

(FS006916)

REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)

ON

FORESHORE LICENCE APPLICATION FOR:

EIRGRID CELTIC INTERCONNECTOR ELECTRICITY CABLE

APPLICANT:

EIRGRID PLC

LOCATION:

12NM LIMIT OF FORESHORE TO LANDFALL AT CLAYCASTLE BEACH, YOUGHAL, COUNTY CORK

The Marine Licence Vetting Committee (MLVC)

The MLVC is a non-statutory multi-disciplinary committee which is convened, as required, for the purposes of undertaking a technical, including environmental, assessment of an application under the Foreshore Act 1933, as amended.

On the 06/05/2022 the Foreshore Section of the Department of Housing, Local Government and Heritage requested the MLVC to undertake the technical assessment detailed below for Case FS006916.

This report is the considered assessment, taking into account all relevant issues, submissions and responses. This proposal and assessment relates to that area which is under the jurisdiction of the foreshore legislation.

Project Overview:

EirGrid plc propose pre-lay installation works, the cable installation works, the operation and periodic maintenance of a submarine electricity interconnector between Ireland and France. The interconnector will include a fibre optic cable to enable communication and operational control of the interconnector, with the potential to also be used for commercial use.

Brief Description of the proposed works

The Celtic Interconnector comprises:

- Two no. high voltage direct current (HVDC) electricity power cables, cable diameter 100mm to 200mm;
- One no. fibre optic cable for control and communication purpose, cable diameter approx. 20mm;
- All associated works and work sites required to construct, install, test, and commission the three no. cables; and
- All associated works and work sites required to operate, maintain, repair and decommission the three no. cables over the approximately 40 year lifetime of the Project.

The Cable Route:

The proposed Celtic Interconnector cable route extends from the land fall at Claycastle Beach, Youghal County Cork to 12nm Limit. The route follows a south easterly course from the landfall to offshore where it turns south westerly until it crosses the 12nm limit and the seaward limit of state owned foreshore, a total of approx. 35km. It continues then in a south easterly direction across the Irish, UK and French EEZs until making land fall at Kerradence, France. The entire cable route is approx. 497km with 35km on state owned foreshore

Marine Construction Works

Pre-Lay Grapple Run:

Pre-lay grapple runs will be required along the cable route on the seabed to ensure debris, for example redundant cables, fishing gear, discarded ropes, are cleared in advance of cable lay. The cable footprint on the seabed is anticipated to be approximately 5.0m wide. However, this may increase to approximately 15.0m during seabed preparation and cable installation works due to the size of the equipment deployed for these activities.

Cable Lay & Burial:

It is proposed that the submarine cable will be installed in a bundled configuration, with the fibre optic cable also installed within the bundle. The submarine cable is loaded on to the cable laying vessels into a carousel located on-board and is fed to the laying arm at the stern of the vessel and on to its position on the ocean floor. The cable laying vessels have the ability to simultaneously lay and bury the cables. The target burial depth of the cable is 0.8m to 2.5m for offshore.

The burial technique will vary depending on geology of the seabed. The sediment coverage along the cable route is considered good, consisting of a combination of loose to dense sand, dense sandy gravel and high strength clay. Cable installation is envisaged using standard burial tools such as plough or jetting tools. Some rock protection may be required where the target depth is not fully achieved through burial.

Landfall Installation Construction Works:

The cable landfall installation method selected for Claycastle Beach is an open cut Installation method with temporary cofferdams to install the conduits to take the cables ashore. Horizontal Directional Drilling (HDD) is not feasible due to the distance to the 5m water depth required. The target burial depth of the cable is 1.8m to 3.0 m for the land fall. It is envisaged by applicants that landfall installation construction works will take up to approximately 10 days max.

Public Participation:

Public Consultation Under Section 19 of the Foreshore Act 1933 (as amended)

The Foreshore Section of the DHLGH conducted the public consultation. All consultation was undertaken to conform to the requirements of the Section 19 of the Foreshore Act 1933 as amended and the European Directive 2003/35/EC (known as the Public Participation Directive or “PPD”).

The first consultation period ran for eight weeks, opening on the 11 October 2021 and concluded on the 06 December 2021. The Application was advertised on the 8 October 2021 in the “Irish Examiner”, “The Echo” and in the November 2021 issue of “The Skipper” and “Marine Times”.

The relevant documents were on display in the following four locations:

- Cork County Council Planning Office, Ground Floor, County Hall, Carrigrohane Road, Cork.
- Waterford County Council Planning Office, Planning Department, 1st Floor, Menapia Building, The Mall, Waterford, X91 PK15..
- Youghal Garda Station, O'Briens Place, Youghal, P36 DV79, County Cork.
- Youghal Library, Rivergate Shopping Mall, North Main Street, Youghal, Co. Cork, P36 FF99.

The relevant documents were also available on Celtic Interconnector dedicated website and the Department of Housing, Local Government and Heritage website.

Public Consultation Submissions and Assessment

Summary of the 2 public submissions received during the first consultation period.

These related to concerns raised in respect of possible impacts on local fish industry, particularly the short term disruption during construction of the project. A fisheries management plan is asked for to

mitigate possible impacts. It is asked that particular attention be given to the timing of the works not to affect the shrimp season, which is of local economic importance. Doubt is expressed as to the capacity of mitigation measures to be effective in limiting the potential impact on the local fishing industry.

The submissions have been considered and concerns expressed will form part of the assessment of the overall application. It is recognised that the fishing industry, particularly shrimp fishing, is important to the local economy.

Public Consultation under Reg. 42 of S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011

Following a preliminary environmental assessment of the application, the applicant was requested to provide additional information in respect of the effects on the environment. This information it was determined to be significant and warranted a second public consultation to ensure that the public had sufficient opportunity to comment on the additional environmental information contained in the revised Natura Impact Statement in relation to the Foreshore Licence Application. The additional information and applicants responses can be found on the Departments website.

The relevant document in relation to the Public Consultation under Reg. 42, i.e. the information furnished containing significant additional data in respect of the effects on the environment, revised Natura Impact Statement was made available for inspection during the consultation period from 29 March 2022 through to 27 April 2022 at the following locations:

- Cork County Council Planning Office, Ground Floor, County Hall, Carrigrohane Road, Cork.
- Waterford County Council Planning Office , Planning Department, 1st Floor, Menapia Building, The Mall, Waterford, X91 PK15..
- Youghal Garda Station, O'Briens Place, Youghal, P36 DV79, County Cork.
- Youghal Library, Rivergate Shopping Mall, North Main Street, Youghal, Co. Cork, P36 FF99.

The additional information was also available to view on Celtic Interconnector dedicated website and the Department of Housing, Local Government and Heritage website.

The Public Consultation under Reg. 42 concerning the further information was advertised in the "Irish Examiner", "The Echo".

Public Consultation Submissions and Assessment

From the one public submissions received during the Public Consultation under Reg. 42 The full submission received can be seen in the Consolidated Public Submissions document on the Departments website. The issues raised were grouped, considered and assessed by the MLVC as follows:

This submission is noted and has been considered. It appears to relate to onshore activities and suggests particular technical processes to efficiently and effectively bury the cabling. The submission is considered and while it does not appear to be relating to the marine environment, nonetheless its contents will be considered during the assessment of this application.

Prescribed Bodies Consultation Legislation:

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.

- Marine Survey Office
- Marine Institute
- Sea Fisheries Protection Authority
- Department of Housing, Local Government and Heritage Water and Marine Advisor (Engineering and Environmental)
- Underwater Archaeology Unit and NPWS Development Applications Unit
- Inland Fisheries Ireland
- Department of Agriculture, Food and Marine
- Environment Protection Agency
- Department of Environment, Climate and Communications

There were no objections in principle to the proposed works. A number of the submissions from the Prescribed Bodies raised particular observations and put forward suggested conditions to be included in any licence issued. These broadly related to measures to ensure safe navigation, compliance with environmental protection measures, requirements to limit the effect on fishing and requirements relating to underwater archaeology. These observations are noted, will be included in the overall assessment of this application and will be considered for inclusion in any proposed conditions to be attached in the event of a recommendation to approve a foreshore licence.

Environmental Assessment Process

The Department has taken a range of steps to consider the environmental aspects of the proposed development which have been taken into consideration as part of this assessment. These steps, their assessment and where necessary conclusions are set out below. Supporting environmental documentation and concluding statements accompany this report and form part of the overall decision making framework.

Independent Environmental Consultation: To assist in its role in assessing the proposed development, the Department engaged an Independent Environmental Consultant (IEC) to provide objective supporting technical advice to inform the appropriate consideration of the environmental aspects of this particular application.

The IEC conducted independent assessments of the information provided by the Applicant, having regard to the Habitats Directive, the Birds and Natural Habitats Regulations and the EIA Directive, as well as the public and prescribed bodies' consultations. This work has informed the consideration of the proposed development and conclusions of the Department with respect to its responsibilities under the various environmental obligations applying.

