- River Shannon and River Fergus Estuaries SPA (Site 004077)

An Appropriate Assessment Screening has been carried out of the proposed activity on the qualifying interests and the conservation objectives of the relevant Natura 2000 sites and the findings from the appropriate assessment screening process has concluded that the proposed activity will have no likely significant effects on the Natura 2000 network, accordingly a State 2 Appropriate Assessment was not required.

Public Consultation

A public notice concerning this application was published in the “The Clare Echo” on May 23rd July 2020. The public display documents were made available in Kilrush Garda Station, Ennis Road, Kilrush, Co. Clare between the hours of 9am and 6pm daily and Kilrush Library, O Gorman Street, Kilrush, County Clare for the full duration of the public consultation period (30 calendar days).

No public submissions were received on foot of the public consultation.

Prescribed Bodies Consultation:

Observations on the project were received from this Department’s Water and Marine Advisory Unit, the Department of Culture, Heritage and the Gaeltacht (Nature Conservation and Underwater Archaeology), Aquaculture and Foreshore Management Division of Department of Agriculture, Food and the Marine, Marine Institute, Inland Fisheries Ireland, Sea Fisheries Protection Authority and Marine Survey Office.

There were no objections in principle to the proposed ecological surveys.

Issues Considered

The following documents were considered:

- Foreshore Licence Application and supporting documentation.

- Written submissions from Department's Water and Marine Advisory Unit, the Department of Culture, Heritage and the Gaeltacht (Nature Conservation and Underwater Archaeology), Aquaculture and Foreshore Management Division of Department of Agriculture, Food and the Marine, Marine Institute, Inland Fisheries Ireland, Sea Fisheries Protection Authority and Marine Survey Office.
- The applicant's responses to the Prescribed Body submissions.
- AA screening Determination

MLVC Conclusions

On the basis of the information provided by the applicant and the observations provided by the State Bodies as listed above, the MLVC concludes that, subject to compliance with the documentation submitted with the application and specific conditions set out below the proposed works would not have a significant negative impact on navigation, fishing, the marine environment or protected species and habitats, would not impact on other legitimate uses or users of the foreshore area in question and would not have a significant effect on the qualifying interests and conservation objectives of the any Natura 2000 sites. The MLVC, therefore, recommends that a multiyear licence be granted for a minimum of 10 years or as required by the applicant.

Proposed Licence Conditions

1. The works shall be conducted in accordance with documents submitted with the application.
2. The works shall be conducted within the area marked in red on the drawing titled Foreshore Licence Map 1, Drawing No 1072020.2 dated 05/07/2020 as attached to the licence document.
3. The Licensee shall notify the Department of Housing, Planning and Local Government at least 14 days in advance of the commencement of the works on the foreshore.
4. The Licensee shall notify Inland Fisheries Ireland at in advance of the commencement of any works.
5. The Licensee shall notify Shannon Foynes Harbour Authority in advance of the commencement of any works.