

Assessment, Research and Data Unit, Environmental Report			
To:	Maritime Authorisations Unit	From:	██████████ Senior Marine Advisor
Date	21 st June 2024	Maritime Usage Licence Application No:	LIC230018
Applicant:	Microsoft Ireland Operations Ltd		
Type of maritime usage activity in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):	<i>3. Marine environmental surveys for the purposes of site investigations or in support of an application under Part Xxi of the Act of 2000.</i>		
Location of proposed Maritime Usage:	A survey area is proposed off the coast of north Co. Dublin, with proposed landfall sites in Portmarnock, Co. Dublin.		

Background

Microsoft Ireland Operations are seeking a Maritime Usage Licence (MUL) to undertake marine surveys and site investigations to ascertain a feasible and safe route for cable system design, deployment, survivability and subsequent maintenance near Portmanock, Co. Dublin. The overall area subject to this licence application is 3,211 hectares.

Assessment of Impacts of the Maritime Usage (AIMU) Report

The applicants AIMU report provided a comprehensive project description, programme of works and fully assessed the impacts of the project on the receiving marine environment. Specifically, the AIMU Report considered:

- Land & Soils
- Water
- Biodiversity
- Fisheries and Aquaculture
- Air Quality
- Noise & Vibration
- Landscape/Seascape
- Traffic & Transport (including navigation)
- Cultural Heritage
- Population & Human Health
- Major Accidents & Disasters
- Climate
- Waste
- Material Assessment

Having considered the nature, duration and location of the cable laying works, I conclude that there is no likelihood of significant effects on the receiving marine environment subject to the recommended licence conditions.

National Policy and EU Directives

The following European legislative instruments have been considered in the assessment of this licence application:

- i. *Marine Strategy Framework Directive (2008/56/EC)*

Having reviewed and assessed the information submitted for this application, I am satisfied that the overall objective of this project does not contravene the objectives of the MSFD. Furthermore, I am satisfied that no implications shall arise from this project which would adversely affect MARAs obligations under the MSFD.

ii. Water Framework Directive (2000/60/EC)

Having reviewed and assessed the information submitted for this application, I am satisfied that the overall objective of this project does not contravene the objectives of the WFD. Furthermore, I am satisfied that no implications shall arise from this project which would adversely affect MARAs obligations under the WFD as the maritime usage will be undertaken outside the spatial extent of the Directive.

iii. Environmental Impact Assessment Directive (2014/52/EU)

The ARD completed an assessment for EIA requirement on 14th June 2024. This concluded that the project does not fall within the scope of the EIA Directive and therefore an EIA is not required.

iv. Bird Directive ((79/409/EC) and Habitats Directives (92/43/EEC)

The ARD undertook an Appropriate Assessment in respect to this project. Having considered the documents submitted by the applicant, the observations received from the public consultation on the application, the appropriate assessment concluded, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposed maritime usage (either individually or in combination with any other plans or projects) will not adversely affect the integrity of any European sites, in view of the sites' conservation objectives, subject to the implementation of the mitigation measures. The ARD specifies mitigations that must be included as conditions in a licence that may be granted in respect of this Maritime Usage Licence application.

In addition, the applicant submitted an Annex IV Risk Assessment as part of their licence application. Having reviewed the risk assessment, I am satisfied that there is no significant risk for potential impact on Cetaceans, Turtles or Otters from the proposed maritime usage activity. The mitigation measures recommended for mitigating against underwater noise disturbance in the Appropriate Assessment are in line with recommended mitigation measures for cetaceans in the risk assessment submitted with the licence application.

National Marine Planning Framework

The National Marine Planning Framework (NMPF) sets the framework for the forward planning component of our marine planning system. I am satisfied that this project, when undertaken in accordance with the recommended licence conditions will be consistent with the objectives of the NMPF.

Consultations

A 30-day public consultation period was undertaken under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations (2011, as amended) and under section 117(6)(b) of the Maritime Area Planning Act (2021, as amended), commencing on 1st May 2024, with the public invited to make observations. No submissions were received on foot of the public consultation.

MARA also invited observations on the licence application from the following public bodies: Commissioner for Irish Lights, Department of Environment, Climate and Communications, Department of Agriculture, Food and the Marine, Marine Institute, Marine Survey Office and National Parks and

Wildlife Service. Observations were received from four of the public bodies, these observations are summarised below.

Submission	MARA Response
Department of Environment, Climate and Communications (Electronic Communications Policy and Regulation Division)	
<p>DECC present the departments strong policy position in relation to encouraging and boosting Ireland national and international subsea telecoms activity. The submission also notes their support of projects that are aligned with the policies laid out in the Telecommunications chapter of the National Marine Planning Framework. DECC concluded in their submission that the proposed maritime usage is aligned with government policy.</p>	<p>MARA notes the comments from DECC.</p>
Department of Transport (Marine Survey Office)	
<p>The MSO stated they have no objection to the proposed maritime usage in relation to the impact upon the safety of navigation. In addition, the MSO included a number of points of note relating to the requirement to publish marine notices, radio broadcast warnings, the need to consult with the Commissioner of Irish Lights and MSO with regard to marking and lighting buoys and the need to maintain appropriate measures to ensure navigational safety is maintained.</p> <p>In addition, the MSO advised of the importance of engaging with local fishers, conforming with Irish Certification standards for vessels and the need to submit bathymetric data to the INFOMAR and the UK hydrographic office.</p>	<p>MARA notes these points of information.</p> <p>The ARD team have proposed conditions for inclusion in any licence issued in relation to this proposed maritime usage.</p>
Department of Agriculture, Food and the Marine (DAFM)	
<p>DAFM noted that the proposed maritime usage is unlikely to have an impact on sea fishing, fishery harbours or aquaculture sites in the vicinity.</p> <p>In addition, DAFM noted the need for appropriate monitoring and adherence to best practice to ensure that the proposed survey works do not cause any direct or cumulative negative impacts on environmental sites, aquaculture and fishery harbour operations.</p>	<p>MARA notes the observations offered by DAFM. The in-combination impacts associated with multiple projects of this nature have been assessed as part of the appropriate assessment and appropriate mitigation measures are recommended to be included in any maritime usage licence issued by MARA to the application.</p>
Commissioners of Irish Lights	

