



Department of Housing,
Planning & Local Government

18 NOV 2022

18 November 2022

The Secretary
Department of Housing, Local Government and Heritage
Marine Planning - Foreshore Unit
Newtown Road
Wexford
Co. Wexford

**Notice of Intention to Designate
Porcupine Shelf 002267 & Southern Canyons 002278
as Special Areas of Conservation**

Dear Sir or Madam,

The European Union Habitats Directive (92/43/EEC) requires Member States to protect habitats and wildlife areas of European interest. The Directive was transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011). These Regulations enable the Minister for Housing, Local Government and Heritage to designate the most important nature conservation areas as Special Areas of Conservation (SACs) and to afford them legal protection. The Minister will shortly publish a proposal to designate the above-mentioned sites as Special Areas of Conservation. Details of these proposals will be published in the National press and broadcast on National radio.

OBSERVATIONS SOUGHT

The Regulations require the Minister to notify specified Ministers and other bodies. Observations on the proposal to designate these sites can be emailed to sitedesignations@npws.gov.ie or sent to:

Designations Unit,
National Parks and Wildlife Service,
90 King Street North,
Dublin 7
D07 N7CV

The closing date for the receipt of observations is the close of business (5.30pm) on 17 February 2023.



NOTIFICATION PROVISIONS

It is important to note that holders of permits or licences including, but not limited to, prospecting licences, exploration licences, foreshore licences, aquaculture licences and finfish licences within the above-mentioned sites, where those are issued by your Department/agency, should be informed of the proposal to designate these sites.

I would be grateful for confirmation by email [REDACTED]@npws.gov.ie) once these licence holders have been so notified.

Enclosed for your information are "Intention to Designate" (ITD) documents and maps showing the boundaries of the proposed SACs. The ITD contains a site description including why it is being protected, a list of activities, referred to as Activities Requiring Consent (ARCs), that may damage the site and require the permission of the Minister before they can be carried out, procedures for objecting to the proposed designation and ARCs and details of compensation provisions. Any objections to this proposal, which must be on scientific grounds, must be submitted within 3 months of the date of this notification i.e. by 17 February 2023. Objections should be sent to objections@npws.gov.ie or posted to

Objections Section - Designations Unit
National Parks and Wildlife Service
90 King Street North
Dublin 7
D07 N7CV

If you require further information, please contact the National Parks & Wildlife Service at the address above or by email to sitedesignations@npws.gov.ie

Yours sincerely,

[REDACTED]

[REDACTED]
Assistant Principal Officer
National Parks and Wildlife Service
Department of Housing, Local Government and Heritage



NOTICE OF INTENTION TO DESIGNATE

Southern Canyons
(Site code: 002278)

as a
Special Area of Conservation

(1). Location of the Southern Canyons candidate SAC (cSAC)

The Southern Canyons cSAC lies approximately 280 kilometre due south of Counties Kerry and Cork.

(2). Why the Southern Canyons is of special scientific interest

This large site contains a series of branched canyon systems, characterised by extensive areas of hard ground, interspersed with soft sediment. Multi-beam echo-sounder data has revealed the terrain features of the canyons at the target site, in exceptional detail. The recorded fauna is highly diverse, particularly amongst the dead coral framework, and contains a wide range of deep-water species. This site contains the Whittard Canyon system which has been described as comparable in scale and drama to the Grand Canyon in the USA.

The site is a candidate Special Area of Conservation (cSAC) selected for the following habitat listed on Annex I of the E.U. Habitats Directive (numbers in brackets are Natura 2000 codes):

[1170] Reefs

An extensive offshore survey of this site was completed in 2019 using the RV Celtic Explorer and the Holland I ROV. This survey was completed by a team of internationally recognised deep sea ecologists. A total of 50 dives were completed during this leg of the survey. The canyon systems cutting into the continental shelf were formed by sediment erosion events that scoured deep canyons with flanking escarpments. The thalwegs of these canyons exit thousands of meters deep into the abyssal plains below. The SAC boundaries have been designed to encompass this unique habitat, which is exceptional in a European context.

The ecology of the Southern Canyons is complex. There are areas of hard rocky substrate and areas of muddy or sandy sediment. Along the top of the canyon systems, sediment is the dominant substrate. In the canyons, depending on slope, it grades away to bedrock. Bottom currents also play a strong role in the type of fauna observed. Marine snow flushes through the canyons providing a rich food resource for various invertebrates and vertebrates.



This material forms from degradation and flocculation of phytoplankton and excreta in the productive shelf waters. In areas where muddy sediments dominate, there was evidence of pteropod mollusc burrows and occasional emergent sea fans (*Distichoptilum*) and soft corals (*Anthomastus*). An extensive field of sea pens, including *Pennatula* sp. and *Kophobelemnion* sp., interspersed with bamboo coral *Acanella* (both fir tree and bush-like forms) also occurs. In coarse sand, which can form quite prominent sand ridge features due to the action of bottom currents, the fauna include *Swiftia*, *Desmophyllum*, large barnacles, sea pens, and ophiuroids. Where there was sufficient anchoring, fauna consists of clumps of live *Desmophyllum* and occasionally *Madrepora*. Octocorals or soft corals included a lot of clavulariids and *Acanthogorgia*. The echinoid *Cidaris* is abundant over sand with some prominent anemones and occasional errant hermit crabs and galatheid crabs. The numerous fish species include elasmobranchs, grenadiers, orange roughy and eels.

Qualifying Interests under the Habitats Directive

E.U. Habitats List

<u>Natura 2000 Code</u>	<u>Description</u>
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1170	Reefs
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(3). Safeguarding Special Areas of Conservation

In order to protect ecologically important sites, certain potentially harmful works are restricted within SAC's. These works, known as Activities Requiring Consent (ARCs), are works liable to destroy or to significantly alter, damage or interfere with the ecology of the site. The Minister has issued a Direction in relation to the activities that apply to this site. These activities are listed below.

Anyone contemplating undertaking such works is required to seek the consent of the Minister for Housing, Local Government and Heritage. **Work can only commence on the granting of the Minister's consent.**

Activities Requiring Consent

(Activities likely to alter, damage, destroy or interfere with the integrity of the site)

The following Activities Requiring Consent apply:

- | | |
|--------|--|
| ARC-03 | Blasting, drilling, dredging or otherwise removing or disturbing fossils, rock, minerals, mud, sand, gravel or other sediment. |
| ARC-08 | Undertaking scientific research involving the collection and removal of biological material. |



PLEASE NOTE:

In order to protect this ecologically important site, the consent of the Minister for Housing, Local Government and Heritage is required for the activities listed above. These Activities Requiring Consent may destroy or significantly alter, damage or interfere with the ecology (integrity) of the site.

There is no general prohibition on the activities listed but there is a requirement to seek and obtain the consent of the Minister, where relevant, before work commences. In practice, such consent should be sought initially from the National Parks & Wildlife Service (NPWS) of the Department <https://www.npws.ie/contact-us>. It is an offence to carry out any of the listed activities without having received the Minister's consent.

In respect of any of the activities listed above, there is usually no requirement to obtain the consent of the Minister if the said activity is licensed by or subject to the permission or consent of another Minister, public body, State or local authority.

(4). Objecting to the proposed designation

Any person who feels that their interests may be affected by the proposal may lodge an objection. Any objections must be lodged within three months of the date of this notification. Therefore, the final date for receipt of an objection to this proposal is 17 February 2023. The objection should be accompanied by a declaration made by the person objecting stating that the person—

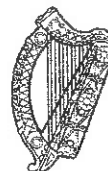
- (a) has or is entitled to an interest in or over the area comprising the site or
- (b) has or is entitled to an interest in or over an area outside the site whose interest may potentially be affected by the Direction.

STAGE ONE - INTERNAL REVIEW

Stage 1 (internal review) is conducted by the National Parks & Wildlife Service (NPWS). Any objections must be made by email to objections@npws.gov.ie or by writing to the address below:

Objections Section - Designations Unit
National Parks and Wildlife Service
90 King Street North
Dublin 7
D07 N7CV

Most objections are dealt with at internal review stage. Adjustments to boundaries can only be made on scientific grounds.



STAGE TWO – REFERRAL OF OBJECTION TO ADVISORY BOARD

This option is available only where an objection is unsuccessful at internal review. The appellant will be informed of the outcome of the internal review and will be given the option of having their objection referred to the Designated Areas Appeals Advisory Board. The Board is comprised of an independent chairperson and equal representation of marine users' groups and conservationists. In deciding Stage Two objections, the Minister will be advised by this Board.

