

<b>Assessment, Research and Data Unit, Environmental Report</b>			
<b>To:</b>	Maritime Authorisations Unit	<b>From:</b>	██████████ Senior Marine Advisor
<b>Date</b>	18 September 2024	<b>Maritime Usage Licence Application No:</b>	LIC230014
<b>Applicant:</b>		Shannon-Foynes Port Company	
<b>Type of maritime usage activity in accordance with Schedule 7 of the Maritime Area Planning Act, 2021 (as amended):</b>		<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>	
<b>Location of proposed Maritime Usage:</b>		Shannon Foynes Port	

<b>Title</b>	<b>Assessment, Research and Data Unit, Environmental Report</b>		
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Approved by:	██████████	Director, ARD	18/09/2024
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## Background

Shannon Foynes Port Company are proposing to carry out site investigation works at a two locations adjacent to Foynes Island, Foynes, Co. Limerick. The site investigation works are required to facilitate the preliminary, detailed design and environmental assessment of a wider project, which will comprise of a new deep-water port at Foynes Island.

Shannon Foynes Port is situated on the southern shoreline of the Shannon Estuary, 38km west of Limerick City. The port specialises in bulk cargo with typical cargoes including energy products (liquid fuels, coal, etc.), agri-business inputs (feedstuff and fertilisers), recyclable materials, and green-energy components such as wind turbines. The proposed future development project, which comprises of the construction of a new terminal on the northwest side of Foynes Island, would provide significant additional capacity to existing port operations.

The site investigation works include both geophysical and geotechnical marine based surveys. The proposed geophysical surveys include Side Scan Sonar, Sub-bottom profiler, Multibeam Echosounder and Magnetometer. The proposed geotechnical surveys will include up to 163 No. cable percussion and/or rotary core boreholes.

The works will take place in 2 phases. Phase 1 works shall constitute a preliminary site investigation with the objective of providing initial ground conditions for the purposes of informing the preliminary geotechnical design of marine structures and bridge piers. Phase 1 is proposed to have a duration of 18 weeks in total. Phase 2 will constitute a detailed site investigation with the objective of adding to the data gained from phase 1. Phase 2 is proposed to take place in Q1 2026 and have a duration of 16 weeks in total.

## Assessment of Impacts of the Maritime Usage (AIMU) Report

The applicants AIMU report provided a project description, programme of works and assessed the impacts of the project on the receiving marine environment. Specifically, the AIMU Report (RPS, 15 November 2023) considered:

- Land & Soils
- Geology and Hydrology
- Water
- Biodiversity
- Fisheries and Aquaculture
- Air Quality
- Noise
- Landscape and Seascape
- Traffic & Transport (including navigation)
- Cultural Heritage (including underwater archaeology)
- Population & Human Health
- Major Accidents & Disasters
- Climate
- Waste
- Material Assets
- Environmental Interactions
- Cumulative Assessment

Having considered the nature, duration and location of the site investigation works and the information provided in the AIMU report and accompanying documentation, I conclude that there is no likelihood of significant effects on the receiving marine environment subject to the recommended licence conditions contained in this report.

### **National Policy and EU Directives**

As outlined in sections 4 and 21 of the AIMU report (RPS, 15 November 2023) the following European legislative instruments have been considered in ARD's 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.

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

The ARD Unit completed a consideration for EIA requirement on 29 August 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 Unit undertook an Appropriate Assessment in respect to this project. Having considered the documents submitted by the applicant, and other relevant information, 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 mitigation measures in their Appropriate Assessment report that must be included as conditions in a licence that may be granted in respect of this Maritime Usage Licence application.

A separate report was submitted outlining the projects compliance with the National Marine Planning Framework (RPS, 13 November 2023). 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.

In addition, the applicant submitted an Annex IV Risk Assessment as part of their licence application. Having reviewed the Annex IV Risk Assessment, I am satisfied that there is no significant risk of 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 Annex IV Risk Assessment submitted with the licence application.

### **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 11 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: the Department of Agriculture, Food and the Marine, the Marine Institute, National Parks and Wildlife Service and the National Monuments Service. No observations were received from these bodies.

