

# Submission HLG 00354-22: FS007083 EirGrid Plc - Cross Shannon Cable Project

TO: Minister of State Burke  
STATUS: Completed  
PURPOSE: For Decision

AUTHOR:  
OWNER:  
REVIEWERS:



Nina Murray (Housing)

DIVISION: Foreshore  
DECISION BY: 02/08/2022

## Final comment

Signed by Minister Burke 03/08/2022

## Action required

Ministerial approval is sought to grant a Foreshore Licence to EirGrid PLC under Section 3 of the Foreshore Act 1933 as amended.

## Executive summary

The approval of the Minister is sought to grant a Foreshore 35 year Licence to EirGrid PLC under Section 3 of the Foreshore Act 1933 as amended, for the purpose of laying, operating and maintaining four 2.8km long 400kV Electricity Subsea Cables across the Shannon Estuary between Moneypoint Co. Clare and Kilpaddoge, Co Kerry.

## Detailed information

As part of the Cross Shannon Cable Project, Eirgrid PLC have applied for a 35 year Foreshore Licence under Section 3 of the Foreshore Act 1933, as amended, for the purpose of laying four 2.8km long 400kV Electricity Subsea Cables across the Shannon Estuary between Moneypoint Co. Clare and Kilpaddoge, Co Kerry.

The cables will be installed by standard installation techniques, which in the most part involves them being buried in the seabed. Two fibre optic cables will be included with each of the 400 kV cables, 1 of the fibre optic cables for communication links between both substations which will be integrated into the 400 kV cables and the second fibre optic cable for maintenance and cable monitoring which will be an armoured cable wrapped around the 400 kV cable. The associated works will include the reinforcement of the ground beneath and around the cables by various methods including concrete ramps, infilling with gravel/concrete, articulated pipes and rock armour protection.

## Brief description of works

The overall proposed development comprises 3 main elements.

Development on the foreshore consists of the Laying of 400 kV Submarine Cables across the Lower Shannon Estuary, including:

- The laying of 4 no. 400 kV submarine cables (approx. 2.8 km each) from the proposed land-submarine transition bays located east of the existing Moneypoint Generation Station in Co. Clare across the Lower Shannon Estuary to the proposed 400 kV Air Insulated Switchgear (AIS) Compound at the existing Kilpaddoge 220/110 kV Electricity Substation in Co. Kerry. The submarine cables will be installed by standard submarine installation techniques, which primarily involves them being buried in the seabed.
- The installation of communication links between both substations, this will take the form of a fibre optic cable that will be integrated into each of the proposed 400 kV cables.
- The installation of fibre optic cables for maintenance and cable monitoring, this will take the form of an armoured fibre cable wrapped helically around each of the proposed 400 kV cables.

- Associated works in the foreshore include the reinforcement of the ground beneath and around the cables by various methods including concrete ramps, concrete cable channels, infilling with gravel/concrete, articulated pipes, gabion wall and rock protections where required.

**Associated works include:**

Connection of a 400 kV UGC Installation at the Moneypoint 400 kV Electricity Substation (Co. Clare), including:

- The laying of 3 no. 400 kV UGC (approx. 1.8 kilometres (km) each) between the existing Moneypoint 400 kV Electricity Substation and 3 no. land-submarine transition joint bays located east of the existing Moneypoint Generation Station. The UGC will be installed by standard trenching and includes the provision of 3 no. joint bays along their length and the associated provision, upgrading and/or extension of existing internal access tracks to provide operational vehicular access.
- The provision of 4 no. land-submarine transition joint bays located east of the existing Moneypoint Generation Station to connect the land cables to submarine cables (this arrangement also includes a land-submarine transition joint bay for the spare submarine cable).

Connection of a 400 kV UGC Installation and substation extension at the Kilpaddoge 220/110 kV Electricity Substation (Co. Kerry) including:

- The laying of the 4 no. 400 kV UGC [approx. 51 metres (m) in length] from the southern Foreshore of the Lower Shannon Estuary, to a proposed extension (approx. 5,500 m<sup>2</sup>) to the north of the existing Kilpaddoge 220/110 kV Electricity Substation.
- The provision, within the proposed substation extension, of a 400/220 kV AIS compound, containing electrical equipment and apparatus to connect the submarine cables to the existing Kilpaddoge 220/110 kV Electricity Substation.

The proposed total area of foreshore associated with the works is 98.15 ha.