Screening for Appropriate Assessment

A Screening for Appropriate Assessment, following the guidelines of assessment of plans and projects significantly affecting European sites Methodological guidance of the Habitats Directive 92/43/EEC was conducted. 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 Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project installation of a subsea fibre optic telecommunication cable, individually or in combination with other plans or projects would be likely to have a significant effect (s) on a European site(s).

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 has made a determination following screening that an Appropriate Assessment is required as the project individually or in combination with other plans or projects is likely to have a significant effect on any European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites. In the interests of public knowledge this decision was put into the public domain. The views expressed regarding the validity of the basis of the decision in the public submission are noted. It is the role of the competent authority, in this case the Minister, to screen for appropriate assessment. The conclusion of the screening exercise is referred to above. As the decision was to screen in the development, public consultation is required and was undertaken in pursuance of assessing the appropriate assessment received which is outlined below.

Appropriate Assessment

An appropriate assessment was carried out by the applicant. This assessment was considered by the Departments environmental consultants. Also considered was submissions by third parties and prescribed bodies, where appropriate. A detailed consideration of the submitted information was carried out by the appointed independent consultants in conjunction with the Marine Adviser.

The **Screening for Appropriate Assessment** concluded that the likely significant effects as a result of underwater noise could not be discounted for Annex IV species and therefore a Stage 2 Appropriate Assessment was required. This is considered reasonable and required.

The applicant submitted an appropriate assessment which was considered along with public submissions. The Independent environmental consultants, in conjunction with Marine Advisor (environment) carried out a **Stage 2 Appropriate Assessment** in which mitigation against the impacts of underwater noise on Annex IV was identified as strict adherence to the NPWS guidelines for underwater noise (2014).

Following consideration of the proposed development, the conservation objectives of the relevant designated sites, it is concluded that, subject to adherence with the proposed mitigation measures, the development as applied for will not either alone or in combination give rise to adverse effects on European sites.

EU Habitats Directive: Article 12 Risk Assessment: Following a review of the proposed project, an Article

12 Assessment was carried out. This assessment, primarily based on the work of the IEC, concludes that the proposed project will not give rise to significant impacts on species listed under Annex II or IV

of the Habitats Directive. The report concluded that with the implementation of the proposed mitigation measures, it is very unlikely that there will be negative residual impacts from the proposed works any annex IV species in the area. Having considered the application by Eirgrid and in particular the objective Article 12 Assessment carried out, it is considered that the proposed development will not give rise to significant detrimental impacts on species listed H under Annex II or IV of the Habitats directive.

EIA Assessment

Submitted with this application is an EIAR. It is considered that the proposed application does not fall within the developments requiring an EIAR as outlined in Annex 1 or II of the EIA directive. However, an EIAR was submitted and it is appropriate that it be considered as part of the assessment of this application. To support and inform the Department in discharging its duties under the EIA directive Independent Environmental consultants considered the submitted EIAR. Their report is considered to form part of this overall assessment and having considered the report, it is considered to form a comprehensive and reasoned basis for coming to a reasoned conclusion on the EIAR submitted.

Reasoned Conclusion on submitted EIAR

The submitted EIAR is concluded to be comprehensive and has been compiled by suitably qualified individuals. It is concluded that the submitted information is sufficient to arrive at a reasoned conclusion with respect considering the likely significant effects on the environment arising from this development.

Having considered the IEC's report, the submitted EIAR and having regard to the totality of the documentation on file, it is concluded that the main non-significant direct and indirect effects of the proposed development on the environment are:

- No residual significant direct or indirect impacts on Population and human health are predicted.
- The proposed development will have a beneficial impact on Air Quality by supporting renewable power generation and reducing the requirement for generation of power by fossil fuels sources, the emissions to air from fossil fuel generation will be reduced.
- It is anticipated that the proposed development will have a net positive effect on Climate by reducing GHG emissions as it will support renewable power generation and reducing the requirement for generation of power by fossil fuels sources.
- No residual significant direct or indirect impacts on Land and soil are predicted.
- There will be no residual risk of flooding of the Celtic Interconnector landfall areas and the project is not expected to have any impact on the risk of flooding of surrounding areas.
- With the implementation of the proposed mitigation measures, no residual significant direct or indirect impacts on water quality are predicted.
- There will be a temporary slight adverse but not significant impact on benthic biodiversity and resident fish communities due to habitat loss. There will be a temporary adverse impact from cable installation on benthos, but no residual impacts are expected as a rapid recovery to pre cablelay levels for faunal biomass and diversity is expected. The residual impacts on benthic biodiversity associated with the cable lay activities will be not significant permanent adverse.
- No long-term impacts on fish distribution or abundance are predicted, thus the likelihood of significant indirect impacts on prey abundance and distribution for marine mammals is low.
- No significant residual direct or indirect impacts on marine mammals are predicted with the effective implementation of mitigation measures proposed

