

Marine Advisor's Environmental Assessment and Determinations Report

I reviewed the application and the environmental documents associated with the Foreshore Application FS006916 for Construction and operation of a subsea electrical interconnector cable from the Irish EEZ to landfall at Claycastle, Co. Cork.

Please find attached the AA Determination and Conclusion Statement which are part of the Department's Statutory Obligations. My comments are as follows:

Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive): I refer you to my Marine Adviser Environment Screening Stage Report of the 24th of January 2022 where, as the Department's Environment Marine Advisor, I agreed with and accepted the IEC's conclusion that the risk of likely significant effects on European sites as a result of the proposed project, either individually or in combination with other plans or projects, cannot be excluded. Therefore a stage 2 Appropriate Assessment was required.

The IEC completed an Appropriate Assessment and 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 European Site. I agree with and accept the IEC's Appropriate Assessment Report and its recommendations. My Appropriate Assessment Conclusion Statement is attached.

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.

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. 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.

Conclusion/recommendations:

Having considered the information submitted in support of the application, I have 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 landfill 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).

By email
2 March 2022

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[REDACTED]
Foreshore Section
Department of Housing, Local Government and Heritage
Newtown Road
Wexford
Y35 AP90

Our ref A. L0001
File ref 285576-00/[REDACTED]

Dear [REDACTED],

285576-00

FS006916 EirGrid Celtic Interconnector Electricity Cable Foreshore Licence Application

We have reviewed the information submitted with the application for Foreshore consent, file reference FS006916, for the EirGrid Celtic Interconnector Electricity Cable. To complete our work as independent environmental consultant on this project, we require the following information from the applicant in relation to the Appropriate Assessment Screening Report and Natura Impact Statement:

1. Table 2.3 Identification of activities and potential effects, for “Accidental loss of pollutants, such as fuel or machine oils, during cable laying and burial activity” a justification is required for the ZoI criterion since any large fuel spill from refuelling or vessel collision would undergo several other processes besides “dilution” and effects would be detectable for more than “several hundred metres”
2. Tables 2.7 and 2.8, Potential effects of the project on SACs and SPAs, in general do not appear to be informed by site-specific or species-specific consideration. Site-specific and /or species-specific information is required, with a focus on particularly sensitive species for example, Twaité and Allis shad. In addition, the ObSERVE programme results should be referenced for information on marine mammal and seabird distribution at sea, together with the latest (2020) SCOS Scientific Advice on Matters Related to the Management of Seal Populations.
3. Given the nature of the project, the consideration of potential EMF effects on migratory fish and marine mammals (and their prey) should be augmented to include the latest scientific information.
4. While the conservation objectives of sites are referenced in Tables 2.7 and 2.8, it is not clear how they have informed the assessment. This should be explained.

Our ref

285576-00

Date

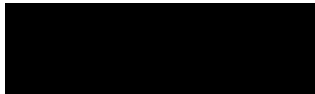
2 March 2022

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5. For in-combination effects, please list the sources of information used to identify other relevant plans/projects.
 6. With respect to mitigation measures proposed in the Appropriate Assessment Screening Report and Natura Impact Statement, Section 3.6 indicates that “Project-related vessels to be operated in line with IMO Guidelines for the reduction of underwater noise to address adverse impacts on marine life”. Please be more specific on which aspects of the guidelines will be applied and how this will be ensured.

We would be happy to meet the Applicant if they require clarification of the queries.

Should you have any queries on the above, please contact the undersigned.

Yours sincerely



Consultant

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Appropriate Assessment Conclusion Statement

Project reference: FS006916 Eirgrid – Foreshore Application for Construction and operation of a subsea electrical interconnector cable from the Irish EEZ to landfall at Claycastle, Co. Cork.

The cable will be buried in the seabed using a sea-plough and in the intertidal a long-reach excavators will be used to bury the cable.

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.

It is therefore determined that the proposed project, either alone or in-combination with other projects, will not adversely affect the integrity of any European Site.

Signature & Date of Recommending Officer:  18th May 2022

Signature & Date of Minister of State for Local Government and Planning:

Date: