

Assessment, Research and Data Unit, Environmental Report			
To:	Maritime Authorisations Unit	From:	██████████ Marine Advisor Environment
Date	16 July 2024	Maritime Usage Licence Application No:	LIC230008
Applicant:	ESB		
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:	Shannon Estuary, Moneypoint Co. Clare.		

Background

ESB are seeking a Maritime Usage Licence (MUL) to undertake geophysical, environmental/ecological, metocean and geotechnical, site investigation surveys at Moneypoint Co. Clare. The overall area subject to this licence application is 927.5 hectares.

Assessment of Impacts of the Maritime Usage (AIMU) Report

The applicants AIMU report provided a comprehensive project description, programme of works and 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
- Shipping and navigation
- Cultural Heritage (including underwater archaeology)
- Population & Human Health
- Major Accidents & Disasters
- Climate
- Waste

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 20th 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 unit 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, Otters or Bats 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 26 April 2024 and continuing until 27 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: National Parks and Wildlife Service, Department of Agriculture, Food and the Marine, the Marine Institute and Clare County Council.

One submission was received from Clare County Council and this is summarised below.

Submission	MARA Response
Clare County Council Planning Department	
Clare County request MARA to have regard to Clare County Development Plan	MARA notes the comments from Clare County Council, in relation to the objectives of Clare County Development plan 2023-2029 and also in relation to site-specific objective for Moneypoint (CDP12.6).
Clare County request MARA to consider the Strategic Integrated Framework Plan for the Shannon Estuary	MARA notes the request for consideration to be given to the Strategic Integrated Framework Plan for the Shannon Estuary.
Killimer-Tarbert ferry	The ARD team recommend that a condition be included in any licence requiring that the applicant does not cause disruption to the operation of the Killimer-Tarbert ferry while undertaking the Permitted Maritime Usage.
Impacts on marine mammals such as disturbance, collision, entanglement, displacement and changes in food resources	MARA notes the comments from Clare County Council.

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 Permitted Maritime Usage shall be carried out in accordance with the plans and particulars submitted by the Holder in support of the application for this Licence.
Reason: *In the interest of clarity and to ensure the protection of the marine environment.*
3. 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.*
4. The Holder shall 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.*
5. The holder shall give consideration to and carry out early consultation with the operators of the Killimer-Tarbert ferry to ensure there is no disruption to the operation of the ferry route.
Reason: *To ensure safe navigation in the Shannon estuary.*

6. Marine Mammals

- i. The Holder shall appoint a marine mammal observer for the purposes of overseeing the activity. The Holder shall ensure the marine mammal observer shall satisfy the requirements of National Parks and Wildlife Service guidance.
- ii. The Holder shall implement risk control and mitigation measures for marine mammals in accordance with National Parks and Wildlife guidance.
- iii. All reporting shall be forwarded to offshore@npws.gov.ie .

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

7. Reef Habitat

- i. The Holder shall review the outputs of the geophysical surveys to identify any areas of reef habitat; and no environmental, ecological or metocean survey equipment will be deployed onto identified reef habitat.
- ii. The Holder will undertake a visual survey (i.e., undertaken by divers, autonomous underwater vehicle (UAV) or remotely operated vehicle (ROV)) at each survey location, prior to undertaking the geotechnical and benthic survey. If reef habitats are present, geotechnical sampling locations will be micro sited away from the reef habitat and benthic sampling locations will be sampled by video survey only.
- iii. All jack-up operations associated with geotechnical surveys, or placement of moorings for metocean devices (ADCPs) will be positioned to avoid any identified reef features.

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

8. In-combination effects

- i. The Holder shall coordinate with other licence holders within a 10km radius of the site boundary to ensure that no temporal overlap occurs between projects in respect of geophysical 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.*

9. 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.*

10. 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 at 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.*

11. 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 as may reasonably be requested by the Grantor from time to time;

- 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.*

12. Accidental events

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

- 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.*

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Marine Advisor Environment
16th July 2024