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Our ref: NI1773_Ltr_JMC_01

Date: 16 June 2021

[redacted]
Foreshore Unit
Department of Housing, Local Government and Heritage
Newtown Road
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Dear [redacted]

Re: Foreshore License application FS006837 for the proposed East Jetty extension at Foynes Port

Having reviewed the EIAR and NIS submitted in support of an application for Foreshore License FS006837, RPS would like to make the following corrections and clarifications in relation to how we have assessed effects on the 'Subtidal sand to mixed sediment with *Nephtys* spp. community complex' Marine Community Type (MCT).

Natura Impact Statement

1. Section 5.1.1.1.1 of the NIS states on p59 that the 'Subtidal sand with *Nephtys'* MCT present in the area of the proposed East Jetty extension is identified in NPWS (2012a)[1] as comprising part of the Annex I *Sandbanks which are slightly covered by sea water all the time* [1110] habitat type. This is incorrect. RPS would like to make the following correction and clarification:
   - This MCT is identified in NPWS (2012a) as comprising part of the Annex I *Estuaries* [1130] habitat type.
   - There is no habitat loss within the Annex I *Sandbanks which are slightly covered by sea water all the time* [1110] habitat type.
   - The permanent loss of 81m^2 of 'Subtidal sand with *Nephtys'* MCT occurs within the Annex I *Estuaries* [1130] habitat type.

2. Section 5.1.1.1.1 of the NIS states on p60 that short-term disturbance to and displacement of benthic fauna of the 'Subtidal sand with *Nephtys'* MCT is not considered to prevent the maintenance of the favourable conservation condition of *Sandbanks which are slightly covered by sea water all the time* [1110] in the Lower River Shannon SAC. This is incorrect. RPS would like to make the following correction and clarification:

[1] Lower River Shannon SAC (site code: 2165) Conservation objectives supporting document - marine habitats and species. Version 1, March 2012 available at: https://www.npws.ie/sites/default/files/publications/pdf/002165_Lower%20River%20Shannon%20SAC%20Marine%20Supporting%20Doc_V1.pdf

- Short-term disturbance to and displacement of benthic fauna of the 'Subtidal sand with *Nephtys'* MCT is not considered to prevent the maintenance of the favourable conservation condition of *Estuaries* [1110] in the Lower River Shannon SAC.
- There will be no short-term disturbance to and displacement of benthic fauna of the *Sandbanks which are slightly covered by sea water all the time* [1110] Annex I habitat type in the Lower River Shannon SAC.

3. Section 5.1.1.1.2 of the NIS states on p63 that significant continuous or ongoing disturbance of the 'Subtidal sand with *Nephtys'* MCT should not exceed an approximate area of 15% of the interpolated area of this community type, which is estimated at 4,196ha. This is incorrect. RPS would like to make the following correction and clarification:
   - The figure of 4,196ha was quoted in error and relates to a different MCT. The area of the 'Subtidal sand with *Nephtys'* MCT within the Annex I *Estuaries* [1130] habitat type is estimated in NPWS (2012a) at 8,404ha and not 4,196ha.
   - As a result of the construction of the proposed development, the total area of this MCT within the Annex I *Estuaries* [1130] habitat type in the SAC remains as previously estimated at 8,404ha and not 4,196ha.

EIAR (Volume I) Chapter 7 Biodiversity

4. Section 7.3.2.1 of the EIAR states on p7-65 that the 'Subtidal sand to mixed sediment with *Nephtys* spp. community complex' covers 9,431ha; and the 'Intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex' covers 466ha. This is incorrect. RPS would like to make the following corrections and clarifications:
   - The figures quoted for the communities identified in the area relate to their occurrence with tine Annex I *Large shallow inlets and bays* [1160] habitat type and not the Annex I *Estuaries* [1130] habitat type.
   - The extent of these MCTs within the Annex I *Estuaries* [1130] habitat type are 8,404ha for the 'Subtidal sand to mixed sediment with *Nephtys* spp. community complex'; and 8,130ha for the 'Intertidal sand to mixed sediment with polychaetes, molluscs and crustaceans community complex'.

5. Section 7.3.4.1 of the EIAR states on p7-85 that the area of habitat to be permanently removed (0.0081ha) is very small when compared to the extent of similar habitat within the Lower River Shannon SAC (9,431ha). This is an under-representation of the extent of 'Subtidal sand with *Nephtys'* MCT in the Lower River Shannon SAC. RPS would like to make the following clarification:
   - The area of habitat to be permanently removed (0.0081ha) is very small[2] when compared to the extent of 'Subtidal sand with *Nephtys'* MCT in the Annex I *Estuaries* [1130] habitat type within the Lower River Shannon SAC which is 8,404ha.

6. Section 7.5.11.1 of the EIAR states on p7-129 that the 'Subtidal sand with *Nephtys'* MCT present in the area of the proposed East Jetty extension is identified in NPWS (2012a) as comprising part of the Annex I *Sandbanks which are slightly covered by sea water all the time* [1110] habitat type. This is incorrect and requires the same correction and clarification as Point (1) above in relation the NIS:
   - This MCT is identified in NPWS (2012a) as comprising part of the Annex I *Estuaries* [1130] habitat type.
   - There is no habitat loss within the Annex I *Sandbanks which are slightly covered by sea water all the time* [1110] habitat type.

[2] <0.0001% of the total of this community complex present in the Annex I *Estuaries* [1130] habitat type

7. Section 7.5.11.1 of the EIAR states on p7-130 that there will be no loss of Annex I *Mudflats and sandflats not covered by seawater at low tide* [1140] or *Estuaries* [1130] habitat types as a result of the proposed development. This is incorrect. RPS would like to make the following corrections and clarifications:
   - The permanent loss of 81m^2 of 'Subtidal sand with *Nephtys'* MCT occurs within the Annex I *Estuaries* [1130] habitat type.
   - There will be no loss of Annex I *Sandbanks which are slightly covered by sea water all the time* or [1110] *Mudflats and sandflats not covered by seawater at low tide* [1140] habitat types.

Overall Conclusions of the Assessment

Our conclusion as stated in the NIS on p64 remains the same, being that in relation to the SSCO '*Habitat area'* attribute and target, the permanent habitat loss of 0.0081ha of 'Subtidal sand with *Nephtys'* MCT is not considered to prevent the maintenance of the favourable conservation condition of the Annex I *Estuaries* [1130] habitat type in the Lower River Shannon SAC.

Our overall conclusion in section 6 of the NIS (on p110) and section 7.6 of the EIAR (on p7-151) remains the same as stated, being that adverse effects upon the integrity of the Lower River Shannon SAC will not occur with mitigation measures being applied.

We trust you find these corrections and clarifications helpful in the course of your determination of the application. Please do not hesitate to get in touch with any further queries.

Yours sincerely,
for RPS Ireland Limited (NI)

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cc: [redacted], Shannon Foynes Port Company