Submission HLG 00087-22: Screening for Appropriate Assessment Determination on Foreshore Application FS007358 NISA Cable Route, Site Investigation

TO:	Minister of State Burke	AUTHOR:	[redacted] (Housing)
STATUS:	Completed	OWNER:	[redacted] (Housing)
PURPOSE:	For Decision and Signature	REVIEWERS:	[redacted] (Housing)
			[redacted] (Housing)
DIVISION:	Foreshore		
DECISION BY:			

Final comment

Read and approved by Minister Burke 8 March 2022

Action required

Ministerial determination on the Screening for Appropriate Assessment, and signing of the Screening for Appropriate Assessment Determination statement, if approved.

Executive summary

North Irish Sea Array Windfarm Ltd. has applied for a Foreshore Licence under the Foreshore Act to carry out Site Investigations off Meath and Dublin, in order to establish the optimum route for an electricity export cable.

As part of the assessment of this application the Minister is required to make a Screening for Appropriate Assessment determination in accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations').

Having considered all relevant material a recommendation has been made that the Minister adopts the Screening for AA report and reaches the following Screening for AA determination:

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European site.

Detailed information

Overview

North Irish Sea Array Windfarm Limited (NISA) is a wholly owned subsidiary of Statkraft Ireland Ltd. NISA has applied for a Foreshore Licence and Consent under the Foreshore Act to carry out Site Investigation (SI) surveys in the application area. These SI's will inform the route corridor, landfall location, and design of, export cable(s) from the *proposed* NISA offshore wind farm (FS007031) off Dublin, Meath and Louth.

Subject to the award of a Foreshore Licence as well as favorable weather conditions, NISA Ltd. propose a schedule of activities to complete the SI works on a phased basis over 3 years to allow for seasonal variation and survey windows. This application is for survey activities only. No permanent structures shall be erected as part of these works.

This application is a "Relevant Status" project.

The application includes:

- Geophysical surveys (mutli-beam echo sounder, sub bottom profiling, side-scan sonar and magnetometer).

-Geotechnical surveys (cone penetration tests and vibrocores along the potential routes and boreholes at the landfalls)

-Ecological surveys (fisheries surveys, benthic grab samples, intertidal benthic sampling).

-Archaeological Survey.

The SI will take place off the coast of Counties Meath and Dublin.

Environmental Assessment

As part of the assessment of the foreshore licence application RPS Consulting Group were commissioned as *Independent Environmental Consultants* to conduct a Screening for Appropriate Assessment (stage 1 screening) and, if required, an Appropriate Assessment (stage 2), of the likelihood of significant impact on Natura 2000 sites from the the application for a Foreshore Site Investigation Licence.

A number of application documents submitted by NISA informed the Screening for Appropriate Assessment. These are:

Investigative Foreshore Licence Application Form (ORE)

Foreshore Licence Map

Schedule of Works

Natura Impact Statement

Consolidated Public Submissions

Consolidated Prescribed Bodies Submissions

Foreshore Marine Advisor (Engineering) Submission

Foreshore Marine Advisor (Ecology) Submission

Applicant's Response to Public Submissions

Applicant's Response to Prescribed Bodies Submissions

The Department's Foreshore Notice website, containing the documents, is: https://www.gov.ie/en/foreshore-notice/c7c0a-fs007358-statkraft-north-irish-sea-array-nisa-site-investigations-for-export-cable-route/

Public Consultation

This application for a SI licence to establish the export cable route was open for public consultation between 17 August 2021 and 16 September 2021. There were 6 submissions from the public.

The Consolidated Public Submissions document can be viewed at the link above. The Applicant's Response to Public Submissions document can be viewed at the link above.

Prescribed Bodies Consultation

Observations were sought and received from the Marine Survey Office, the Marine Institute, the Sea Fisheries Protection Authority, the Marine Advisors of the Department of Housing, Local Government and Heritage, Underwater Archaeology Unit and NPWS Development Applications Unit, Inland Fisheries Ireland, the Department of Agriculture, Food and Marine, Louth County Council, Fingal County Council. The Consolidated Prescribed Body Submissions can be viewed at link above.

The applicant's Response to Prescribed Bodies Submissions document can be viewed at the link above.

Independent Environmental Report

RPS Consulting Group were engaged as Independent Environmental Consultants (IEC). They completed the Screening for

Appropriate Assessment technical review on 17 December 2021. It concluded that, as the proposed development, individually or in-combination with other plans or projects, is likely to have a significant effect on a number of European sites, an Appropriate Assessment (stage 2) is required.

This Screening for Appropriate Assessment technical review, along with all relevant material, was considered by the Department Marine Advisor (Ecology) who agreed with and accepted the IEC's report and its conclusions.

The following recommendation has been made in relation to the Screening for Appropriate Assessment by the Minister:

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment (AA)to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project to carry out site investigation works, individually or in combination with other plans or projects, would be likely to have a significant effects on a European site(s).

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

A copy of all the material which informed the IEC's Screening for Appropriate Assessment technical review is linked above.

The Screening for Appropriate Assessment technical review, prepared by the IEC, is attached at **Tab 1**, and the adoption of the report is recommended.

The Marine Advisor Environmental Screening Stage Report, prepared by the Department Marine Advisor (ecology), is attached at **Tab 2** recommending the adoption of the above report**.**

The Screening for Appropriate Assessment Determination statement, prepared by the Department Marine Advisor (ecology) for Ministerial Determination, is attached at **Tab 3** for signing.

Submitted for decision.

Related submissions

There are no related submissions.

Comments

[redacted] **(Housing)** - 08/03/2022 17:04
Read and approved by Minister Burke 8 March 2022

User details

INVOLVED [redacted]

READ RECEIPT: [redacted]