REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)

ON

FORESHORE LICENCE APPLICATION FOR MARINE SITE INVESTIGATIONS IN RESPECT OF A PROPOSED FIBRE OPTIC CABLE WITH LANDFALL AT BALLYLOUGHANE STRAND, CO. GALWAY

Dr. Terry McMahon
Marine Licence Vetting Committee
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DeepSea Fibre Networks Ltd. - Foreshore Licence application for a marine survey and site investigation works in Galway Bay (FS007016)

Background

DeepSea Fibre Networks Ltd has submitted an application for a Foreshore Licence to carry out a geophysical survey and site investigations works in Galway Bay. The survey and site investigation works are part of a project involving the possible future installation of a subsea fibre optic cable system (IRIS) extending from Iceland to Ireland with landfall at Ballyloughane Strand in Galway.

The locations of the proposed survey and site investigations works on the foreshore are shown in the following drawings submitted by the applicant:

- Drawing No. 1334-A-101, Rev 01, "Foreshore Licence Map 1 Galway Bay Ref:FS007016", dated 22/10/2019
- Drawing No. 1334-A-102, Rev 01, "Foreshore Licence Map 2 Route to the 12 Mile Limit Ref:FS007016" dated 20/10/2019
- Drawing No. 1334-A-103, Rev 01,"Site Location Map Landfall at Ballyloughane Ref:FS007016", dated 22/10/2019
- Drawing No. 1334-A-104, Rev 01,"Site Location Map 2 Landfall at Ballyloughane Ref:FS007016", dated 22/10/2019
- Drawing No. 1334-A-105, Rev 01," Foreshore Licence Map Route to the 12 Mile Limit Ref:FS007016" dated 18/12/2019

On foot of issues raised during the Public Consultation Stage the applicant advised that proposed survey route would be reduced and limited to Sections A and C only as shown in Drawing No. 1334-A-102, Rev 01, "Foreshore Licence Map 2 Route to the 12 Mile Limit Ref:FS007016" dated 20/10/2019 (see below). Section A is a proposed 375m wide survey corridor heading south-west from Ballyloughane Strand, Galway and then generally westwards until it ends at a point approximately 13.9km from the landfall. Section C is a 500m wide survey corridor from the end of Section A heading southwest out of Galway Bay, through the South Sound and then turning north-west and running parallel to the Aran Islands before turning west and finishing at the 12 Mile Limit. Section C is approximately 91km long.

The proposed geophysical survey will include collection of bathymetric, side scan sonar, sub-bottom profiler and magnetometer data along the survey route.

Site investigations at Ballyloughane Strand will include the following;

- 3 Trial Pits at 50m centres. The target depth for the pits is 2.5m. The pits will be excavated, logged, photographed and backfilled, by JCB, in a single intertidal period of 1 hour.
- A total of 24 bar probes on the beach and a further 20 bar probes from the Low Water Line to the 3m water depth contour.
- The area extending seaward from the 3m water depth contour and inshore of the safe working draft limits of the primary survey vessel will surveyed with a small craft using Multibeam Echosounder, sidescan sonar and sub-bottom profile equipment

Additionally it is intended to collect a total of 6 sediment grab samples from the 3m contour to the 15m contour and gravity cores or Cone Penetration tests will be collected at 10Km intervals from the 15m contour to the 12 nautical mile limit.

It is also intended to carry out a drop down underwater video survey along a number of transects within the boundaries of the Galway Bay SAC to map the distribution and density of the sensitive Sea Pen *Virgularia mirabilis* and within the Inishmore Island SAC within which reef outcrops are a feature of interest.

Specifications for the survey and associated site investigations are set out in the "Planning Report" document, dated October 2019, prepared by MDM Ltd and submitted by the applicant.

It is anticipated that the proposed survey and site investigation works would be completed within 1 month.

Environmental Impact Assessment Regulations
The proposed Site Investigations are not of a class that would require the submission of an EIS.

Birds and Natural Habitats Regulations
The survey route and site investigation sites are located within the Galway Bay Complex SAC (Site Code 000268), the Inner Galway Bay SPA (Site Code 004031) and the Inishmore Island SAC (Site Code000213) and adjacent to (within 15Km) of a number of other Natura Sites. These sites include

- Kilkieran Bay and Islands SAC
- Black Head-Poulsallagh Complex SAC
- Lough Corrib SAC
- Inisheer Island SAC
- Inishmaan Island SAC
- Connemara Bog Complex SAC
- Moneen Mountain SAC
- East Burren Complex
- Inagh River Estuary SAC
- Ballyvaughan Turlough SAC

- Lough Fingall Complex SAC
- Ballyteige (Clare) SAC
- Lough Nageeron SAC
- Kiltiernan Turlough SAC
- Inishmore SPA
- Lough Corrib SPA
- Cregganna Marsh SPA
- Cliffs of Moher SPA
- Connemara Bog Complex SPA
- Slyne Head To Ardmore Point SPA