<p>The Commissioner for Irish Lights has no objection to a licence being issued in respect of the proposed maritime usage. A request was included in the submission for conditions to be included in a licence that the applicant liaise the local authority Marine Survey Office and the local lighthouse authority in relation to marine notices and navigational aids.</p>	<p>MARA notes the observations, however, conditions have not been included in the licence as these would relate to issues outside the scope of the licence.</p>
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Conclusion and Recommendation

Having considered the information submitted in support of the application, I have no objection to the granting of a Maritime Usage Licence under Section 119 of the MAP Act for this application subject to inclusion of the following conditions:

1. This licence is for the purposes of licensing under the Maritime Area Planning Act, 2021, as amended, and nothing in this licence shall be construed as negating the Holders statutory obligations or requirements under any other enactments or regulations.
Reason: *To clarify the scope of this licence.*
2. The Holder shall ensure that all vessels engaged in this Permitted Maritime Usage conform to Irish Certification standards for vessels, as required by the Marine Survey Office.
Reason: *To ensure protection of the marine environment.*
3. The Holder shall take all reasonable measures to ensure that all vessels used in this Permitted Maritime Usage are free of invasive marine species on their hulls and in their ballast water.
Reason: *To ensure the protection of the marine environment.*
4. Marine Mammals
 - i. The Holder shall appoint a marine mammal observer for the purposes of overseeing the activity. The marine mammal observer shall satisfy the requirements of the National Parks and Wildlife Service.
 - ii. The Holder shall implement risk control and mitigation measures for marine mammals in accordance with relevant National Parks and Wildlife guidance.
 - iii. All reporting should be forwarded to offshore@npws.gov.ie.
Reason: *To ensure the protection of the marine environment.*
5. Birds
 - i. The movement of tracked vehicles in the intertidal area shall be restricted to minimum access tracks necessary to achieve completion of the Permitted Maritime Usage.
 - ii. Any trial pits excavated for the purposes of the Permitted Maritime Usage shall be refilled.
 - iii. Where the Holder observes significant clusters of birds, actively fishing and/or diving, within 500m of the survey vessel, in carrying out the Permitted Maritime Usage, the survey route shall be altered to maintain a 500m buffer from the birds. Appropriate records must be retained by the Holder.
Reason: *To ensure the protection of the marine environment.*

6. Landfall site/Intertidal

- i. The Holder shall ensure that an ecologist will be onsite during all terrestrial/intertidal surveys carried out as part of this Permitted Maritime Activity in order to minimise disturbance and ensure site integrity is maintained.
- ii. Disturbance of drift lines and vegetation on the shore shall be avoided by machinery and personnel.
- iii. Any temporary access arrangements or structures, that are put in place to allow machinery access to the shore area, shall be prepared or installed in consultation with the site ecologist. The site should be fully reinstated post works.
- iv. Silt protection measures shall be put in place if deemed necessary by the project ecologist.

Reason: *To ensure the protection of the marine environment.*

7. In-combination effects

- i. The Holder shall coordinate with other authorisation holders within a 10km radius of the site boundary to ensure that no temporal overlap occurs between projects in respect of geophysical, seismic and geotechnical activities.
- ii. Where the Holder becomes aware of temporal overlap that cannot be resolved, the Holder shall notify the Grantor who shall determine the timing of activities.

Reason: *To ensure the protection of the marine environment.*

8. On completion of the activity the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at hdc@hdc.hydro.gov.uk with the final bathymetric data from this Permitted Maritime Usage so that the appropriate charts can be updated.

Reason: *To ensure protection of the marine environment through availability of monitoring data.*

9. The Holder is required to submit details of all acoustic surveys undertaken in accordance with this licence to Marine Environment Unit, Department of Housing, Local Government and Heritage (Marine.env@housing.gov.ie). This data shall be provided in the reporting format of the OSPAR Impulsive Noise registry.

Reason: *To ensure protection of the marine environment through availability of monitoring data.*

10. The Holder shall keep the following documents together and available for inspection by the Grantor:

- i. a copy of the licence related to this Permitted Maritime Usage;
- ii. all correspondence with the Grantor;
- iii. up to date drawings, plans and maps relating to the Permitted Maritime Usage;
- iv. documents and photographs and other relevant records relating to the Permitted Maritime Usage to provide evidence of compliance with licence conditions;
- v. marine positional log; and,
- vi. any elements of the licence application and associated documentation referenced in this licence.

Reason: *To provide appropriate controls on the Permitted Maritime Usage to ensure protection of the marine environment.*

11. Accidental events

The Holder shall ensure that there is an oil pollution emergency plan on-board any survey vessels. This plan should specify:

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- i. Information on the location and detail of spill response resources on-board;
- ii. Information on crew training in relation to oil pollution response;
- iii. How crew will interface with other site investigation operators, where applicable.

Reason: *To provide appropriate controls on the Permitted Maritime Usage to ensure protection of the marine environment.*



Senior Marine Advisor