- There will be no residual significant direct impacts on non-breeding waterbirds or their habitats.
- With the implementation of the proposed mitigation measures, no residual significant direct or indirect impacts are predicted on any designated site because of the construction and operation of the Celtic Interconnector Project.
- The impact of the Celtic Interconnector Project on Natura 2000 Sites was assessed separately as outlined above.
- Neither the construction nor the operation of the Celtic Interconnector Project will have a significant direct or indirect impact on the landscape or seascape or on visual amenity.
- In relation to archaeology and cultural heritage, the Celtic Interconnector Project will have a slight adverse residual effect on near-shore peat deposits and offshore deposits of geoarchaeological interest. There is also the potential to uncover and expose previously unrecorded archaeological material, most notably shipwrecks.
- In relation to existing material assets, existing cables have a high sensitivity due to damage and economic implications. With the mitigation measures proposed, there will be a slight adverse residual impact to existing cables. The proposed development will have a positive transboundary impact on material assets associated with providing a high capacity electricity transmission line between Ireland and France.
- The construction and the operation of the Celtic Interconnector Project will have no significant noise or vibration impacts on the nearest sensitive terrestrial receptors on land at the landfall.
- Cable installation and the shipping associated with the Celtic Interconnector Project, are not expected to have a significant adverse effect on the underwater noise environment or on noise sensitive marine species.
- There is a potential temporary adverse impact to shipping and navigation due to the presence of work vessels with limited ability to manoeuvre during the installation phase. Though not anticipated for the majority of the cable route within the Irish Foreshore, additional cable protection may be required which will result in localised reduction in water depth. Additionally, the Commissioner of Irish Lights indicated the presence of a marine aid to navigation (bar rocks buoy) and requested consultation prior to construction.
- Mitigation measures and cable route design have minimised the impacts to shipping and navigation and no significant residual impacts are identified.
- A permanent, localised displacement of commercial fisheries activities due to seabed obstructions resulting from cable protection measures may occur within the Irish Foreshore. There will also be temporary displacement to fishing activity from installation and maintenance work as a result of temporary exclusion zones. The magnitude of this effect has been assessed as imperceptible or Minor and Not significant.
- The Celtic Interconnector Project does not pose an increased risk of significant adverse effects on the environment due to its vulnerability to risks of major accidents and/or disasters.

It is noted that a draft Construction Environmental Management Plan (CEMP) (EirGrid, June 2021) was submitted with the application. The draft CEMP sets out the minimum requirements which will be adhered to during the construction phase of the Celtic Interconnector Project. The draft CEMP includes all the construction phase mitigation measures proposed in the EIAR and stipulates revisions to include construction-related conditions attached to granting the Foreshore Licence. The draft CEMP sets out the minimum requirements which will be adhered to during the construction phase of the Celtic Interconnector Project. It is proposed that the draft CEMP will be updated as the project progresses. This document is considered to be both reasonable and prudent in view of the scale, complexity and importance of the project. The report and assessment of the IEC has been

considered in conjunction with a review of the submitted documentation and it is considered that the submitted information is comprehensive.

It is concluded that following consideration of the submitted reports including the assessment report on the EIAR undertaken by our IEC, the EIAR complies with the EIA Directive and the relevant Irish legislation. The impacts of the Celtic Interconnector are concluded to be acceptable in terms of population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and landscape. In the interests of clarity of decision making a separate reasoned conclusion statement has been prepared, the contents of this section of the report reflect that of the reasoned conclusion statement. A holistic set of recommended conditions is set out at the end of this report that includes the environmental conditions and reflects the assessment of the totality of the documentation on file relating to this proposed development.

Conclusion of Environmental assessments

A range of detailed considerations have been given to the compliance of this proposed development with the various environmental directives. It is concluded that the submitted EIAR has identified and taken measures to mitigate possible effects of the development on the environment and that the proposed development will not have an adverse effect individually or in combination on designated European sites.

9. Estate Management

All foreshore is presumed state owned unless proven otherwise. In this case there are no known established claims of private ownership of the foreshore at this location and no claims of private ownership were raised during the application and public consultation process therefore, the foreshore the subject of this application is state owned. Accordingly Section 3 of the Foreshore Act applies for the proposed licence. The licence area for the works is shown in the maps submitted by the applicant.

