AA SCREENING REPORT TECHNICAL REVIEW

FS006905 Íon Organics Hand Harvesting of Seaweed at Blackrock, Ballyheige Bay, Co. Kerry

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Technical Review
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REPORT

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1 INTRODUCTION

1.1 Project Overview

Íon Organics Ltd. have submitted a Foreshore License Application for hand-harvesting of seaweed for use in cosmetic products at Black Rock, Ballyheige Bay, Co. Kerry. A full description of the proposed project is provided in Table 3.1. This report presents the findings of a technical review and Screening for AA by RPS of Íon Organic's Foreshore Licence Application on behalf of the Department of Housing, Local Government and Heritage (DHLGH).

1.2 Application Documents

The applicant submitted the following documents as part of the application:

- Application Form
- Foreshore Licence Map
- Admiralty Chart
- Biomass Evaluation
- Harvesting Record
- Harvesting Technique
- Natura Impact Statement (NIS).

The above documents were considered as part of this technical review, in addition to observations from prescribed bodies.

1.3 Relevant Legislation

Under Article 6(3) of the EU Habitats Directive (92/43/EEC) and the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), project proponents are required to provide sufficient information to enable a designated public authority to undertake a Screening for Appropriate Assessment (AA) to determine whether or not the proposed project (either alone or in-combination with other projects) is likely to have significant effects on the conservation objectives of designated Natura 2000 (or European) sites[1]. Where significant effects of the project cannot be screened out, the public authority can request the project proponent to submit a Natura Impact Statement (NIS) to inform the AA for the project.

The European Communities (Birds and Natural Habitats) Regulations 2011 (as amended), outlines the requirements for Screening for AA under Regulation 42(1) and 42(2), as follows:

- 42. (1) *A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.*
- (2) *A public authority shall carry out a screening for Appropriate Assessment under paragraph (1) before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken.*

In addition to the requirement to consider potential effects of a plan or project on Natura 2000 sites under Article 6(3) of the Habitats Directive, the Directive requires consideration of the potential effects on species listed under Annex IV of the Directive (termed Annex IV species). Under Article 12, Annex IV species are afforded strict protection throughout their range, both inside and outside of designated protected areas.

[1] In Ireland, designated European sites include Special Areas of Conservation (SACs), designated due to their significant ecological importance for species and habitats protected under Annexes I and II respectively of the Habitats Directive, and Special Protected Areas (SPAs), designated for the protection of bird species protected under Annex I of the EU Birds Directive (Council Directive 2009/409/EEC).

2 TECHNICAL REVIEW METHODOLOGY

As discussed in **Section 1.3**, the relevant legislation requires that project proponents provide sufficient information to enable a designated public authority to undertake a Screening for Appropriate Assessment (AA) to determine whether or not the proposed project (either alone or in-combination with other projects) is likely to have significant effects on the conservation objectives of designated European site.

It is noted that the project proponent submitted an NIS in support of their application and considered all impacts under a Stage 2 Assessment, without first fully investigating the likelihood for significant effects. In the absence of specific information to inform the Stage 1 Screening for AA, RPS has drawn on information supplied in the NIS to carry out this Screening for AA.

The documentation submitted by the applicant was reviewed to assess whether it includes the following:

- Robust scientific information and analysis including the reasoning and justifications for the conclusion.
- Compliance with the tests and standards of AA as presented in European and national guidance.
- The assessment is carried out on the entirety of information submitted as part of consent application; and
- A robust scientific assessment on the likelihood of significant effects.

This technical review and Screening for AA has been undertaken with regard to the appropriate legislation, guidance and departmental circulars.

3 SCREENING FOR APPROPRIATE ASSESSMENT

3.1 Management of European sites

The proposed site investigation activities are not directly connected with or necessary to the management of any European site.

3.2 Description of the project/proposal and local site characteristics

Table 3.1 provides a description of the proposed project, site characteristics and details of consultation with prescribed bodies. It is considered that adequate project detail has been provided by the applicant.

Table 3.1 Description of the project/proposal and local site characteristics

Description of the project/proposal and local site characteristics:	
a. File Reference No:	FS006905
b. Brief description of the project or plan:	Hand harvesting of two seaweed species (*Fucus vesiculosus* and *Fucus serratus*) at Black Rock, Ballyheige Bay, Co. Kerry for use in cosmetic products. A vehicle will be used to get to the site and parked in existing parking areas. The shore will be accessed on foot along the existing public trackway by no more than two individuals. Harvesting will take place on the mid and lower intertidal shoreline, year-round at low tides with more seaweed harvested during the summer due to more daylight hours and better growth. A sickle will be used to hand cut both species of seaweed 15 – 20 cm above the holdfast to ensure regrowth of the plants. The harvesting area will be divided into three zones with seaweed to be harvested from one zone per year, thus facilitating a 3-year regrowth period. A biomass assessment determined that the standing biomass of the target species is 76.3 tonnes. This Foreshore Licence Application is seeking to harvest a combined total of 2 tonnes of seaweed annually for a period of 5 years, representing a harvest rate of 2.6%. A maximum of two 40 kg sacks of seaweed will be gathered over a low tide period, with a total of 50 sacks being collected annually. Harvesting will be planned week by week, depending on final product demand. No seaweed will be harvested if there is no demand. The harvested seaweed will be carried on foot across the shore to the parked vehicle and will never be stored on the shore or surrounding land area.
c. Brief description of site characteristics:	Black Rock island is located approximately three kilometres south of Ballyheige village. Seaweed harvesting will take place seaward of Black Rock island, to the north, west and south. The island is a 12 m high rocky outcrop approximately 30 m wide and 180 m long. The island is connected to the mainland by a sandy shore which is backed by sand dunes. The harvesting site comprises a bedrock outcrop with numerous rock pools in eroded channels. *F. vesiculosus* grows on the mid shore north and northwest of the island, while *F. serratus* dominates the lower shore along the length of the island. The area of intertidal habitat dominated by the target species is estimated to be 7.3 ha. The site of the proposed project and the access pathway are located within Akeragh, Banna and Barrow Harbour SAC and Tralee Bay Complex SPA.
d. Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	Marine Institute, Marine Advisor in the DHLGH, the Department of Agriculture, Food and the Marine (DAFM), Development Applications Unit in the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Inland Fisheries Ireland, the Marine Survey Office and the Sea Fisheries Protection Authority.
e. Response to consultation:	Responses were received by all other prescribed bodies mentioned in (d) above. Responses to the consultation were positive with no observations containing substantive comments relating to environmental issues that may occur as a result of the project being received. No public submissions were received.

3.3 Identification of relevant European sites

The applicant identified all European sites within a 15 km buffer of the proposed project as potentially relevant. No rationale was provided for the use of 15 km; however, this has become common practise in screening project for AA. RPS considers that in this instance, 15 km is arbitrary and overly precautionary, given the nature and scale of the proposed project. For completeness, all sites identified by the applicant have been provided in the table below. A weblink to a site's conservation objectives is provided only for those sites considered further in this screening.

Table 3.2 Identification of relevant European sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests (QI) and Special Conservation Interests (SCI) and conservation objectives

European Site (code)	List of Qualifying Interest / Special Conservation Interest	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Akeragh, Banna and Barrow Harbour SAC (000332)	Nine coastal habitat QIs, including one priority habitat - Fixed coastal dunes with herbaceous vegetation (grey dunes) Akeragh, Banna and Barrow Harbour SAC Conservation Objectives	Within	Yes. Project site is located within the SAC.	Yes
Tralee Bay Complex SPA (004188)	22 overwintering SCI species and 'wetland and waterbirds' SCI Tralee Bay Complex SPA Conservation Objectives	Within	Yes. Project site is located within the SPA.	Yes
Magharee Islands SAC (002261)	There is one coastal habitat QI – Reefs.	3km SW	No potential for interaction due to nature of the project and distance from European site.	No
Kerry Head SPA (004189)	Two SCI species.	3.6km NW	No potential for interaction due to nature of the project and distance from European site.	No
Magharee Islands SPA (004125)	Seven SCI species.	4.7km SW	No potential for interaction due to nature of the project and distance from European site.	No
Lower River Shannon SAC (002165)	14 coastal habitat QIs and seven fauna species. Two habitats are priority habitats – Coastal lagoons and Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)*	8.3km NW	No potential for interaction due to nature of the project and distance from European site.	No
Tralee Bay and Magharees	18 coastal habitat QIs, one flora species and one fauna species. Two of the habitats are priority habitats - Fixed coastal dunes with herbaceous	9.5km SW	No potential for interaction due to nature of the project	No