The Board must confine itself to consideration of the scientific arguments only relating to the specific area. In this regard, a scientific report from a suitably qualified expert is required. Some grant assistance is available towards an appellant's costs for the expert engaged in the production of a scientific report. A list which details some independent experts who can provide assistance in drawing up the scientific evidence on which it is intended to base the appeal will be provided. An appellant is free to engage the services of an expert other than those listed on the panel.

(5). Objecting to the Direction relating to Activities Requiring Consent (ARCs)

Persons with an interest in the cSAC may also separately object to any of the Activities Requiring Consent (ARCs) included in the Direction made by the Minister. Any objections must be in writing and sent to the same address or email as above.

An objection may only be considered on the basis that the activity either individually or in combination with other activities, plans or projects, will not have a significant effect on, or adversely affect the integrity of the cSAC or will not lead to the deterioration of natural habitats or the habitats of species for which the site is designated. Any objections must be lodged within three months of the date of this notification; therefore, the final date for receipt of an objection is 17 February 2023.

(6). Making a claim for compensation

In accordance with Regulation 41 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), marine users may be eligible to compensation of an amount equal to the loss suffered by them by the depreciation of an interest in the marine area in which they have an interest arising from a decision by the Minister for Housing, Local Government and Heritage to refuse consent to carry out an activity under Regulation 30. Applications for compensation can only be considered where an application for such consent has been refused by the Minister and a decision has resulted in the discontinuance or curtailment of a use to which the land had been lawfully put in the period of five years immediately preceding the refusal of consent by the Minister.



A full Guidance Note on making an application for compensation following a refusal is available from the Site Protection Unit (contact details below). An application for compensation must be made in writing to the Site Protection Unit at:

Site Protection Unit
National Parks and Wildlife Service
Department of Housing, Local Government and Heritage
Newtown Road
Wexford
Y35 AP90

Tel: (053) 911 7310
Email: designatedbogs@npws.gov.ie

(7). Advertisement

A proposal to designate this site as a SAC will be published (see advert below) in a number of National newspapers and marine publications and an announcement was broadcast on RTE Radio 1.



GOVERNMENT NOTICE

MARINE SPECIAL AREAS OF CONSERVATION

The Minister for Housing, Local Government and Heritage Darragh O'Brien, TD, proposes to designate two marine sites as Special Areas of Conservation (SACs) in accordance with the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011). These regulations provide for the designation and protection of important ecological areas. SACs form part of "Natura 2000", a network of protected sites throughout the European Union.

The sites, as set out below, have been identified as being of ecological importance and are being proposed for designation as Special Areas of Conservation.

Activities Requiring Consent (ARCs)

These sites have been selected in order to protect the EU Habitats Directive Annex I habitat Reefs 1170. As a result, consent must be obtained from the Minister before certain activities, known as Activities Requiring Consent (ARCs), which have the potential to damage or interfere with the ecology of the site, are carried out within the site.

Request for observations

Any person with a sufficient interest in the sites proposed for designation can make a submission to the Minister in relation to the designation. Submissions, which must be based on scientific grounds, must be received at the address below by Friday 17 February 2023.

Objections to proposed designation

Any person, having or being entitled to an interest in the sites, can object to the designation.

Objections to Activities Requiring Consent (ARCs)

Persons with an interest in the cSAC may also separately object to any of the Activities Requiring Consent (ARCs) included in the Direction made by the Minister.

Details of the objections process can be requested from objections@npws.gov.ie or Objections Section - Designations Unit, National Parks and Wildlife Service, 90 King Street North, Dublin 7, D07 N7CV. Objections must be submitted by Friday 17 February 2023.

Persons affected by the designations can contact the National Parks & Wildlife Service to request further information by e-mailing sitedesignations@npws.gov.ie or by writing to:

Designations Unit, National Parks and Wildlife Service, 90 King Street North, Dublin 7, D07 N7CV.

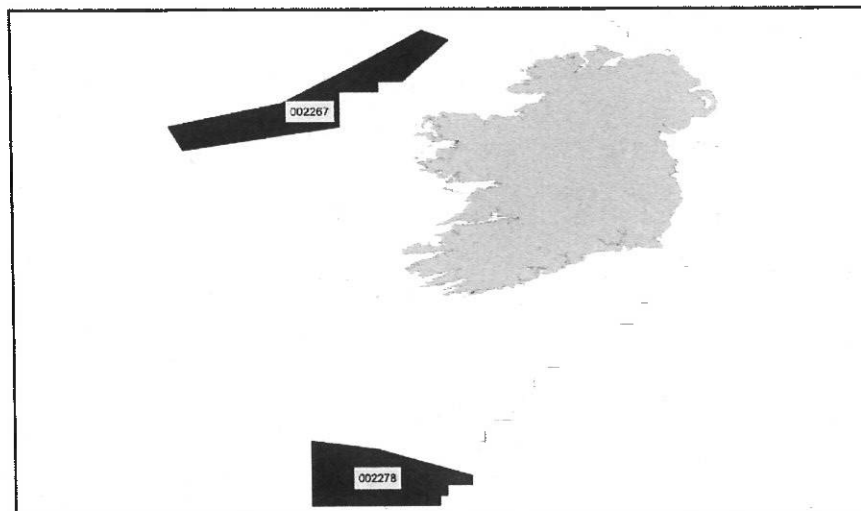
The co-ordinates listed below identify the boundaries of the candidate Special Areas of Conservation (Geographic Co-ordinate Systems WGS84)

Porcupine Shelf cSAC 002267

d° m' s"N	d° m' s"W
54° 7' 22" N	14° 3' 0" W
54° 29' 0" N	12° 15' 0" W
55° 37' 0" N	10° 6' 0" W
53° 45' 33" N	13° 49' 54" W
54° 7' 0" N	11° 24' 6" W
54° 39' 57" N	11° 24' 6" W
54° 39' 57" N	10° 48' 6" W
54° 49' 57" N	10° 48' 6" W
54° 49' 57" N	10° 24' 6" W
55° 28' 0" N	9° 42' 0" W

Southern Canyons cSAC 002278

d° m' s"N	d° m' s"W
49° 11' 0" N	11° 52' 0" W
49° 3' 0" N	10° 52' 0" W
48° 38' 0" N	9° 24' 32" W
48° 10' 49" N	11° 52' 0" W
48° 10' 49" N	10° 48' 34" W
48° 10' 49" N	9° 55' 0" W
48° 20' 0" N	9° 55' 0" W
48° 20' 0" N	9° 48' 0" W
48° 30' 0" N	9° 48' 0" W
48° 30' 0" N	9° 24' 32" W





NOTICE OF INTENTION TO DESIGNATE

Porcupine Shelf (Site code: 002267)

as a Special Area of Conservation

(1). Location of the Porcupine Shelf candidate SAC (cSAC)

Porcupine Shelf cSAC overlays the continental shelf margin extending from an area approximately due west of Clew Bay, Co Mayo, northwards, to a line extending west from Malin Head, Co Donegal.

(2). Why the Porcupine Shelf is of special scientific interest

The site is approximately 340 kilometres long and about 50 kilometres wide. Almost the entirety of this site is deeper than 400 m and extends down to in excess of 2500 m. This site is contiguous with the North West Porcupine Bank SAC 2330.

The site is a candidate Special Area of Conservation (cSAC) selected for the following habitat listed on Annex I of the E.U. Habitats Directive (numbers in brackets are Natura 2000 codes):

[1170] Reefs

An extensive offshore survey of this site was completed in 2017 using the ILV Granuaile and the Holland I ROV. This survey was completed by a team of internationally recognised deep sea ecologists. A total of 50 dives were completed during this leg of the survey. The survey identified biologically sensitive Annex I reef-forming, cold-water coral species (*Desmophyllum pertusum* [syn. *Lophelia pertusa*] and *Madrepora oculata*) at numerous locations. Vulnerable marine ecosystems were recorded on almost every dive. This site also recorded a third species of cold-water coral, *Solenosmilia variabilis*, forming reefs at depths previously unrecorded (>1600 m).