10. National Marine Planning framework

The National Marine Planning Framework (NMPF) is a national plan for Ireland's marine area including the Foreshore. It sets out, over a 20-year horizon, how we want to use, protect and enjoy our marine area.

Having reviewed, considered the report by the IEC undertaken to inform NMPF compliance and assessed this application against the objectives of the NMPF, it is considered that the proposed development is in line with the objectives of the NMPF. In particular Transmission Policy 1 of the National Marine Planning Framework, is most relevant it states subject to the appropriate environmental assessments, electricity transmission proposals that maintain or improve the security and diversity of Ireland's energy supply should be supported, including interconnectors, relevant EU Projects of Common Interest (PCIs), and projects in receipt of relevant alternative EU priority energy infrastructure classification provided for by the EU TEN-E regulations.

This proposed development is in line with this objective its objective is to facilitate electricity connectivity between Ireland and other countries which this proposal seeks to do so. Furthermore the project improves energy security which gives further resilience to the State and its citizens.

11. Public Interest.

Section 2 and 3 of the Foreshore Act, as amended, states that a lease or licence of state foreshore may be granted “If, in the opinion of the Minister, it is in the public interest”. As state owned foreshore is a finite and valuable state resource and a public amenity, it is important that each plan and project is fully assessed to ensure, that if consented to, it is a sustainable and proper use of that resource.

12. MLVC Considerations:

- Foreshore Application Form
- Vol. 3B_NTS for Ireland Offshore Celtic Inter. June21
- Vol. 3D1 EIAR Introd.Chapters for Irl Offshore
- Vol. 3D2 EIAR Tech Chapters Irl Offshore Celtic Inter.
- Vol. 3D2 EIAR App-Irl Offshore CelticInter.Part1 - Part 11
- Vol. 4 Environmental Report for UK Offshore
- Vol. 4 Appendices for Environmental Report Part 1 – Part 5
- Vol. 5 Joint Environmental Report (JER) Part 1 – Part 2
- Vol. 6B Offshore AA Screening Report and NIS (SISAA)
- Vol. 7A Celtic Inter. TEN-E Reg. Concept for Public Partic.
- Vol. 7A Celtic Inter.Connecting Elect Grids of Irl & France
- Vol. 7A Celtic Inter. Appendix A Geographic co-ordinates
- Vol. 7A Celtic Inter. Appendix B Size Area
- Vol. 7A Celtic Inter.Appendix D Constitution of EirGrid
- Vol. 7A Celtic Inter.Appendix E Certificate of Inc.of EirGrid PLC
- Vol. 7A Celtic Inter. Appendix F EIA Portal Confirmation
- Vol. 7B Ireland Offshore Celtic Inter. Foreshore Licence Map 1 400584-PL-DWG-009 Rev D
- Vol. 7B Ireland Offshore Celtic Interconnector Foreshore Licence Map 2 400584-PL-DWG-009 Rev D
- Vol. 7B Ireland Offshore Celtic Interconnector Irish Shore Approach and Landfall at Claycastle Option 1 - Phase One 400584-PL-DWG-001 Rev F and - Phase Two 400584-PL-DWG-002 Rev F
- Vol. 7B Ireland Offshore_Celtic Inter. Irish Shore Approach and Landfall at Claycastle Option 2 - Phase One 400584-PL-DWG-007 Rev D and Phase Two 400584-PL-DWG-008 Rev D
- Vol. 7B Ireland Offshore Celtic Interconnector Irish Shore Approach and Landfall at Claycastle Typical Section 400584-SK-DWG-005 Rev D
- Vol. 8A Ireland Offshore Celtic Inter Planning and Consultation Report
- Vol. 8B Ireland Offshore Celtic Inter Marine Strategy Framework Directive Assessment - Ireland
- Vol. 8C Irl Offshore Celtic Inter Water Framework Directive Assess
- Written submissions and recommendations received from Prescribed Bodies
- The applicant’s responses to the Prescribed Bodies submissions.
- The public submissions received from the public consultation.
- The applicant’s responses to the public submissions received.
- Independent Environmental Consultants submissions
- EIA Reasoned Conclusion report by Arup

- NMPF compliance report prepared by ARUP
- Marine Advisers report both Engineering and Environmental
- Following requests for further information (RFI), the following documents were provided to DHLGH by EirGrid:
 - EirGrid Information to Inform 2nd Public Consultation revised NIS March 2022

13. Overall assessment of proposed development and recommendation

Introduction and policy context

This proposal is to allow for the laying of electricity transmission infrastructure to connect with France and the wider European transmission network. In principle it is national policy to support the improvement of international electricity transmission capabilities.