Further details of the proposed activity are outlined in the application form and associated documents and can be found at the following link [www.housing.gov.ie](http://www.housing.gov.ie) or <https://www.gov.ie/en/foreshore-notice/07fcb-eirgrid-plc/>.

The application form submitted by EirGrid PLC is attached at **Tab 1**. Foreshore Licence Map is attached at **Tab 2**.

**Other Relevant Consents and Government Policies**

On the 4<sup>th</sup> of June 2021, An Bord Pleanála approved the proposed development under section 182A of the Planning and Development Act, 2000 as amended subject to ten (10) Conditions under ABP reference 307798-20.

**Public Participation**

**Public Consultation under Section 19 of the Foreshore Act:**

The public consultation period ran from the 7<sup>th</sup> of May 2021 to the 7<sup>th</sup> of June 2021. The public notice appeared in the “Irish Independent” and “Kerry’s Eye” newspapers on the 6<sup>th</sup> of May 2021 and the “Clare Champion” newspaper on the 7<sup>th</sup> of May 2021. The application documentation was made available for inspection by the public at Clare County Council Offices, Kerry County Council offices and Kilrush Garda station and on the Departments Website the full public consultation period.

**Public Consultation Submissions:** During the Public Consultation, under Section 19 of the Foreshore Act, there was no submissions made by members of the public

**Public Consultation S42 of EC Birds and Natural Habitats Regulations 2011 as amended:**

As part of the assessment of the foreshore licence application, the Minister has determined, in accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, that an Appropriate Assessment was required in respect of the proposed plan or project, therefore an additional period of consultation ran from the 31<sup>st</sup> of March 2022 to

the 29<sup>th</sup> of April 2022.

The public notice appeared in the “Irish Independent” and “Kerryman” newspapers on the 30<sup>th</sup> of March 2022 and the “Clare Champion” newspaper on the 1<sup>st</sup> of April 2022. The application documentation was made available for inspection by the public at Clare County Council offices, Kerry County Council offices, Listowel Garda Station, and Kilrush Garda station and on the Departments Website the full public consultation period.

**Public Consultation Submissions:** During the Public Consultation, under Section 42 of EC Birds and Natural Habitats Regulations 2011 there was no submissions made by members of the public.

### **Prescribed Bodies Consultation**

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 Foreshore Act 1933, the Minister may seek observations from a number of prescribed bodies. For this application observations were requested and received, during the consultations under Section 19 of the Foreshore Act and S42 of EC Birds and Natural Habitats Regulations 2011 as amended, from:

- Department of Housing, Local Government and Heritage Marine Advisor (Environment).
- Marine Survey Office
- Department of Defence
- Geological Survey Ireland (and additional observation received from GSI via Department of Environment, Climate and Communications)
- Marine Institute
- Environmental Protection Agency
- Commissioners of Irish Lights
- Commission for the Regulation of Utilities
- Inland Fisheries Ireland (and additional observation from IFI received via Department of Environment, Climate and Communications)
- Department of Housing, Local Government and Heritage (Nature Conservation)
- Department of Housing, Local Government and Heritage (Underwater Archaeology)
- Department of Agriculture, Food and the Marine
- Irish Coast Guard
- Sea Fisheries Protection Authority
- Met Eireann
- Health and Safety Authority
- Bord Iascaigh Mhara
- Sustainable Energy Authority of Ireland
- Inland Waterways and Marine (Heritage Council) – no response received
- Bird Watch Ireland – no response received
- Kerry County Council – no response received
- Clare County Council – no response received
- Department of Environment, Climate and Communications (Energy Unit) no response

The prescribed bodies that responded confirmed no objection in principle to the proposed project as set out in the application documentation. A number of submissions from the prescribed bodies raised particular observations and put forward suggested conditions to be included in any foreshore licence, if granted, to address their specific interests (**Tab 3 and Tab 4**).

Detailed responses to the prescribed bodies observations were received from the applicant and these have been considered as part of the overall assessment of the proposed application by the MLVC. The applicant’s responses to the prescribed bodies’ observations are attached at **Tab 5 and Tab 6**.

### **Environmental Assessment**

In addition to the Departments in-house Marine Advisor (environment), the Department engaged Ove Arup & Partners Ireland Ltd

(Arup) with Hartley Anderson Limited as an Independent Environmental Consultant (IEC) to provide assistance with regard to the statutory and non-statutory environmental assessments of this Foreshore Licence application. The IEC has conducted independent assessments of the information provided by the Applicant, having regard to the Habitats Directive, EIA Directive, Foreshore Act and the public and prescribed bodies' consultations.