### **Conclusion and Recommendations**

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. The Permitted Maritime Usage shall be carried out in accordance with the plans and particulars submitted in support of the application for this Licence.

**Reason:** *To clarify the scope of this licence and ensure protection of the marine environment.*

2. This licence is for the purposes of licensing under the Act and nothing in this licence shall be construed as negating the Holder's statutory obligations or requirements under any other Law.

**Reason:** *To clarify the scope of this licence.*

3. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult and comply with the requirements of the Underwater Archaeology Unit of the Department of Housing Local Government and Heritage. National Monuments Service, G37, Custom House, Custom House Quay, Dublin 1, D01 W6X0.

**Reason:** *To ensure protection of maritime heritage*

4. Prior to the commencement of the Permitted Maritime Usage the Holder shall, through consultation and agreement with the Department of Transport, Marine Survey Office and Commissioners of Irish Lights, arrange for the publication of a Marine Notice through the Maritime Safety Policy Division. Navtext and radio broadcast warnings frequency to be agreed with the Irish Coast Guard.

**Reason:** *To ensure safe navigation in the Shannon Estuary*

5. The Holder shall not damage or interfere with any third party's property, infrastructure or fishing gear while conducting the Permitted Maritime Usage.

**Reason:** *To minimise impact on other users of the marine environment*

6. 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*

7. The Holder shall ensure that all vessels used in this Permitted Maritime Usage take all reasonable practical measures to ensure they are free of invasive marine species on their hulls and in their ballast water.

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

8. Reef Habitat Protection

No borehole activity shall take place in Reef habitat (EU Annex 1 habitat code 1170). All borehole activity shall be undertaken under the direct supervision of a suitably qualified person or persons with appropriate geophysical and/or benthic ecology experience in identifying Reef habitat, who shall be present on the survey vessel/drill rig during borehole activity and who shall be empowered to halt such borehole activity where necessary to protect Reef habitat.

**Reason:** *To ensure the protection of the Reef habitat which is a Qualifying Interest of the Lower River Shannon Special Area of Conservation*

9. 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 strict accordance with National Parks and Wildlife guidance.
- iii. The Holder, upon completion of the Permitted Maritime Activity, shall forward all reporting to [offshore@npws.gov.ie](mailto:offshore@npws.gov.ie) and [compliance@mara.gov.ie](mailto:compliance@mara.gov.ie).

**Reason:** *To ensure protection of the marine environment and protected species*

#### 10. In-combination effects

- i. Prior to the commencement of the Permitted Maritime Usage, the Holder shall coordinate with other authorisation holders carrying out geophysical, seismic and geotechnical activities within a 10 km radius of the site boundary.
- ii. Where a vessel to vessel distance of greater than 10 km cannot be maintained with respect to geophysical, seismic and geotechnical activities, the Holder shall co-ordinate with other authorisation holders to prevent temporal overlap of the activities. Where the Holder can submit evidence that there is a vessel to vessel distance of greater than 10 km, no temporal co-ordination of activities is required.
- iii. Where the Holder becomes aware of temporal overlap that cannot be resolved within the prescribed distance, the Holder shall notify the Grantor who shall determine the timing of activities.
- iv. Records of all engagements held and agreements reached, if any, shall be maintained by the Holder and made available to the Grantor if requested.

**Reason:** *To ensure protection of the marine environment and protected species and habitats*

- 11. On completion of the activity, the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at [hdc@hdc.hydro.gov.uk](mailto: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*

- 12. The Holder, upon completion of the Permitted Maritime Activity, shall 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](mailto: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.*

- 13. 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;

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- iv. Such records and/or photographs required to demonstrate compliance by the Holder with the Specific Conditions
- v. marine positional log; to demonstrate compliance with the terms of the licence, including ensuring that the activity occurs within the licensed area; and
- vi. any elements of the licence application and associated documentation referenced in this licence.

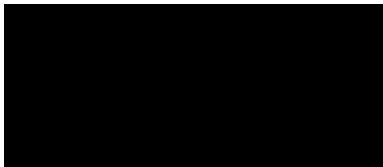
**Reason:** *To provide appropriate controls on the Permitted Maritime Usage to ensure protection of the marine environment*

#### 14. 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.*



Senior Marine Advisor

18 September 2024