The location of this proposed link is required to efficiently connect the national grid with that of France. The precise landfall of this project has been the subject of detailed consideration by the applicant. A number of other locations were considered on a structured basis, the criteria are set out in the EIAR. The proposed landfall is considered to be the most appropriate location in view of the site conditions and undersea bed geomorphology as well as its capability for linkage into the wider transmission network separate to that used for the existing electricity linkage to France. Having taken into consideration the submitted application and EIAR, as well as submitted third party, prescribed bodies and IEC documentation it is considered, that the project is required to allow for the improvement in resilience in the electricity transmission network and improve energy security both nationally and at a European scale. This is considered to be in line with national policy and wider European commission policy.

Environmental Considerations

However consideration has to be given to the environmental effects of the proposed development directives. The possible environmental effects of the proposed development have been considered as part of a comprehensive formal assessment, including an appropriate assessment. Further consideration has been given to assessing the possible environmental effects of the development under considerations relating to compliance with the EIA directives, in the form of a reasoned conclusion. It is considered that in view of the number of environmental reports and their consideration by the marine adviser (environmental), the IEC and as part of this holistic assessment that there will be no significant detrimental environmental effects arising from this proposed development.

Transboundary Notification

While the Proposed Development **has been identified as not being** a project within the scope of paragraph 2 of Appendix 1 to the Espoo Convention and EU Directive 2011/92/EU, (as amended) on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive"), nevertheless the applicant submitted a voluntary EIAR with the application therefore both the UK and France were notified of proposed project and with details of the location and activities involved and no response was received from same.

Given the nature of the proposed works and in view of the various assessments carried out as part of its consideration, it is considered that the proposed development will not have a negative

transboundary impact on material assets associated with providing a high capacity electricity transmission line between Ireland and France.

Conclusions

The proposed development seeks to improve national electricity infrastructure by further linking into the wider European network. This particular development is needed to improve energy security and resilience in our national electricity transmission infrastructure. It is considered that the proposal is appropriate and following extensive environmental considerations it is determined that the proposed development will not have adverse effects on designated European sites either individually or in combination or the wider environment.

Therefore it is recommended that having regard to the totality of the documentation on file relating to this proposed development, a foreshore license be granted for this proposed development subject to the recommended conditions, as set out below.

1. The licensee shall use that part of the foreshore, the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.
2. The following drawings shall be attached to and referenced in the licence document; Foreshore Licence Map 1, Drawing Number: 400584-PL-DWG-009 Rev: D. Date: 10/06/21, Foreshore Licence Map 2, Drawing Number: 400584-PL-DWG-009 Rev: D. Date: 10/06/21.
- 3 Cable installation and maintenance shall be completed in accordance with the application and supporting documents provided in the application process.
4. Decommissioning procedure shall be in accordance with best practise at that time. This could involve leaving in situ, mitigation works, partial removal and full removal or otherwise agreed with the lessor and the relevant competent authorities at that time in compliance with all relevant legislation and environmental requirements.
5. On completion of the works, the Licensee shall submit to the Department of Housing, Local Government and Heritage a statement from a suitable qualified Chartered Engineer confirming that works are completed in accordance with the documents submitted together with a drawing and a route position list showing the “as-laid location” for the submarine cable.
6. The licensee shall notify the Department of Housing, Local Government and Heritage at least 14 days in advance of the commencement of any works on the foreshore. This notification shall include an up to date Programme of Works for the completion of the project.
7. During the course of the nearshore/landfall cable lay operations the Licensee shall ensure that existing public access arrangements are maintained, where possible, and all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation.

8. The foreshore and adjacent seashore beach area shall be restored to its natural condition on completion of the cable installation works to the satisfaction of the Department of Housing, Local Government and Heritage.

9. All spillages and pollution events at the development site which may cause potential contamination of seafood are to be immediately reported to the Clonakilty SFPA Food and Fisheries Support Office sfpafood&fisheriessupport@sfpa.ie.

10. To avoid negative impacts on sensitive climate monitoring equipment, dust mitigation measures is required for any heavy vehicles required during the construction phase of the project.

11. 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.

12. Strict adherence to the DAHG Guidance to manage the risk to marine mammals from man-made sound sources in Irish waters (DAHG 2014).

13. 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).

14. 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.