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### **Environmental Impact Assessment Regulations:**

The proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive and therefore an Environmental Impact Assessment Report (EIAR) is not required. The Departments Marine Advisor (environment) has completed an EIA Screening Examination document (**Tab 7**) as part of their obligations under the EIA Directive, it is concluded having considered the information an EIAR is not required.

### **Non Statutory Environmental Assessment**

Notwithstanding that the proposed application does not fall within the EIA directive, the IEC prepared a Non-Statutory Environmental Appraisal Report in May 2022 (**Tab 8**). This report has been considered and is comprehensive in its assessment of the possible effects of the proposed development on the wider natural environment. Having considered this report it is concluded that taken in conjunction with the other submitted environmental information that there are is no real likelihood of significant adverse effects on the environment arising from the proposed development.

### **Screening for Appropriate Assessment**

As part of the assessment of the foreshore 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 (stage 2), of the likelihood of significant impacts on Natura 2000 sites from the proposed works in the application for a Foreshore Licence.

A number of documents have informed the Screening for Appropriate Assessment can also be found on the Departments website at <https://www.gov.ie/en/foreshore-notice/07fcb-eirgrid-plc/>

The *Independent Environmental Consultants* completed the Screening for Appropriate Assessment report in February 2021 which concluded that a Stage 2 Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites. The Department's Marine Advisor (Environment) agreed with and adopted the IEC report and its conclusions and made a recommendation on the Appropriate Assessment Screening Determination which was approved and signed by the Minister. Minister of State Burke, upon a review of all materials of the application concurred with the Departments Recommending Officer, and accepted and adopted the IEC's Screening for Appropriate Assessment Report and its conclusions. On 10 March 2022 the Minister determined the following (*submission to minister at the following link* <https://housing.cloud.gov.ie/apps/eSubmissions/Submissions/HLG%2000096-22>) (**TAB 9**)

Having considered the application by EirGrid PLC and the IEC's Screening for Appropriate Assessment Report and the Departments Marine Advisor (environment) Environmental Report dated (08/03/2022), the Screening for Appropriate Assessment and its conclusions are accepted and adopted by the MLVC and it is concluded that the proposed application is screened in for AA.

### **Stage 2 Appropriate Assessment**

As a result of the outcome of the Screening for Appropriate Assessment, The IEC completed a **Stage 2 Appropriate Assessment** Report in May 2022 that identified the mitigation measures required to ensure that the proposed project, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Europeans Site.

A number of documents have informed the Screening for Appropriate Assessment can also be found on the Departments website at <https://www.gov.ie/en/foreshore-notice/07fcb-eirgrid-plc/>

This Appropriate Assessment report, along with all relevant material, was considered by the Department's Marine Advisor (environment) who agreed with and accepted the IEC's Appropriate Assessment report and its conclusions. The Marine Advisor (Environment) provided an Environmental Report dated (25/05/2022) that included a recommendation on the Appropriate Assessment Determination and Conclusion Statement which was approved and signed by the Minister. Minister of State Burke, upon a review of all materials of the application concurred with the Departments Recommending Officer, and accepted and

adopted the IEC's Appropriate Assessment Report and its conclusions. On 08 June 2022 the Minister determined the following (submission to minister at the following link <https://housing.cloud.gov.ie/apps/eSubmissions/Submissions/HLG%2000336-22> ), (Tab 10)

Having considered the application by EirGrid PLC and the IEC's Appropriate Assessment Report and the Departments Marine Advisor (environment) Environmental Report dated (25/05/2022), the MLVC accepts and adopts the IEC's Appropriate Assessment Report and its conclusion.

**In addition a Risk Assessment of Annex IV Species of Directive 92/43/EEC (as amended) was undertaken:** Under the Habitats Directive 92/43/EEC those **species listed in Annex IV** require strict protection wherever they occur. A risk assessment of the effects to species listed in Annex IV which occurs within the project site was undertaken by the IEC (*referred to as Article 12 Risk Assessment report by IEC*) **Tab 11**. It concluded 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 Guidance to deal with 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, is appropriate to protect Annex IV species. Having considered the report, it is concluded that this is appropriate and commensurate with the obligations under the directive. The conclusion reached is accepted and adopted by the MLVC.

The risk assessment of effects to species listed in Annex IV is separate to and does not form part of the Appropriate Assessment Screening report which has examined the European sites and their qualifying interests.

