



**MERC Consultants**  
environmental and conservation services

## Technical Report:

# EU Habitats Directive: Article 12 Assessment

FS006915: Celtix Connect – Havhingsten Telecommunication  
Cable. Foreshore Application

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Document control				
Rev	Date	Originated by	Checked by	Approved by
0.2	9.3.2021			

## 1. Legislation

Article 12 of the EU Habitats Directive states:

*Member States shall take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV (a) in their natural range, prohibiting:*

- (a) all forms of deliberate capture or killing of specimens of these species in the wild;*
- (b) deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration;*
- (c) deliberate destruction or taking of eggs from the wild;*
- (d) deterioration or destruction of breeding sites or resting places.*

*2. For these species, Member States shall prohibit the keeping, transport and sale or exchange, and offering for sale or exchange, of specimens taken from the wild, except for those taken legally before this Directive is implemented.*

*3. The prohibition referred to in paragraph 1(a) and (b) and paragraph 2 shall apply to all stages of life of the animals to which this Article applies.*

*4. Member States shall establish a system to monitor the incidental capture and killing of the animal species listed in Annex IV (a). In the light of the information gathered, Member States shall take further research or conservation measures as required to ensure that incidental capture and killing does not have a significant negative impact on the species concerned.*

## 2. Article 12 Assessment

### Annex IV Species

Under Article 12 of the Directive, all cetaceans should receive strict protection within the Exclusive Economic Zone. The proposed project has considered the potential for significant effects on bottlenose dolphin, harbour porpoise, grey seal and harbour seal within the ZOI. It is considered that the same project related pressures would be relevant to all cetacean species within the ZOI. No potential for significant effects as a consequence of project related pressures (underwater noise change, disturbance, displacement and collision) have been identified. Therefore, no significant impacts on cetacean species are considered likely.

The National Otter Survey of Ireland 2010/12 indicates that the stretch of coastline where the cable will make landfall is outside of the current range of otters. Therefore, impacts on otters are considered highly unlikely.

Relative to the scale and scope of the project and low recorded numbers of marine reptiles (marine turtles) in the proposed project area, impacts on marine reptiles are considered highly unlikely.

## Annex II Species

Annex II species, not present in numbers which result in the designation of a Natura 2000 site were considered within the context of a source-path receptor model relative to the ZOI of the proposed project in the NIS for the proposed project. No Annex II species either associated with any European site or otherwise were identified that were likely to be significantly impacted by the proposed project.

## 3. Conclusion

It is concluded that the proposed project will not give rise to significant impacts on species listed under either Annex II or IV of the Habitats Directive.