15. 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.

16. 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.

17. 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.

18. Project-related vessels will adhere to international best practise regarding pollution control, including the MARPOL convention.

19. All works areas (including staging areas and site compounds) have been designed to be located outside of Annex 1 habitats (such as sand dunes).

20. All works will be completed following standard operating measures to minimise risk of pollution, as outlined within the CEMP and other project documentation.

21 Underwater Archaeology:

The following mitigation measures for underwater archaeology shall be implemented in full:

a. An Underwater Archaeological Impact Assessment (UAIA) shall be undertaken to address any potential impact to the Underwater Cultural Heritage. A licence-eligible, suitably qualified, underwater archaeologist shall be engaged to carry out the Underwater Archaeological Impact Assessment (UAIA). The archaeologist shall also be suitably experienced, with a track record in dealing with marine and offshore developments, resultant report submission.

b. This evaluation shall be conducted by a multidisciplinary team of specialists to determine the archaeological, including artefact-bearing, potential of the submerged forest deposits and the nature, date and extent of any such archaeological materials that may exist.

c. The evaluation shall include detailed topographical mapping of the peat horizon, a systematic wade and dive survey and careful manual excavation and paleo environmental sampling of a substantial section of the deposit (to be agreed with the Department of Housing, Local Government and Heritage via a method statement), aimed at retrieving and plotting the locations of worked stone tools and other archaeological materials, should they be identified.

d. The UAIA shall include a hand-held metal detection survey, undertaken by a suitably licenced and experienced detectorist. A Dive Licence (section 3 1987 Act) and Detection Device consent (section 2 1987 Act) will be required for these works.

e. A detailed method statement shall accompany their licence applications to the National Monuments Service for consideration (both for a Dive Survey Licence to cover the UAIA and a Detection Device Consent to cover the geophysical survey assessment for archaeological purposes and metal detector for the foreshore survey). The licences shall be issued as required under the National Monuments Acts 1930-2004.

f. The archaeologist shall be compliant with all licensing requirements, including being up to date with report submissions.

g. A preliminary report shall be issued to the Department within four weeks of the end of the excavation works and this report shall summarise the results. The UAIA Report is to contain a detailed Impact Assessment to address all identified cultural heritage and shall also make recommendations for mitigation measures to avoid all impacts to the archaeology. If potential or identified sites, features or artefacts cannot be avoided to allow for preservation in situ, then the UAIA Report Recommendations shall put forward an archaeological mitigation strategy to address this, including preservation by record (archaeological testing and/or full archaeological excavation).

h. Once all surveys and follow up interpretations (including radiocarbon dating and palaeoenvironmental analysis) have been completed, the full information is to be compiled into a UAIA report and submitted to the Underwater Archaeology Unit, National Monuments Service for review and further comment. The Licensee shall be prepared to be advised by the Department of Housing, Local Government and Heritage in this regard.

i. For wrecks and other sites identified, or the potential location of same, the results to be reviewed by the Licensee and the archaeologists and appropriate exclusions placed around them to ensure they are avoided by any works, including SI works.

j. Once the UAU or the National Monuments Service has had the opportunity to review the UAIA Report, further recommendations may arise. It should be borne in mind that should significant archaeological remains be identified, further archaeological mitigation / monitoring may be required. The Department of Housing, Local Government and Heritage will advise the Licensee with regard to these matters.

22. There are two options detailed in the EIAR for burying the cables/trench. The Licensee shall Inform in writing, prior to the commencement of development, the Department of Housing, Local Government and Heritage and the local Inland Fisheries Ireland office (Macroom) of the confirmed option for cable burial.
23. A Fisheries Liaison Officer (FLO) shall be appointed to ensure timely engagement with the fishing community whose activities have the potential to be affected by the proposed development throughout construction and installation.
24. The Licensee shall liaise with the national representative organisations and their members who operate in the area as the project continues to progress. The Licensee shall also liaise with the local fishing producer organisations including but not limited to the Irish South & East Fish Producers Organisation. National Inshore Fisheries Forum, the local Regional Inshore Fisheries Forums and Irish South & West Fish Producers Organisation.
25. The Licensee shall develop a Fisheries Management and Mitigation Strategy (FMMS) which shall be discussed and agreed with the relevant stakeholders including relevant members of the National Inshore Fishermen's Association (NIFA) and the National Inshore Fishermen's Organisation (NIFO) prior to the commencement of the works.
26. The Licensee shall notify the local Inland Fisheries Ireland office (macroom@fisheriesireland.ie) five days in advance of works commencing on the site.
27. An appropriate Marine Notice detailing the works and vessels engaged in said works shall be prepared and published for the information of all marine users in the sea area covered by the application. Safety notices for mariners shall be promulgated by all available means appropriate during the duration of the subsea cable operations to ensure the safety of navigation is maintained.
28. The Licensee shall complete cable installation and maintenance in accordance with the application and supporting documents provided in the application process.
29. The mitigation measures as outlined within Section 3.6 of Volume 6B of the application documentation (Appropriate Assessment Screening Report and Natura Impact Statement, March 2022) shall be implemented in full.

