



10 June 2021

File Reference: FS007101

Foreshore Licence Application on behalf of Irish Water for the Deployment of five Acoustic Doppler Current Profiler on frames on the sea bed in Tralee Bay

Project Description

The Applicant plans to deploy five Acoustic Doppler Current Profiler (ADCP) frames on the seabed at five locations in Tralee Bay for a duration of 35 days. Each ADCP frame has a footprint of approximately 2.16 m² (0.000216 ha) on the seabed. The units produce sound at a frequency beyond the hearing range of humans and marine mammals.

Assessment

In accordance with Article 4.3 of the Directive (2011/92/EU) this current activity has been reviewed in line with the criteria set out in Annex III of that directive. It doing so it has been concluded that this activity given its size, location and its potential impact on the environment does not require the submission of a statutory Environmental Impact Assessment Report.

In Tralee Bay the deployment sites are within the Annex I habitat Large shallow inlet and bay [1160] for which the Tralee Bay and Magharees Peninsula, West to Cloghane SAC (site code: 002070) is designated. However these sites do not overlap with that habitat's vulnerable Marine Community Type *Zostera*-dominated community complex. In addition given the small size and the length of deployment of the structures this activity, alone or in-combination with other projects, will not give rise to significant effects on the conservation objectives of this Natura 2000 site.

Equally there is no Source-Pathway-Receptor link between this activity and Natura 2000 sites that are within the Zone of Impact as defined by the Department of Environment Heritage & Local Government Guidance Document¹. Therefore this activity, alone or in-combination with other projects, will not give rise to significant effects on the conservation objectives of those Natura 2000 sites.

In line with Article 6.3 of the Habitats Directive (92/43/EEC), the Appropriate Assessment screening process has determined that this activity, alone or in-combination with other projects, will not have adverse effects on the integrity of any Natura 2000 site and therefore an Appropriate Assessment is not required.

Article 12 of the Habitats Directive (92/43/EEC) requires that Annex IV species, wherever they occur, are strictly protected. In the Irish marine environment this applies to all cetaceans, the Leatherback Turtle *Dermochelys coriacea* and the otter *Lutra lutra*. As the applicant has undertaken to adhere to the guidance from the National Parks & Wildlife Service² on managing risk to marine mammals from noise, it is considered that there is no risk to marine mammals from this activity.

¹ <https://www.npws.ie/protected-sites/guidance-appropriate-assessment-planning-authorities>

² https://www.npws.ie/sites/default/files/general/Underwater%20sound%20guidance_Jan%202014.pdf

Recommendation

Due to the size and the limited duration of this activity I recommended that this activity be approved under Section 3.3 of the Foreshore Act on condition that the NPWS's guidance managing risk to marine mammals from noise is strictly adhered to.

 Ph.D.
Marine Ecologist