The ecology of the Porcupine Shelf is dependent on the substrate, like all benthic environments. The shelf is incised by a large number of canyons with extensive coral gardens on cobbles and boulders, and on pinnacles and cliffs. There is high heterogeneity from the southern to the northern portion, with exceptionally large areas of high quality reef habitat all along its length. Areas of boulders host bamboo corals including *Acanella*, the black corals *Leiopathes* sp., *Stauropathes* sp. *Bathypathes* sp. and *Parantipathes* sp., and the gorgonian coral *Paramuricea*, along with very large sponge specimens. Brisingids (mobile and stalked crinoid echinoderms), hydrozoans, cup corals, the soft coral *Pseudoanthomastus* and

horned anemones are present sporadically. Some of the less conspicuous fauna include shrimp, hermit crabs, glass sponges including *Aphrocallistes* and encrusting sponges. Soft sediments have evident xenophyophores, black corals including *Bathypathes*, sea pens (*Umbellula* sp. and *Anthoptilium* sp.), and sponges. In boulder areas, a wide diversity of species has been found to occur, including ophiuroids, horned anemones, the soft coral *Anthomastus* sp., hydroids, pycnogonids, *Galatheid* crabs and echinoids. The very distinctive pigtail coral, *Radicipes c.f. gracilis* was also recorded. Sheer and cliff faces are colonised by hydroid coral *Stylasteridae* sp., encrusting sponges and serpulid worms and patches of *Desmophyllum* coral. Large numbers of orange roughy, grenadiers and sharks, including many juveniles, were observed here. The upper slopes of mounds host many juvenile *Synaphobranchus kaupii* eels and *Apristus* sp. sharks and may be an important nursery ground for these species.

Qualifying Interests under the Habitats Directive

E.U. Habitats List

<u>Natura 2000 Code</u>	<u>Description</u>
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1170	Reefs
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(3). Safeguarding Special Areas of Conservation

In order to protect ecologically important sites, certain potentially harmful works are restricted within SAC's. These works, known as Activities Requiring Consent (ARCs), are works liable to destroy or to significantly alter, damage or interfere with the ecology of the site. The Minister has issued a Direction in relation to the activities that apply to this site. These activities are listed below.

Anyone contemplating undertaking such works is required to seek the consent of the Minister for Housing, Local Government and Heritage. **Work can only commence on the granting of the Minister's consent.**

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(6). Making a claim for compensation

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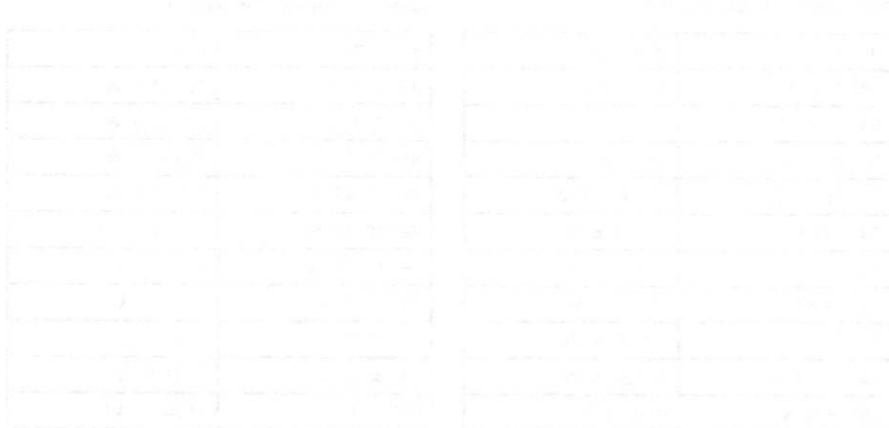
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National Parks and Wildlife Service
Department of Housing, Local Government and Heritage
Newtown Road
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Y35 AP90

Tel: (053) 911 7310

Email: designatedbogs@npws.gov.ie

(7). Advertisement

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GOVERNMENT NOTICE

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The sites, as set out below, have been identified as being of ecological importance and are being proposed for designation as Special Areas of Conservation.

Activities Requiring Consent (ARCs)

These sites have been selected in order to protect the EU Habitats Directive Annex I habitat Reefs 1170. As a result, consent must be obtained from the Minister before certain activities, known as Activities Requiring Consent (ARCs), which have the potential to damage or interfere with the ecology of the site, are carried out within the site.