European Site (code)	List of Qualifying Interest / Special Conservation Interest	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Peninsula, West of Cloghane SAC (002070)	vegetation (grey dunes) and coastal lagoons.		and distance from European site.	
Slieve Mish Mountains SAC (002185)	There are seven habitat QIs and one flora QI species.	13.3km S	No potential for interaction due to nature of the project and distance from European site.	No
Stack's to Mullaghareik Mountains, West Limerick Hills and Mount Eagle SPA (004161)	One SCI species – Hen Harrier (*Circus cyaneus)*	13.7km E.	No potential for interaction due to nature of the project and distance from European site.	No
Dingle Peninsula SPA (004153)	Two SCI species.	14km SW	No potential for interaction due to nature of the project and distance from European site.	No

3.4 Assessment of Likely Significant Effects

Table 3.3: Assessment of Likely Significant Effects

Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts	**Possible Significance of Impacts: (duration/magnitude etc.)**
Construction phase e.g. • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests	Not applicable as no construction phase involved in proposed project. Existing access points and roads will be used for the collection and onward transport of the harvested seaweed.
Operational phase e.g. • Direct emission to air and water • Surface water runoff containing contaminant or sediment	The NIS outlines the following potential operational phase impacts of the project, and these have been further assessed here: • Removal of the target seaweed species: The seaweed species to be removed are not a QI of the SAC therefore removal will not affect the

Assessment of Likely Significant Effects	
• Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents	SAC. The algae may be a food source for grazing SCI species of the SPA. • Removal of non-target species: The seaweed harvesting location is not a QI habitat of the SAC, therefore removal of non-target species will not affect the SAC. Non-target species such as invertebrates may be a food source for foraging SCI species of the SPA. • Uncovering of previously hidden fauna: While this is a likely direct impact of the project, it will not have an adverse impact on any European site. The location where seaweed harvesting will occur is not a QI habitat of the SAC. Uncovering of previously hidden fauna may attract the attention of foraging SCI species of the SPA, however this is not considered to represent an adverse impact. • Trampling due to seaweed cutting and access: It is possible that trampling on QI habitats will occur while accessing the harvesting location. The harvesting location itself is not considered a QI habitat of the SAC, although may function as supporting habitat for SCI species of the SPA. • Reduction in dampening effect: It is considered highly unlikely that the removal of a relatively small amount of seaweed that has the capacity to regenerate will increase coastal erosion of a rocky shore, therefore this is not considered to be a likely impact of the project. • Disturbance: It is possible for all overwintering species foraging or roosting in the area that individual birds may be temporarily disturbed by the harvesting activities described above. • Alien species: There are no vectors for introduction of invasive non-native species, therefore this is not considered a likely impact of the project. **In summary, operational impacts with the potential to affect European sites are removal of target and non-target species, trampling and disturbance.**
In-combination/Other	A foreshore licence application was submitted on 23/11/2018 for horse and pony racing on Ballyheigue Strand, and although it is not clear if the licence has been granted, there is no spatial overlap with the proposed seaweed harvesting project and it is highly unlikely to result in an in-combination effect. There are no other proposed foreshore licence applications with the potential to act in-combination with the proposed project. The proposed harvesting location lies within Oyster Fishery Order T06/004, licensed to Tralee Oyster Fisheries Society Ltd. The fishery targets wild native oysters caught at sea from local fishing boats. There is therefore no spatial overlap with the intertidal seaweed harvesting location and no impacts which could act in-combination with the proposed project. Existing recreational activities occur around Black Rock, however, these are considered part of the baseline of activities rather than plans or projects for the purposes of this assessment.
(b) Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 Sites	
Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density	**Akeragh, Banna and Barrow Harbour SAC** The only habitat QIs of the SAC in proximity to the proposed project and therefore with a potential impact pathway are: • Annual vegetation of driftlines, • Atlantic salt meadows, • Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes), and • Fixed coastal dunes with herbaceous vegetation (grey dunes).

