



Cross Shannon 400 kV Cable Project File ref. FS007083

EirGrid responses to prescribed bodies observations received 4th May 2022

- Consultation S42 of EC Birds and Natural Habitats Regs 2011 for purposes of conducting Stage 2 AA

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Introduction

This document presents a response to observations from prescribed bodies in relation to the Cross Shannon 400kV Cable Project public consultation, pursuant to Section 42 of EC Birds and Natural Habitats Regs 2011 (as amended), for the purposes of conducting Stage 2 AA. The public consultation period ran from 31st March to 29th April 2022.

A previous public consultation, pursuant to Section 19 of the Foreshore Act, 1933, was conducted for the project over the period from 7th May 2021 to 7th June 2021. In the case where a prescribed body had no further observations beyond those made as part of the previous consultation, EirGrid's acknowledgment of no further observation is stated.

The observations received from the prescribed bodies are summarised in each section in addition to a response by the applicant, EirGrid.

Observations were received from the following. Responses are provided in Section 2:

1. Department of Housing, Local Government and Heritage – Marine Advisor (Technical / Engineer)
2. Environmental Protection Agency
3. Marine Institute
4. Department of Housing, Local Government and Heritage – Marine Advisor (Environment)
5. Geological Survey Ireland
6. Commissioners of Irish Lights
7. Met Eireann
8. Inland Fisheries Ireland
9. Marine Survey Office
10. Department of Agriculture, Food and the Marine (DAFM).
11. Bord Iascaigh Mhara
12. Sea Fisheries Protection Authority
13. Health and Safety Authority
14. National Parks and Wildlife Service
15. Underwater Archaeology Unit

Observations from Prescribed Bodies

1.1 Department of Housing, Local Government and Heritage – Marine Advisor (Technical / Engineer)

1.1.1 Observations – 16/03/2022

No further observations.

1.1.2 Response

EirGrid acknowledge that no further observations have been made by the Department of Housing, Local Government and Heritage Marine Advisor (Technical / Engineer)

1.2 Environmental Protection Agency (EPC)

1.2.1 Observations – 28/03/2022

I refer to your correspondence dated 16th March 2022 with regard to FS007083 EirGrid Cross Shannon Cable Project - Additional Public Consultation S42 of EC Birds and Natural Habitats Regs 2011 for purposes of conducting Stage 2 AA (consultation no 2). A response was submitted to the Department of Housing, Local Government and Heritage by the Agency in relation to this Foreshore Application, and accompanying reports on 15th March 2021.

The Agency has no further observations on the Appropriate Assessment at this time.

1.2.2 Response

EirGrid acknowledge that no further observations have been made by the EPC.

1.3 Marine Institute (MI)

1.3.1 Observations – 30/03/2022

I have read over the additional documentation provided and it does not change the view of the Marine Institute first communicated in March 2021 (and subsequent communications).

1.3.2 Response

EirGrid acknowledge that no further observations have been made by the MI.

1.4 Department of Housing, Local Government and Heritage – Marine Advisor (Environment)

1.4.1 Observations – 08/04/2022

Prescribed Bodies Second Consultation - Environmental Report

Re: FS007083 Eirgrid – to lay an electricity cable across the Shannon Estuary, between Co. Kerry and Co. Clare.

Applicant: EirGrid

Your email of the 5th of April 2022 refers to this Foreshore application to lay an electricity cable across the Shannon Estuary, between Co. Kerry and Co. Clare.

The proposed works will be undertaken within two European sites Lower River Shannon SAC (IE002165) and the River Shannon and River Fergus Estuaries SPA.

This Special Area of Conservation includes Shannon and Fergus Estuaries and form the largest estuarine complex in Ireland. It has vast expanses of intertidal mudflats, often fringed with saltmarsh vegetation which are Annex I habitats for which it is designated. Smaller estuaries also feature mudflats which have their own unique characteristics. The SAC is also designated for the priority habitat Coastal Lagoons of which there are a number of examples within the site. It is also designated for Bottlenose Dolphin and this is the only known resident population of this species in Ireland.

The River Shannon and River Fergus Estuaries SPA (IE004077) is an internationally important site that supports an assemblage of over 20,000 wintering waterbirds. It holds internationally important populations of four species, i.e. Light-bellied Brent Goose, Dunlin, Black-tailed Godwit and Redshank. In addition, there are 17 species that have wintering populations of national importance and also supports a nationally important breeding population of Cormorant. Of particular note is that three of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Golden Plover and Bar-tailed Godwit.

As you will note from my Screening Stage Report Environmental Report of the 8th of March 2022 I agreed with and accepted the outcome of the IEC's review of the environmental reports associated with this application.

I have no objection to this application subject to a complete environmental assessment. I will provide site specific conditions once the environmental assessment process is complete.

1.4.2 Response

EirGrid note that the Department of Housing, Local Government and Heritage Marine Advisor (Environment) has no objection to this application, subject to the completion of the current environmental assessment, which will be informed by the current consultation with prescribed bodies.

EirGrid acknowledge that “site specific conditions” will be agreed as part of the licencing process.

1.5 Geological Survey Ireland (GSI)

1.5.1 Observations – 11/04/2022

With reference to your email dated 16 March 2022, regarding the EirGrid Cross Shannon Cable Project - Additional Public Consultation for Stage 2 AA, please note that Geological Survey Ireland has no specific comment or observations to make on this matter at this time since our last response.

1.5.2 Response

EirGrid acknowledge that no further observations have been made by GSI.

