



From:	██████████ Marine Advisor, Assessment Research and Data Unit
To:	Maritime Authorisations Unit
Date:	21 st May 2024
Subject:	Final Environmental Report for Maritime Usage Licence Application
Maritime Usage Licence number:	LIC230033
Applicant:	Apollo Submarine Cable System Limited
Location of proposed activity:	Approximately 130km to 360km off the south west coast of Ireland.
Type of maritime usage activity in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):	<i>13. The laying or installation of telecommunications cables or ducting by or between coastal States where such cables or ducting pass through the exclusive economic zone (as construed in accordance with the Act of 2021) or the continental shelf but do not land in the State.</i>

Background

Apollo Submarine Cable System Ltd. (Apollo Ltd.) are seeking a Maritime Usage Licence (MUL) for a period of up to 25 years for laying of a fibre optic subsea telecommunications cable and the potential future maintenance activities associated with that cable. The overall area subject to this licence application is 3.94km² (i.e. 394km of 0.01km wide MUL)

Preliminary Environmental Report

A Preliminary Environmental Report was prepared by the ARD and submitted to the Maritime Authorisations Unit on 22nd February 2024. The conclusions in that report remain valid. The report noted that an appropriate assessment screening determination was made and determined that a Stage 2 Appropriate Assessment was required. The report also noted the risk assessment for Annex IV species, submitted with the licence application.

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 21st February 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 in a maritime usage licence that may be granted in respect of this MUL 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 NMPP.

Consultations

A 30-day public consultation period was undertaken under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011, commencing on 7th March 2024, with the public invited to make observations. MARA also requested 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 (Foreshore Unit), Environmental Protection Agency, Inland Fisheries Ireland, Marine Institute, Marine Survey Office, National Parks and Wildlife Service and Sea Fisheries Protection Authority.

A total of five submissions were received on foot of the consultations, four from public bodies and one from members of the public. The submissions are outlined below.

Submission	MARA Response
Department of Housing Local Government and Heritage (DHLGH – National Monuments Service)	
<p>DHLGH notes that the AIMU Report contains reference to records of historic and modern wrecks within the Licence Application Area. DHLGH recommended that conditions be attached to the Maritime Usage Licence, should it be granted, summarised as follows;</p> <ul style="list-style-type: none"> - Appointment of an experienced underwater archaeologist to supervise on all archaeological aspects of the project; - An Underwater Archaeological Impact Assessment (UAIA) report to be undertaken prior to the construction works taking place. - A Protocol for Archaeological Discoveries shall set out the procedure for reporting discoveries of confirmed/potential archaeological significance. 	<p>MARA notes the comments from the National Monuments Service. The ARD recommends that a condition be included in the licence that the applicant consults and complies with the requirements of the underwater archaeology unit of the Department of Housing, Local Government and Heritage.</p>
Marine Institute	
<p>The Marine Institute (MI) observe that there are no licensed aquaculture sites along, or close to, the proposed cable route.</p> <p>The MI further notes the likely commercial fishing activity within the proposed route and that potential interaction with fishing activity may occur.</p> <p>Table 2.2 of the AIMU report indicates the timing of cable laying activities within the SAC. Important to clarify the duration required to surface lay the final leg of 52.3km, as 0.3 days for this distance would seem ambitious.</p>	<p>MARA notes the comments from the Marine Institute (MI). MARA notes the absence of aquaculture sites but the potential interaction with commercial fishing activity that may occur.</p> <p>The installation period will take approximately 24 days, approximately four of which will be within the Southern Canyons SAC.</p>

<p>The MI notes that Table 4 of MARA Screening report identifies one qualifying interest (Reefs [1170]) for the Southern Canyons SAC. However, the NPWS website for this SAC identifies an additional QI - <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349], for this site. It would be important that this be clarified before progressing further.</p> <p>Section 3.4.3 of the MARA Screening report, all Special Protection Areas (SPAs) are excluded on the basis the activity is likely outside the zone of influence (ZOI) of foraging seabirds. Further clarification should be provided on the identification of the ZOI for SPA features, given the ZOI for seabirds is not defined and that some seabird species have very extensive foraging ranges.</p> <p>The MI notes in Section 3.5.2, of the MARA Screening report, the inclusion of non-Annex II species. The cetaceans listed are considered as Annex IV species and are therefore, considered, in full, in the Annex IV reporting. The MI notes there is little basis for their additional inclusion in the AA screening report.</p> <p>The MI notes the duration of 25 years seems long for a licence and as such, little information or assessment is provided on any likely effects (if any) during the operational phase.</p>	<p>MARA contacted the NPWS in relation to the inclusion of the bottlenose dolphin on their website for the Southern Canyons SAC. NPWS stated that the bottlenose dolphin is included in error on their website with respect to the Southern Canyons SAC.</p> <p>Further clarification shall be provided on the identification of the ZOI for SPA features, given the ZOI for seabirds is not defined and that some seabird species have very extensive foraging ranges.</p> <p>MARA notes the comments from the MI in relation to Annex IV species.</p> <p>The licence is being granted for a period of 25 years to allow for future maintenance activities on the cable. However, the ARD recommends that an additional condition be included in the licence to limit the completion of the cable laying activity to 31st December 2025.</p>
<p>Department of the Environment, Climate and Communications (DECC)</p>	
<p>DECC noted the purpose of the licence application and stated that they are supportive of the proposed project provided there are no negative environmental impacts.</p>	<p>MARA notes the submission from DECC. The ARD will recommend that any licence issued will include conditions to ensure there are no negative environmental impacts as a result of the proposed activity in the maritime area.</p>
<p>Department of Agriculture, Food and the Marine (DAFM)</p>	
<p>DAFM noted this activity does not fall within the remit of the EIA (Agriculture) Regulations under DAFM and therefore, once relevant environmental and planning regulations are met, DAFM has no comment at this stage of the consultation process.</p>	<p>MARA notes the DAFM have no comment at this stage.</p>
<p>Public Submissions</p>	

<p>Smart Africa Secretariat made a submission requesting support from MARA on the application of 2Africa cable, seeking a licence to transit through the Irish Exclusive Economic Zone (EEZ).</p>	<p>MARA notes the comments in the submission.</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 the maritime usage is carried out and completed in accordance with the conditions of this licence.
Reason: *To clarify the scope of this licence.*

3. Prior to the commencement of the activity the Holder shall consult with the Marine Survey Office to ensure that all vessels engaged in this activity conform to Irish Certification standards.
Reason: *To ensure protection of the marine environment.*

4. On completion of the activity the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at hdc@hdc.hydro.gov.uk with the latest bathymetry data so that the appropriate charts can be updated.
Reason: *To ensure protection of the marine environment through availability of monitoring data.*

5. The Holder is required to submit details of all acoustic surveys undertaken in accordance with this licence to Marine Environment, Department of Housing, Local Government and Heritage. 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.*

6. All cable laying activities shall be completed by 31st December 2025.
Reason: *To provide appropriate controls on the maritime usage activity to ensure protection of the marine environment.*

7. The Holder will ensure that any material recovered during the pre-lay grapnel run, and taken ashore, will be disposed of at an appropriately authorised facility.
Reason: *To provide appropriate controls on the maritime usage activity to ensure protection of the marine environment.*

8. 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 National Parks and Wildlife Service *Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters*.

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

9. Accidental events

The Holder shall ensure that there is a Shipboard Oil Pollution Emergency Plan on-board ship.

This plan should specify:

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

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

10. The Holder shall ensure that all vessels used in this activity are free of invasive marine species on their hulls and in their ballast water.

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



Marine Advisor - Environment