A separate Appropriate Assessment document has been prepared which addresses the potential impact of the proposed site investigations on the Conservation Objectives of these sites. It is concluded that the proposed Site Investigation works are not likely to pose a significant likely risk to nature conservation interests of any Natura 2000 site provided the recommended mitigation is undertaken

Public Consultation
A public notice concerning this application was published in the "Irish Examiner" and the "Connacht Tribune". The public notice period was from 24th January 2020 to 23rd February 2020 and the relevant documentation was on display at Millstreet Garda Station, Millstreet, Galway for the required period of 30 calendar days and was also available to view on the Department's website.

There were nine submissions received during the public consultation. The issues raised included:

- Incorrect planning procedure used and Project Splitting – these are legal / administrative issues for consideration by the Department's Marine Planning and Foreshore Unit and are not considered further in this report.

- Need for EIA Screening – this is a legal / administrative issue for consideration by the Department's Marine Planning and Foreshore Unit but as noted above it is considered that the proposed Site Investigations are not of a Class that would require the submission of an EIAR

- Exclusion of public from comment on Appropriate Assessment Screening determination by the Public Authority – this is a legal / administrative issue for consideration by the Department's Marine Planning and Foreshore Unit and is not considered further in this report.

- Lack of consultation by the applicant with fishing industry during the pre-application stage – this is a legal / administrative issues for consideration by the

Department's Marine Planning and Foreshore Unit and is not considered further in this report.

- Impacts of the site investigation on fishing activity and fishing grounds in the Galway Bay area - this is considered further below.

Prescribed Bodies Consultation
Written submissions on the proposed works were received from the following:

Department of Housing, Planning and Local Government (Water and Marine Advisor), Department of Culture, Heritage and the Gaeltacht (Nature Conservation and Underwater Archaeology), Marine Institute, Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division), Marine Survey Office, Inland Fisheries Ireland

There were no objections raised.

Issues Considered
The following documents were considered:

- Foreshore Licence Application and associated document and drawings submitted by DeepSea Fibre Networks Ltd
- Document entitled "Appropriate Assessment Screening & Natura Impact Statement - Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA for marine survey and site investigations for a fibre optic cable with a landfall at Ballyloughane Strand, Galway Bay", dated 24th October 2019, prepared by Altemar Ltd.
- Document entitled "Marine Archaeological Assessment of a proposed Marine Survey and Site Investigation Works associated with the Proposed FARICE Cable System, dated 17th October 2019, prepared by Geo-Mara Ltd.
- Written submissions from Department of Housing, Planning and Local Government (Water and Marine Advisor), Department of Culture, Heritage and the Gaeltacht (Nature Conservation and Underwater Archaeology), Marine Institute, Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division), Marine Survey Office, Inland Fisheries Ireland and the applicant's responses to these submissions
- Written submissions received on foot of the Public Consultation and the applicant's responses to these submissions.

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On foot of issues raised during the Public Consultation Stage the applicant advised that proposed survey route would be reduced and limited to Sections A and C only as shown in Drawing No. 1334-A-102, Rev 01, "Foreshore Licence Map 2 Route to the 12 Mile Limit Ref:FS007016" dated 20/10/2019. This reduction in the survey route will reduce interactions with fishing and fishing grounds.

There will be no impact on the water column or seabed arising from the geophysical survey methods intended to be used. There will therefore be no impacts on fishing grounds resulting from these survey techniques.

There will be impacts on the seabed resulting from the Geotechnical surveys involving cone penetration testing collection of gravity cores, and collection of grab samples and excavation of trial pits. Given the number of sampling sites proposed and the nature and scale of the sampling method proposed, significant impact on the seabed, including species and habitats, are not considered likely. Depending on the type and size of grab sampler used, volumes of sediment recovered per grab will range from between 0.003 – 0.015m^3. Depending on the type and size of core sampler used, volumes of sediment recovered per core will range from between 0.02 – 0.1m^3 . No sediment will be removed during cone penetration testing.

The seabed will be impacted as a result of the collection of gravity cores and Cone Penetration tests. Given that it is intended that the gravity cores or Cone Penetration tests will be collected at a spatial interval of 10Km along the survey route, and considering the area and volume of seabed removed / impacted it is considered that impacts on the seabed, and therefore on fishing grounds, will not be significant.

There may be short term disruption to fishing activity during the survey but overall impacts are not likely to be significant. It is noted that the applicant has stated that "it is proposed to appoint a Fisheries Liaison Officer for the inshore and offshore sections of the survey" and in this regard it is recommended that that the appointment of a Fisheries Liaison Officer should be a specific condition of any licence that may be granted.

There will be no direct discharges of material to the marine environment during the survey works and water quality will not be impacted.

There are no licenced aquaculture sites in or immediately adjacent to the proposed Site Investigation area on the Foreshore and therefore significant impacts on the aquaculture activity are not considered likely

Conclusions and Recommendations

The MLVC considers that, subject to compliance with the specific conditions set out below, the proposed marine site investigation survey would not have a significant effect on the marine environment, on sensitive marine species or on other legitimate uses / users of the area and it is recommended that a licence be granted

Proposed Specific Conditions

1. The Licensee shall use that part of the Foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.

2. The Licensee shall notify the Department of the Housing, Planning and Local Government at least 14 days in advance of the commencement of the works on the foreshore.

3. The Licensee shall ensure that all works are carried out in accordance with the drawings and documents submitted in support of the application.

4. The Licensee shall ensure that all known wrecks and archaeological sites are avoided during the course of the surveys.

5. In order to ensure the preservation of underwater archaeological sites and features the Licensee shall engage the services of a suitably qualified archaeologist to monitor all seabed disturbance works. The archaeologist shall be licensed under the National Monuments Acts 1930-2004. Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Licensee shall be advised by the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation *in situ*, dive and/or geophysical survey or excavation). The licensee shall facilitate the archaeologist in recording any material found. The National Monuments Service of the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

6. The Licensee shall ensure that the proposed geophysical surveys are carried out in advance of any site investigation studies. The geophysical survey shall include a sidescan sonar and magnetometer survey and shall be licenced under the National Monuments Acts 1930-2004. The proposed geophysical surveys and dive surveys (i.e. diver swim survey and dive investigations of potential archaeological anomalies) shall be licenced under the National Monuments Acts 1930 - 2014. The dive survey shall be accompanied by a hand-held metal detection survey which shall also be licenced under the National Monuments Acts 1930-2014.

7. The Licensee shall ensure that the geophysical data for all proposed site investigation locations (i.e. grab sampling, gravity cores and site investigations for the landfall section) are assessed by a suitably qualified archaeologist to ensure that the proposed works do not negatively impact on locations where there is known or potential archaeology and to ensure no samples or cores are taken from an area where a wreck site is located.. A report summarising the assessment of the geophysical data shall be forwarded to The National Monuments Service of the Department of Culture, Heritage and the Gaeltacht for review prior to the

geotechnical works taking place. Where archaeological material/features are shown to be present, preservation in situ, avoidance, preservation by record (archaeological excavation) or archaeological monitoring may be required. The applicant shall be advised by the Department of Culture, Heritage, and the Gaeltacht.

8. The Licensee shall arrange the publication of a Marine Notice through the Maritime Safety Directorate giving a general description of operations and approximate dates of commencement and completion of the site investigations.

9. The Licensee shall arrange the publication of Port Marine Notice through the Galway Harbour Authority and the Aran Islands Harbour Authority giving a general description of operations and approximate dates of commencement and completion of the site investigations.

10. Prior to and during the course of the Site Investigations the Licensee shall consult / liaise with local harbour authorities, all local passenger vessel, cargo and fishing co-operative operators, operating within, to and from Galway Bay and provide them with up-to-date information on survey activities in the area..

11. The Licensee shall arrange the publication of a local marine notice giving general description of operations and approximate dates of commencement and completion of the site investigations

12. The Licensee shall appoint a Fisheries Liaison Officer who shall consult with the SFPA, relevant fishermen's groups and charter boat skippers in order that appropriate actions can be taken to avoid or minimize any interactions with ongoing fishing / angling activities in the area during the course of the investigations.

13. During the course of the near shore survey operations works the Licensee shall ensure that where relevant:

a. all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation;
b. existing public access arrangements to the general foreshore area are not impeded by any plant or materials used in connection with the marine survey ,and where relevant this access should be made safe and guaranteed by the provision of appropriate signage/notices/barriers etc. to the satisfaction of the Department of the Housing, Planning, Community and Local Government;

c. procedures are adopted to ensure that the survey operations and any works associated therewith are not injurious to fishing, navigation, adjacent lands or the public interest;

14. The Licensee shall be fully compliant with the requirements set out in the NPWS (2014) "Guidance to Manage the Risk to Marine Mammals from Man-made Sound sources in Irish Waters".

15. The Licensee shall ensure that the mitigation measures set out in Section 5(G) of the document entitled "Appropriate Assessment Screening & Natura Impact Statement - Information for a Stage 1 (AA Screening) and Stage 2 (Natura Impact Statement) AA for marine survey and site investigations for a fibre optic cable with a landfall at Ballyloughane Strand, Galway Bay", dated 24th October 2019, prepared by Altemar Ltd, are implemented in full.

16. On completion of the works the Licensee shall ensure that all equipment and materials are removed and the foreshore is reinstated to its original condition.