### **National Marine Planning Framework (NMPF)**

Having reviewed and assessed this application against the objectives of the NMPF, the MLVC is satisfied the proposed activity does not act significantly against any objective within the NMPF. Furthermore, the project is aligned and secures key sectoral/activity objectives set out in Section 15 of the National Marine Planning Framework under Energy – Transmission. Accordingly, the proposed deployment of the EirGrid Cross Shannon Cable Project is aligned with, and secures the relevant objectives set out in the NMPF.

### **MLVC Conclusions and Recommendation**

The proposed development is to add to and improve both the capacity and resilience of the electricity supply network. This is both prudent and required in the light of the need to improve energy security and in the interests of supporting continued national development. The proposed project is in line with Government policies including supporting regional development, energy security and grid resilience

Submissions by the prescribed bodies have been considered and responded to by way of attached conditions. Significant appropriate consideration has been given to environmental matters by Independent Environmental Consultants, the Departments Marine Advisor (environment) and the MLVC. The MLVC concludes that, subject to compliance with the specific conditions set out below, the proposed works would not adversely affect Fishing, Navigation or the Public Interest and there will be no adverse environmental effects.

The proposed development seeks to improve national electricity infrastructure. 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 of the wider environment.

Therefore **the MLVC recommend that the Minister issues** a foreshore license to EirGrid PLC for the purpose of laying 4 no. 2.8km long 400kV Electricity Subsea Cables across the Shannon Estuary between Moneypoint Co. Clare and Kilpaddoge, Co Kerry as set out in the application subject to the recommended conditions. The MLVC Report is attached at **Tab 12**.

### **Agreement of the Applicant**

EirGrid PLC have agreed to the recommended Site Specific Conditions to be attached to the Licence, if granted (**Tab 13**)

### **Financial Considerations**

EirGrid PLC have agreed to pay a one-off fee of **€546,000.00** for the Licence subject to a peppercorn annual fee of €1.00, if demanded.

### **Basis for Recommendation**

Having regards to;

- Application form and supporting documentation
- Series of 15 application drawings
- Screening for Appropriate Assessment and Natura Impact Statement
- NIS Appendices
- Planning and Environmental Considerations Report (PECR) and appendices there of
- Planning permission – Applicant response to ABP
- An Bord Pleanála Order
- ABP Inspector's Report [19 March 2020]
- Prescribed Bodies Submissions and applicant response
- Risk Assessment of effects to Annex IV Species (*referred to as Article 12 Risk Assessment report by IEC*) prepared by ARUP with Hartley Anderson Limited dated February 2022
- Screening for Appropriate Assessment Report prepared by ARUP with Hartley Anderson Limited dated February 2022
- Environmental Report with Statutory Declarations (prepared by Department Marine Advisor Environment dated 8<sup>th</sup> March 2022)
- Screening for Appropriate Assessment Determination prepared by the Departments Marine Advisors (environment) and signed by the Minister on 10<sup>th</sup> March 2022
- Non-Statutory Environmental Appraisal Report prepared by ARUP with Hartley Anderson Limited (May 2022)
- Appropriate Assessment Report prepared by ARUP with Hartley Anderson Limited (May 2022)
- The Departments Marine Advisors (environment) Environmental Assessment and Determinations Report dated 25/05/2022
- Appropriate Assessment Conclusion Statement prepared by Departments Marine Advisors (environment)

#### Notification of Ministerial Determination

If approval is granted by the Minister, EirGrid Plc will be informed accordingly, an appropriate licence and consent will issue for execution, and a Notice of Determination regarding the decision (including the reasons) will be published on the Department's website.

The Notice of Determination will address:

- The outcome of the Minister's determination of the application.
- The main reasons and considerations for the Minister's determination.
- A statement that all relevant documentation on which the determination is based is available for inspection on the website of this Department.
- Confirmation that a review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's determination may be challenged, together with practical information on the review procedure.

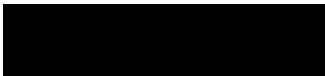
Submitted for approval to grant a Foreshore Licence to EirGrid PLC for the purpose of laying 4 no. 2.8km long 400kV Electricity Subsea Cables across the Shannon Estuary between Moneypoint Co. Clare and Kilpaddoge, Co Kerry.

#### Related submissions

There are no related submissions.

#### User details

INVOLVED:



Nina Murray (Housing)  
eSub MOS Burke Office  
eSub MOS Burke

READ RECEIPT:



Nina Murray (Housing)

