
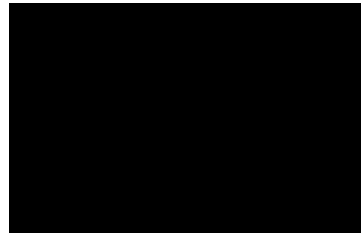


Submission HLG 00226-22: Appropriate Assessment Determination on Foreshore Application FS006916 application by Eirgrid PLC Celtic Interconnector

TO: 
STATUS: Completed
PURPOSE: For Decision and Signature

AUTHOR:
OWNER:
REVIEWERS:



DIVISION: Foreshore
DECISION BY: 23/05/2022

Final comment

Approved by Minister Burke 24 May 2022

Action required

Ministerial determination on Appropriate Assessment

Executive summary

Celtic Interconnector is a proposed electrical link, consisting primarily of a subsea cable, which will enable the movement of electricity between Ireland and France and will be the first direct energy link between the two countries.

As part of the assessment of this application the Minister was required to make a Screening for Appropriate Assessment determination in accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations').

The Screening for Appropriate Assessment determined that an Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European sites and that the risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence ([HLG 00103-22 Appropriate Assessment Screening Determination. Foreshore Licence application by EirGrid plc](#)).

Having considered all relevant material a recommendation has been made that the Minister accepts and adopts the Appropriate Assessment Report and determines that the proposed project, either alone or in-combination with other projects, will not adversely affect the integrity of European sites, in view of the said sites' conservation objectives. AA Determination Conclusion Statement (**Tab 1**)

Detailed information

EirGrid PLC. has made a Section 3 licence application for the Celtic Interconnector project. The Celtic Interconnector is a proposed electrical link, consisting primarily of a subsea cable, which will enable the movement of electricity between Ireland and France and will be the first direct energy link between the two countries, running from the south coast of Ireland to the north-west coast of France. This proposed international development will constitute high technology infrastructure that is approximately 575km in length across both terrestrial and marine environments. It will have a capacity of 700 MW (equivalent to the power used by 450,000 homes).

Further details of the proposed activity are outlined in the application form and associated documents linked below.
<https://www.gov.ie/en/foreshore-notice/7bfb1-eirgrid-celtic-interconnector-electricity-cable/>

Environmental Assessment

As part of the assessment of the Foreshore Licence application, Ove Arup & Partners Ireland Ltd (ARUP) with Hartley Anderson Limited were commissioned as Independent Environmental Consultants to conduct a Screening for Appropriate Assessment (stage 1 screening) and, if required, an Appropriate Assessment (AA stage 2) of the likelihood of significant impact on European sites from the application for a Foreshore Licence.

The Independent Environment Consultants completed their Screening for AA Report 'Appropriate Assessment Screening' March

2022, which concluded: In accordance with Regulation 42(6) of the European Communities (Bird and Natural Habitats) Regulations 2011 SI 477 as amended, a submission on Screening for Appropriate Assessment was made to the Minister of State for the Department of Housing, Local Government and Heritage, who made a determination following Screening that an Appropriate Assessment was required as the project individually or in combination with other plans or projects, was likely to have a significant effect on a European site. (Submission attached below).

A number of application documents submitted by EirGrid PLC informed the Screening for Appropriate Assessment Conclusion and can be found on the Departments website at the following Link: <https://www.gov.ie/en/foreshore-notice/7bfb1-eirgrid-celtic-interconnector-electricity-cable/>

Public Consultation under Section 42 of EC Birds and Natural Habitats Regulations 2011 (as amended).

Following the determination that an Appropriate Assessment was required, a further Public Consultation was initiated and a Public Notice was issued that invited public submissions for the purpose of conducting the Appropriate Assessment, in accordance with Section 42 (1) of S.I. No. 477 of 2011, the European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

The 30 calendar day Public Consultation commenced on **29 March 2022** and ended close of business on **27 April 2022**. All documents that informed the Screening for Appropriate Assessment Determination (links available above) were made publicly available at the following locations:

- **Cork County Council Planning Office**
- **Waterford County Council Planning Office**
- **Youghal Garda Station**
- **Youghal Library**

These documents were also published on the Departments website at the following Link: <https://www.gov.ie/en/foreshore-notice/7bfb1-eirgrid-celtic-interconnector-electricity-cable/>

In addition to the application documents submitted by EirGrid PLC, the following documents were also on public display at the above locations and published on the Department's website:

- Screening for Appropriate Assessment Submission
- Screening for Appropriate Assessment Determination Approved
- Marine Advisor Environmental Report (Prepared by MA-Environment)
- Screening for AA (Prepared by IEC)

The Department received one submission from the public during the Public Consultation period, which is attached at **(Tab 4 Public Sub Under R.42)**. The applicant's response to the submission is attached at **(Tab 5 Applicants Response to Public Sub Under R.42)**.

Prescribed Bodies Consultation for Appropriate Assessment

Foreshore Regulations 2011 (S.I. No. 353 of 2011) provides under Regulation 3 that when considering a foreshore application, as set out under section 18A (1) of the Act of 1933, the Minister may seek observations from a number of prescribed bodies. For this application, observations were sought and received from the following:

- Marine Institute
- Inland Fisheries Ireland
- Geological Survey Ireland
- Health and Safety Authority
- Department of the Environment, Climate and Communications
- Environment Protection Agency
- Department of Housing Local Government and Heritage, NPWS/UAW
- Marine Survey Office
- Commissioner of Irish Lights
- Department of Agriculture, Food and the Marine
- Department of Housing Local Government and Heritage Marine Advisor Ecologist
- Department of Housing Local Government and Heritage, Marine Advisor
- Met Eireann
- Bird Watch Ireland.

Observations from the above **(Tab 6 PBC Obs 2022)** have been forwarded to the applicant and there were no objections in principle to the proposed works. The submitted observations and the applicant's response to such **(Tab 7 Applicants Response to PBC 2022)** have been considered as part of the Appropriate Assessment.

Recommended conditions will be considered as part of the assessment of this application.

Appropriate Assessment

The Appropriate Assessment Screening process determined that likely significant effects could not be ruled out with respect to disturbance to Annex II species, accidental loss of pollutant and in-combination effects.

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage made a determination following screening that an Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect the integrity of European sites, in view of the said sites' conservation objectives.

Measures to mitigate against the likely significant effect are identified in the Onshore AA Screening and Natura Impact Statement (March 2022). The adherence to these measures is considered appropriate mitigation to avoid significant effects on conservation objectives of any European site.

An Appropriate Assessment report was prepared by the Independent Environmental Consultant ARUP April 2022, which adopts the comments from the Public Consultation on Appropriate Assessment (**Tab 3**). The IEC identified the mitigation measures required to ensure that the proposed project, either individually or in combination with other plans or projects, will not adversely affect the integrity of any Europeans Site.

Request for Further Information:

Further information was requested and received during the decision making process. This information was submitted in the form of an updated NIS dated March 2022. This was included in the documents submitted as part of the second public consultation process.

The Department's Marine Ecologist agrees with and accepts these conclusions and recommendations. Attached is the recommending officer's **Appropriate Assessment Determination Conclusion Statement** which requires the Decision Maker's signature (**Tab 1**).

Environmental Impact Assessment (EIA) Regulations:

ARUP prepared an EIA Reasoned Conclusion Report in May 2022. This EIA Reasoned Conclusion Report along with all relevant material was considered by the Marine Advisor in the Department.

The proposed interconnector does not constitute a "project" listed within either Annex I or Annex II to the EIA Directive [Directive 2011/92/EU as amended by Directive 2014/52/EU]. However an EIAR was voluntarily submitted by the Applicant.

An assessment of compliance of proposed Celtic Interconnector project with the objectives and requirements of the EIA and associated national regulations, took into account the following reports and supporting information that formed part of the Celtic Interconnector Foreshore License Application package:

- EIAR and Appendices (These documents were also published on the Departments website at the following Link:<https://www.gov.ie/en/foreshore-notice/7bfb1-eirgrid-celtic-interconnector-electricity-cable/>)
- Celtic Interconnector Reasoned Conclusion report prepared by IEC (**Tab 11**)
- Foreshore Licence Application Form (**Tab 8**)
- Natural Impact Statement. (**Tab 13**)

The assessment also took into consideration written observations made by the prescribed bodies to DHLGH in relation to the Foreshore Licence

A Reasoned Conclusion of the EIAR, together with associated documents, provide adequate information to inform the assessment of environmental impact.

An examination, analysis and evaluation of the information contained in the Celtic Interconnector EIAR and supporting documents, including observations of the public and prescribed bodies, and documents submitted as further information was conducted. The Celtic Interconnector application documentation identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having considered the IEC's report, the submitted EIAR and having regard to the totality of the documentation on file, the Recommending Officer concluded that the submitted information is sufficient to arrive at a reasoned conclusion considering the likely significant effects on the environment arising from this development and a recommendation has been made that the Minister adopts the Reasoned Conclusion Report prepared by ARUP (**Tab 11**) and The Reasoned Conclusion on Submitted EIAR prepared by the Department's Recommending Officer (**Tab 12**).

Risk Assessment for Annex IV Species

Article 12 of Directive (92/43/EEC) (as amended) (Habitats Directive): Risk Assessment for Annex IV species likely to occur in Irish waters was carried out by the IEC, Ove Arup & Partners Ireland Ltd (Arup), (May 2022) and is attached **(Tab 14)**. The Assessment determined that as a result of the underwater noise generated during the project injury or death to cetaceans could not be ruled out. However strict adherence to the DAHG 2014 Guidance to man-made sound sources in Irish waters was identified no cetaceans will be injured or killed as a result of the proposed activity. This assessment is separate to that undertaken under Article 6.3.

Conclusion/recommendations:

Having considered the information submitted in support of the application, the Department's Marine Ecologist has no objection to the granting of this application subject to the following condition:

1. The licensee shall ensure that vessels used in the survey vessels are free of invasive marine species on their hulls and in their ballast water. Method statement to that effect should be submitted to the competent authority.
2. Strict adherence to the DAHG *Guidance to manage the risk to marine mammals from man-made sound sources in Irish waters* (DAHG 2014);
3. The licensee shall ensure appropriate burial depths and heat shielding from cable burial and rock placement (where applicable). This will indirectly reduce effects from heat emissions and electro-magnetic fields (EMF);
4. Use of noise-attenuation fencing, solid hoarding or other acoustic barriers to reduce in-air noise propagation and to conceal human activity. The barrier material shall have a mass per unit area exceeding 7kg/m² in accordance with the recommendations of BS 5228 Part 1:2009+A1:2014 Part B.4;
5. Works within the intertidal zone will be restricted in extent with contractors working within defined parameters and working areas. Working areas will be established during the setting out phase of the project and clearly defined to minimise impacts on non-breeding birds which use the beach and intertidal area at the proposed landfall location;
6. All construction access to the beach will follow designated access and egress routes to ensure that impacts to habitats are minimised during the installation phase;
7. The sheet piling required for construction of the cofferdam, will be completed following best practice to minimise noise impacts. Full details will be provided in a Construction Code of Practice document to be adopted by the project but may include measures such as restricting timing and duration of piling activities or the use of aural screening to minimise the extent of noise;
8. Project-related vessels will adhere to international best practise regarding pollution control, including the MARPOL convention;
9. All works areas (including staging areas and site compounds) have been designed to be located outside of Annex 1 habitats (such as sand dunes); and
10. All works will be completed following standard operating measures to minimise risk of pollution, as outlined within the CEMP and other project documentation.
11. See also Section 2.2.4 of this document for relevant measures within the Outline Construction Environmental Management Plan (OCEMP).

The Department's Marine Ecologist agrees with and accepts its conclusions and recommendations. **(Tab 2)**.

The Marine Ecologist recommends that the Minister accepts and adopts the Appropriate Assessment Determination and Conclusion Statement prepared by the Department's Recommending Officer for Ministerial Determination attached at **(Tab 1) for signing**.

Submitted for decision.

Related submissions

HLG 00103-22: Screening for Appropriate Assessment Determination. Foreshore Licence application by Eirgrid PLC.

HLG 00249-22: FS006916 EirGrid Celtic Interconnector Electricity Cable

User details

INVOLVED:



READ RECEIPT:

