An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage

10 June 2021 File Reference: FS007102

Foreshore Licence Application on behalf of Irish Water for the Deployment of three Acoustic Doppler Current Profiler on frames on the sea bed in Valentia

Project Description

The Applicant plans to deploy three Acoustic Doppler Current Profiler (ADCP) frames on the seabed at three locations in Valentia for a duration of 35 days. Each ADCP frame has a footprint of approximately 1.3 m^2 (0.000130 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.

All five of the deployment sites are within the Valencia Harbour/Portmagee Channel SAC (site code: 002262) and are located within two of the three Annex I habitats for which the site is designated, namely Large shallow inlets and bays [1160] and Reefs [1170]. For the latter habitat the placing of structures for 35 days, particularly if they are liable to move, will cause damage to the reef marine communities. Therefore these structures should not be placed over the Reefs habitat.

A third site is in the channel due east of Knight's Town. Here there is also a reef community and two vulnerable communities, *Zostera*-dominated community and *Edwardsia delapiae* associated community. This latter community is the only known occurrence of this anemone in the world. Structures should not be placed on or within 5m of these vulnerable communities and the site specific conservation objectives and the associated spatial data should be referred to when placing the structure in this area[1].

As the level of activity at these sites is minimal and occurs at deployment and retrieval only disturbance to the Conservation Interests of Iveragh Peninsula SPA (site code: 004154) is minimal. 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 these Natura 2000 sites.

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 Document[2].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.

[1] https://www.npws.ie/maps-and-data/habitat-and-species-data

[2] https://www.npws.ie/protected-sites/guidance-appropriate-assessment-planning-authorities

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 Service[3] on managing risk to marine mammals from noise, it is considered that there is no risk to marine mammals from this activity.

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.

[redacted], Ph.D.
Marine Ecologist

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