Request for observations

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Objections to proposed designation

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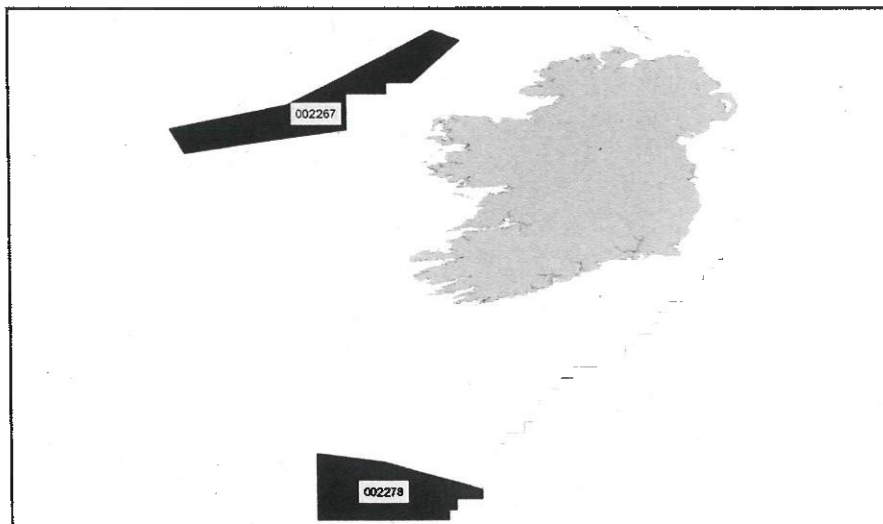
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Porcupine Shelf cSAC 002267

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Southern Canyons cSAC 002278

d° m' s"N	d° m' s"W
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48° 30' 0" N	9° 48' 0" W
48° 30' 0" N	9° 24' 32" W



**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS
2011**

**Direction of the Minister for Housing, Local Government and Heritage under
Regulation 29 of the European Communities (Birds and Natural Habitats)
Regulations 2011
in respect of activities requiring consent
regarding**

**Porcupine Shelf candidate Special Area of Conservation (cSAC)
(Site Code 002267)**

The Minister for Housing, Local Government and Heritage, having reason to believe that the following activities, either individually or in combination with other activities, plans or projects, are of a type that may-

- (a) have a significant effect on the cSAC,
- (b) have an adverse effect on the integrity of the cSAC, or
- (c) cause the deterioration of natural habitats or the habitats of species or the disturbance of the species for which the cSAC has been designated pursuant to the Habitats Directive¹,

directs that the activities listed below shall not be carried out, caused or permitted to be carried out or continued to be carried out by any person in the newly proposed cSAC except with, and in accordance with, consent given by the Minister under Regulation 30.

It should be noted that a person who contravenes this Direction commits an offence in accordance with *Regulation 29(3)* of the European Communities (Birds and Natural Habitats) Regulations 2011.

ACTIVITIES REQUIRING CONSENT (ARCs)

- | | |
|--------|--|
| ARC-03 | Blasting, drilling, dredging or otherwise removing or disturbing fossils, rock, minerals, mud, sand, gravel or other sediment. |
| ARC-08 | Undertaking scientific research involving the collection and removal of biological material. |

GIVEN under my Official Seal,

16 November 2022.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

¹ Council Directive 92/43/EEC of 21 May 1992, as amended.

**EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS
2011**

**Direction of the Minister for Housing, Local Government and Heritage under
Regulation 29 of the European Communities (Birds and Natural Habitats)
Regulations 2011
in respect of activities requiring consent
regarding**

**Southern Canyons candidate Special Area of Conservation (cSAC)
(Site Code 002278)**

The Minister for Housing, Local Government and Heritage, having reason to believe that the following activities, either individually or in combination with other activities, plans or projects, are of a type that may-

- (a) have a significant effect on the cSAC,
- (b) have an adverse effect on the integrity of the cSAC, or
- (c) cause the deterioration of natural habitats or the habitats of species or the disturbance of the species for which the cSAC has been designated pursuant to the Habitats Directive¹,

directs that the activities listed below shall not be carried out, caused or permitted to be carried out or continued to be carried out by any person in the newly proposed cSAC except with, and in accordance with, consent given by the Minister under Regulation 30.

It should be noted that a person who contravenes this Direction commits an offence in accordance with *Regulation 29(3)* of the European Communities (Birds and Natural Habitats) Regulations 2011.

ACTIVITIES REQUIRING CONSENT (ARCs)

- | | |
|--------|--|
| ARC-03 | Blasting, drilling, dredging or otherwise removing or disturbing fossils, rock, minerals, mud, sand, gravel or other sediment. |
| ARC-08 | Undertaking scientific research involving the collection and removal of biological material. |

GIVEN under my Official Seal,

16 November 2022.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

¹ Council Directive 92/43/EEC of 21 May 1992, as amended.