1.6 Commissioners of Irish Lights (CIL)

1.6.1 Observations – 13/04/2022

FS007083 EirGrid Cross Shannon Cable Project - Additional Public Consultation S42 of EC Birds and Natural Habitats Regs 2011 for purposes of conducting Stage 2 AA (consultation no 2)

Thank you for contacting the Commissioners of Irish Lights requesting observations on this foreshore licence application dated 16th March 2022.

Irish Lights has reviewed this application and have no further observations with respect to the project from a safety of navigation perspective.

1.6.2 Response

EirGrid acknowledge that no further observations have been made by CIL.

1.7 Met Eireann (ME)

1.7.1 Observations – 13/04/2022

No further observations.

1.7.2 Response

EirGrid acknowledge that no further observations have been made by ME.

1.8 Inland Fisheries Ireland (IFI)

1.8.1 Observations – 14/04/2022

We have no further comment to make on this application other than to second the comments from the Marine Institute that further research into the topic of electromagnetic fields on fish species behaviour particularly the Annex fish species of sea lamprey and river lamprey is needed.

1.8.2 Response

EirGrid note that IFI have no further comment to make on this application other than to second the comments from the MI regarding the need for consideration of the effects of Electromagnetic Fields (EMFs) on fish species behavior, in particular the noted Annex fish species.

EirGrid has previously responded to these comments from the MI as part of the previous prescribed bodies consultation.

EirGrid note that the MI have no further comments for the current consultation, see section 2.3, and thus refer to our previous response, dated October 2021.

1.9 Marine Survey Office (MSO)

1.9.1 Observations – 22/04/2022

This application was assigned and processed on our Task Management System (TMS). We have no further obs.

1.9.2 Response

EirGrid acknowledge that no further observations have been made by MSO.

1.10 Department of Agriculture, Food and the Marine (DAFM)

1.10.1 Observations – 22/04/2022

I refer to your request for comments/observations from this Department in relation to this application by Eirgrid.

Please note the attached concerns from both BIM and the SFPA in particular regarding the fishery order that will need to be taken into consideration in granting a license.

1.10.2 Response

Please see EirGrid response to observations by BIM and SFPA in sections 1.11 and 1.12, respectively, below.

1.11 Bord Iascaigh Mhara (BIM)

1.11.1 Observations – 22/04/2022

I have taken advice from [Named Development Officer], BIM Aquaculture Development Officer for that area. His view is that the proposed development would appear to cut through the eastern end of the oyster fishery order T08/004BOFO, which is owned by Atlantic Shellfish Ltd. Is it safe to assume that the EIRGRID Project Liaison Officer will be contacting local stakeholders in this regard, if not, then this possible impact will need to be brought to EIRGRID's attention as a matter of urgency.

1.11.2 Response

Attention is drawn to Table 5.1 of the Planning and Environmental Considerations Report that supports the application. As noted therein, EirGrid has engaged with Atlantic Shellfish Ltd since 2017 in respect of the proposals. It is noted that Atlantic Shellfish Ltd. has previously advised EirGrid that in their opinion the proposals will not cause any significant harm to their oyster beds in the area, and they confirmed that they had no objection to the making of this application; nor indeed have they subsequently made any submission to the Department in respect of the Foreshore Licence application. The applicant will continue to engage with relevant stakeholders during construction and operation.

1.12 Sea Fisheries Protection Authority (SFPA)

1.12.1 Observations – 22/04/2022

I have no issues with the attached application.

However, it runs through an old fishery order site which covers a large proportion of the Shannon estuary. The order refers to bottom culture and dredging of mussels. This site has not been in operation over the last 20 years but, despite this, it remains in legal existence. Given the recent proceedings in the high court in relation to fishing activities and marine cables on the southern coast (GTT Communications v' O'Flaherty Bros), it may be wise to await judgement in the case before proceeding. On the longer term, the continued existence of this order should be reviewed, and if deemed necessary, consideration should be taken to revoke this order as it impacts other operations and the decision making processes in the Shannon estuary i.e. its existence limits expansion of other aquaculture activities in an SAC as, on paper, a large percentage of the estuary is already dedicated aquaculture.

1.12.2 Response

EirGrid acknowledge that the SFPA have no issues with this specific application.

It is our understanding that the fishery order referred to is order T08/004BOFO, which is owned by Atlantic Shellfish Ltd. As noted above in section 2.11.2, EirGrid has engaged with Atlantic Shellfish Ltd since 2017 in respect of the proposals. It is noted that Atlantic Shellfish Ltd. has previously advised EirGrid that in their opinion the proposals will not cause any significant harm to their oyster beds in the area. Given that, as per our response in Section 1.11 above, Atlantic Shellfish Ltd has confirmed that they had no objection to the making of this application, and given that they have not subsequently made any submission to the Department in respect of the Foreshore Licence application,

1.13 Health and Safety Authority (HSA)

1.13.1 Observations – 26/04/2022

The Central Competent Authority under the Control of Major Accident Hazards Regulations 2015 has no observations to make regarding this development.

1.13.2 Response

EirGrid note that the HAS have no observations to make regarding the proposed development

1.14 National Parks and Wildlife Service (NPWS)

1.14.1 Observations – 29/04/2022

NPWS and UAU have no further comment to make on this application.

1.14.2 Response

EirGrid acknowledge that no further observations have been made by NPWS or UAU.

1.15 Underwater Archaeology Unit (UAU)

1.15.1 Observations – 29/04/2022

NPWS and UAU have no further comment to make on this application.

1.15.2 Response

EirGrid acknowledge that no further observations have been made by NPWS or UAU.