- 30 The mitigation measures listed in EIAR Volume 3D2 Appendix 5A Construction Environmental Management Plan and in the technical chapters of the EIAR Volume 3D2 shall be implemented in full.
- 31 An up-to-date Construction Environmental Management Plan (CEMP) shall be submitted by the Licensee to the Department of Housing, Local Government and Heritage, for the approval of the Minister (subject to such modifications, if any, as she/he may deem appropriate) at least two months before work commences on site. The CEMP shall provide detailed construction methodology and shall further consider all potential and predicted impacts, the mitigation and control measures and their implementation and the monitoring proposed.
- 32 The CEMP shall include an Accident Prevention Procedure that addresses hazards, particularly in relation to the prevention of accidents with a possible impact on the environment.
- 33 The CEMP shall include an Emergency Response Plan which sets out the procedure to be followed in the event of an accident/emergency relating to impacts on the environment.
- a. The Licensee shall include the Marine Institute, Sea Fisheries Protection Authority, Inland Fisheries Ireland and Bord Iascaigh Mhara in the emergency response plan as notifiable bodies in the event of water pollution occurring during the works.
 - b. The Licensee shall notify the relevant authorities as soon as practicable after the occurrence of any emergency or pollution incident. The Licensee shall include as part of the notification, the date and time of the incident, summary details of the occurrence, and where available, the steps taken to minimise any impacts.
 - c. In the case of any incident relating to archaeology, marine mammals or migratory fish, the Licensee shall notify the National Monuments Service, National Parks and Wildlife Service, Marine Institute, Sea Fisheries Protection Authority, and Bord Iascaigh Mhara and Inland Fisheries Ireland and any other relevant authorities as soon as practicable after such an incident.
- 34 The licensee shall make a record of any incident. This record shall include details of the nature, extent, and impact of, and circumstances giving rise to, the incident. The record shall include all corrective actions taken to manage the incident, and the effect on the marine environment, and avoid recurrence. The licensee shall, as soon as practicable following incident notification, submit to the relevant authorities the incident record.
- 35 The mitigation measures for onshore noise at the landfall listed in Section 7.10.4 of this report shall be implemented in full.
- 36 The Licensee shall provide signage for recreational anglers along Claycastle beach in advance of commencement of the works. The signage shall provide a brief description of the works, the timing of the works, a description of exclusion zones and limits to access and shall provide the contact number of a project liaison person.
- 37 During the course of the nearshore/landfall cable lay operations the Licensee shall ensure that existing public access arrangements are maintained, where possible, and all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation.

- 38 The Licensee shall ensure that all contractors, and their subcontractors, are made aware of all conditions and project specific requirements and they are required to brief all relevant staff on these to ensure that all parties are fully aware of these requirements.
- 39 The Licensee shall consult with Commissioners of Irish Lights during the installation phase of the project to avoid any impact to safety of navigation.
- 40 The Licensee shall adhere to the IFI Guidelines during construction works where applicable.
- 41 The Licensee shall restore the foreshore and adjacent seashore beach area to its natural condition on completion of the cable installation works to the satisfaction of the Department of Housing, Local Government and Heritage.
- 42 On completion of the works, the Licensee shall submit to the Department of Housing, Local Government and Heritage a statement from a suitable qualified Chartered Engineer confirming that works are completed in accordance with the documents submitted together with a drawing and a route position list showing the "as-laid location" for the submarine cable.
- 43 The Licensee shall ensure the information regarding the final location, depth and shore markings of submarine cables is submitted to the United Kingdom Hydrographic Office (UKHO) for inclusion on relevant navigation charts.
- 44 Decommissioning procedure shall be in accordance with best practise at that time. This could involve leaving in situ, mitigation works, partial removal and full removal or otherwise agreed with the lessor and the relevant competent authorities at that time in compliance with all relevant legislation and environmental requirements.

██████████ Senior Planning Adviser BA (Hons), MSc, MBA, MIPI

26/5/22