Assessment of Likely Significant Effects	
• Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site	The only impact described above with the potential to affect these habitats is trampling during access. The access point or pathway to the harvesting location does not overlap with any of the above habitat QIs of the site, therefore no trampling will occur as a result of the project and the conservation objectives will not be undermined. **Tralee Bay Complex SPA** <u>Disturbance</u> It is possible for all overwintering species foraging or roosting in the area that individual birds may be temporarily disturbed by the harvesting activities. Google Maps shows a car park and well-worn trackway suggesting that this is a popular area for walkers. NPWS (2014) states that recreational activities including water sports, dog walking and horse riding occur in the area. A 'disturbance score' of Moderate was given to the area around Black Rock for walking, including dog-walking. Within this context of existing human activity at the site, it is highly unlikely there will be disturbance significant enough to undermine the conservation objectives of any SCI species. <u>Trampling due to seaweed cutting and access</u> As discussed above, an existing baseline of moderate human activity occurs at the site, therefore it is not anticipated that the minimal additional trampling due to access will undermine the conservation objectives of any SCI species. While trampling of intertidal feeding grounds may occur beyond normal recreational limits of the area, this impact will be temporary and of limited duration and scale and the conservation objectives will not be undermined. <u>Removal of target and non-target species</u> Brent geese and wigeon graze on intertidal eelgrass (*Zostera* sp.) and when this plant is absent, they move on to algae, saltmarsh plants and terrestrial grazing (NPWS, 2014). The site visit to inform the NIS found eelgrass in one rock pool to the north of Black Rock island. NPWS (2014) describes eelgrass beds elsewhere within the SPA as more extensive (e.g. within Tralee Bay). The 2009/10 survey results show that wigeon were not recorded in the area around Black Rock, and while some brent geese were recorded foraging in the area, this species was observed in much higher abundances at Castlegregory and Tralee Bay. It is therefore likely that the small eelgrass bed at Black Rock does not constitute a significant feeding area for these species. Removal or alteration to the eelgrass bed is highly unlikely, and if this did occur it is unlikely to have an impact on the populations and distributions of the SCI species, given the extent of eelgrass elsewhere in the site. Grazing bird species may move on to consuming algae such as *Fucus* spp., however, given the low amounts to be harvested and the opportunity provided for regeneration, there will be plenty left of algae for the birds to graze. Additionally, more seaweed is likely to be harvested during the summer months due to better growth, during which time overwintering species will be absent from the SPA. Other SCI species recorded foraging in the area around Black Rock include oystercatcher, ringer plover, grey plover, lapwing, sanderling, dunlin, bar tailed godwit, curlew, redshank, turnstone, black headed gull and common gull (NPWS, 2014). These species generally forage on tidal flats for a variety of invertebrate species or at sea for the gull species. None of these species are considered highly specialised in terms of prey requirements (NPWS, 2014). In theory, the accidental removal of non-target species such as invertebrates during seaweed harvesting could remove a prey resource for foraging birds. Considering, however, the small amount of seaweed (and associated non-target species) to be removed relative to the available resource, the capacity for the seaweed to grow back and the extensive alternative foraging grounds for bird species with wide prey ranges, this is not considered significant enough to undermine the conservation objectives of any SCI species.

Assessment of Likely Significant Effects	
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
Yes / No	No. Although the NIS contains a section called 'Mitigation Measures', these are not required to avoid or reduce any effects on a European site. These measures are not relied upon to reach a conclusion of no likely significant effect on any European site.

3.5 Screening Determination

Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

On the basis of the information supplied by the applicant, and information publicly available on the NPWS website, and having regard to:

- The nature and limited scale of the proposed project,
- The existing moderate levels of human activity at the site,
- The lack of direct connections with regard to the Source-Pathway-receptor model,

It is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European site or any other European site, in view of the said sites' conservation objectives.

Although the applicant supplied an NIS, which outlines mitigation measures, it is considered by RPS that these measures are not required to avoid significant effects and therefore, an appropriate assessment is not required.

Conclusion:

	Tick as appropriate:	Recommendation:
(i) It is clear that there is **no likelihood** of significant effects on a European site.	☑	The proposal can be screened out: Appropriate assessment not required.
(ii) It is **uncertain** whether the proposal will have a significant effect on a European site.		☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) **Significant effects** are likely.		☐ Request NIS ☐ Refuse planning permission

4 ARTICLE 12 ASSESSMENT

Under Article 12 of the Habitats Directive, Annex IV species are afforded strict protection throughout their range, both inside and outside of designated protected areas.

An assessment on the impact of the proposed project on Annex IV species was undertaken by RPS. Annex IV includes all species of cetacean which occur in Ireland.

Given the nature, scale and duration of the works it is concluded that the proposed project will not give rise to significant impacts to species listed under Annex IV of the Habitats Directive.

5 REFERENCES

European Commission (2002) Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. Luxembourg: Office for Official Publications of the European Communities. 76 pp.

NPWS, 2014. Tralee Bay Complex Special Protection Area (Site Code 4188), Conservation Objectives Supporting Document. Version 1, March 2014.

Office of the Planning Regulator (OPR), 2021.OPR Practise Note PN01: Appropriate Assessment Screening