

Marine Advisor's Environmental Assessment and Determinations Report

Hi [REDACTED],

I reviewed the application and all the environmental documents associated with the Foreshore Application FS007083 to lay four submarine electricity cables across the Shannon Estuary between Co. Kerry and Co. Clare.

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

Environmental Impact Assessment (EIA) Regulations: The proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive. I refer you to my Environmental Report with Statutory Declarations Report of the 8th of March 2022 which contains the **Examination for EIA**. This examination is required to be carried out by the Consent Authority (DHLGH) as part of their obligations under the EIA Directive.

Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive): I refer you to my Environmental Report with Statutory Declarations Report of the 8th of March 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.

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, with the strict adherence to the DAHG 2014 Guidance to man-made sound sources in Irish waters which was identified as a mitigation measure in the Appropriate Assessment process for Annex II species Bottlenose Dolphin no cetaceans will be injured or killed as a result of the proposed activity. Evidence of otters were not found at the site.

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 the mitigation measures set out in Natura Impact Statement of July 2020 shall be carried out in full.

Appropriate Assessment Conclusion Statement

Project reference: FS007083 Eirgrid – to lay four submarine electricity cables across the Shannon Estuary between Co. Kerry and Co. Clare.

The proposed project involves the laying of new electricity cables in the seabed across the Shannon Estuary between the Moneypoint substation in the townland of Carrowdotia, South County Clare and Kilpaddoge substation in the townland of Kilpaddoge, County Kerry.

This project is taking place within the Lower River Shannon SAC (IE002165) and the River Shannon & River Fergus Estuaries SPA (IE004077). The Appropriate Assessment screening process determined that likely significant effects could not be ruled out with respect the following:

- Physical disturbance to the seabed,
- Sediment resuspension,
- Onshore pre-construction,
- Construction noise/disturbance,
- In-combination noise 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.

The Appropriate Assessment process determined that, with the exception of the underwater noise and its effect on Annex II species, the remaining activities identified would not cause effects that were deemed significant to the qualifying interests of any European site. It identified adherence to the NPWS *Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters* (2014) as appropriate mitigation to avoid significant effects on these Annex II species.

It is therefore determined that the proposed project, either alone or in-combination with other projects, will not adversely affect the integrity of European sites, individually or in combination with other plans or projects, in view of the said sites' conservation objectives.

Signature and Date of Recommending Officer:
Marine Advisor Environment

5th of May 2022

Signature and Date of the Decision Maker: