1. Ms. Joan Murphy, Assistant Principal ✓ approved jam 9-7-15
2. Ms. Lorraine O'Donoghue, Principal – away on leave
3. Runai Aire Stáit ✓ scan + approved by mos courtesy 9-7-15

**Foreshore Licence application by America Europe Connect Ltd. to install a subsea fibre optic cable on the foreshore with landfall at Ross Village, Killala Bay, Co. Mayo**

**Ref: FS 6942**

1. **Decision sought:** The approval of the Minister is sought to grant a foreshore licence for a period of 35 years under Section 3 of the Foreshore Acts 1933 to America Europe Connect Ltd for the installation of a subsea fibre optic cable on the foreshore, with landfall at Ross Village, Killala Bay, Co. Mayo.

   The works are part of a project involving the installation of a subsea fibre optic cable system, 5250km in length, extending from Long Island in the USA to Ireland with landfall at Ross Village, Killala Bay. It is intended that the subsea cable would be linked via an on-shore cable network in Ireland high capacity links to the UK and mainland Europe.

   Map and drawings indicating the location of the development on the foreshore are attached at ***Tab 1.***

2. **Companion Consents:** Planning consent is not required as no structure is to be erected, application is for the installation of a submarine cable.

3. **Public Consultation:** A public notice concerning the application was published in Irish Independent and the Western People on 23 March 2015. The documents were on display at Ballina Garda Station, Co Mayo for the required period of 21 working days and were also made available on this Department's website. The public consultation period was from 23 March 2015 to 22 April 2015 and one submission was received.

   The single submission received, from [redacted] expressed support for the project but made the following observations:

   - care must be taken that in laying the cable, local fishermen are consulted with at all times, if local fishermen are to be inconvenienced as a result of this, there should be some consideration of this;
   - can it be confirmed that the cable, once in place, does not bear any impediment to fishing, it is the case that there will be no restrictions around the path of the cable (for fishing, etc.);
   - is there any maintenance requirements for this cable?; and
   - all efforts must be taken to ensure that minimum environmental disturbance is created during the construction phase (as acknowledged in the environmental reports).

4. **Prescribed Bodies Consultation:** Written submissions on the proposed development were received from this Department's Water Service Advisor, Department of Agriculture, Food and the Marine, Marine Survey Office, Inland Fisheries Ireland, the Underwater Archaeological Unit and the National Parks and Wildlife Service of the Department of Arts, Heritage and the Gaeltacht and the Marine Institute.

   There were no objections in principle to the proposed development.

5. **Environmental Assessment:**

   **EIA Screening:** The proposed works are not of a class that requires a mandatory EIS under the EIA Directive, under at ***Tab 2.***

   **Appropriate Assessment:** The Marine Institute on behalf of the Marine Licence Vetting Committee (MLVC) carried out an Appropriate Assessment of the proposed development and concluded that the installation of a fibre optic cable in Killala Bay will not have significant adverse impact on the Killala Bay/Moy Estuary SAC (Site Code 000458) and the Killala Bay/Moy Estuary SPA (Site Code 004036) and that the integrity of these sites will not be affected, under at ***Tab 3.***

   **Marine Lease Vetting Committee (MLVC) assessment and report:** The MLVC concludes that, subject to compliance with specific conditions the nature, scale and location of the proposed works would not have a significant negative impact on the marine environment, would not adversely impact on any Natura 2000 site and therefore, is agreeable to the grant of the licence to facilitate the proposed development. See report under at ***Tab 4.***

6. **Financial Considerations:**

   The Minister for Public Expenditure and Reform has approved the standard annual charge for sub-sea fibre optic cables of subject to review every five years. The applicant has accepted the valuation. DPER sanction is under at ***Tab 5.***

7. **Agreement of applicant.**

   The applicant has agreed to the specific conditions which would be attached to the licence, if granted.

8. **Recommendation:**

   Having regard to:

   - the application for a Foreshore Licence together with accompanying documents;
   - the submissions received from prescribed bodies;
   - the public consultation undertaken;
   - the conclusions of the Appropriate Assessment report;
   - the EIA screening;
   - the assessment of the proposed development by the Marine Licence Vetting Committee, and its conclusions and recommendations in this regard; and
   - the consent conditions to be attached to the Foreshore Licence, if granted

it is considered that:

- the proposed development on the foreshore would not have a significant negative impact on the marine environment and would not adversely affect the integrity of the Natura 2000 sites.

It is recommended that a foreshore licence be granted subject to the conditions recommended by the MLVC and the licence fee set out above.

9. **Notification of Minister's Determination:**

If approval is granted by the Minister, America Europe Connect Ltd will be informed accordingly, an appropriate licence 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 both on the website of the Department and at the Department's Wexford Office; and
- 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, please.

Danny O'Brien
Marine Planning – Foreshore Section
8 July 2015

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**Seen and approved by the Minister of State**

**Signature:**

**Date:** 9/7/15.

Paudie Coffey, T.D., Minister of State at the Department of the Environment, Community and Local Government

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# Foreshore Guidance Document

## Screening for EIA

EIA Directive (85/337/EEC as amended by 97/11/EC and 2003/35/EC) requires that certain developments be assessed for likely environmental effects (environmental impact assessment) before consent can be granted. When submitting an application for such a development on the foreshore, the applicant must also submit an Environmental Impact Statement (EIS). General EIA requirements are set out in the EC (EIA) Regulations 1989 (as amended) including Schedules 1 and 3 inserted by the EIA regulations 1999 (S.I. No. 93 of 1999).

In the case of development which is under the relevant threshold, the consent authority is required to request an EIS where it considers that the proposed development is likely to have significant environmental effects. The decision as to whether a development is likely to have such effects must be taken with reference to the criteria set out in Schedule 3 inserted by the 1999 regulations and the national guidance developed to assist.

**Name of Proposed Development:** America Europe Connect Ltd, installation of a submarine fibre optic cable landing at Ross Beach, Killala.

**Foreshore Reference, where applicable:** FS6492

**Question 1: Is the proposed development included in the 1st Schedule of the Regs?**

- If Yes: EIA is required.
- If No, proceed to Q2.

**Answer:** No

**Question 2: Is the proposed development of a type/class included in the 1st Schedule but below the threshold specified?**

- If Yes, but the development is below the quantity/area/other threshold, proceed to Q3.
- If No, no EIA required.

**Answer: No**

**Question 3: Are significant effects likely?**

To decide whether significant effects are likely, use the 3rd Schedule of the 1999 regs (via the EIA Screening Checklist and, where required, the EIA Significant Effects Checklist):

- If Yes, significant effects are likely; an EIA is required.
- If No, no significant effects are likely; no EIA is required.

**Answer:** Not applicable

**Access to Information:**

- The decision-making process must be documented.
- A record of the decision and the decision-making process must be made public.