Assessment, Research and Data Unit

Appropriate Assessment Report and Determination for a Maritime Usage Licence

To:	Maritime Authorisations Unit	**From:**	Dr. Alison McCarthy Senior Marine Advisor
Date	05/06/2025	**Maritime Usage Licence Application No:**	LIC230007
Approved by:		John Evans, Director of ARD Unit	
Applicant:		Dublin City Council, Civic Offices, Wood Quay, Dublin 8	
Type of maritime usage in accordance with Schedule 7 of the Maritime Area Planning Act, 2021:		*7(3) Marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000.*	
Location of proposed Maritime Usage:		River Liffey, west of Tom Clarke Bridge in Dublin City	
Licence application received:		22/01/2024	
Section 117(6) notice requesting Natura Impact Statement issued:		11/10/2024	
Natura Impact Statement received:		06/12/2024	
Public consultation:		03/04/2025 to 06/05/2025	
Submissions from the public received:		One	
Comments from public bodies received:		Five	

Contents

Statement of Authority

This appropriate assessment report has been undertaken by the Assessment, Research and Data Unit within MARA, a specialist unit with appropriate expertise in environmental assessment.

1 Introduction

1.1 Background

Dublin City Council ('the applicant') has applied to MARA for a Maritime Usage Licence (MUL) to carry out marine site investigation activities in the River Liffey, to inform the design of the Point Bridge and Tom Clarke Bridge Widening Project in Dublin City. The Point Bridge and Tom Clarke Bridge Widening Project is part of Dublin City Council's Active Travel Network. As part of the project, the applicant submitted an application for a Maritime Area Consent (MAC) to MARA on 27/09/2024, which is under assessment (Ref. No. MAC240014).

1.2 Legislative context

Section 117 of the Maritime Area Planning Act 2021 ('the MAP Act') sets out the requirements for MARA to undertake appropriate assessment in respect of a MUL application. The EU Habitats Directive (Council Directive 92/43/EC) and the Birds Directive (2009/147/EC) are transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011, as amended ('the Regulations') and by Part XAB of the Planning and Development Act 2000. The requirements for screening for appropriate assessment and for undertaking appropriate assessment are set out in Regulation 42 of the Regulations. Where appropriate assessment is required to be undertaken on a MUL application, a minimum 30-day public consultation period is required on the application and the Natura Impact Statement (NIS) under Section 117 of the MAP Act and in line with Regulation 42 of the Regulations.

1.3 Screening for appropriate assessment

MARA published an appropriate assessment screening determination on 01/10/2024. The applicant submitted an NIS on 06/12/2024 which included additional site investigation activities and an increased proposed licence duration from the initial application. To ensure the changes were fully assessed, MARA carried out a revised screening for appropriate assessment and screening determination, dated 14/03/2025. The determination concluded that the proposed site investigation activities will require an appropriate assessment as it cannot be excluded on the basis of objective scientific information, that the proposed project, either individually or in combination with other plans or projects, will have a significant effect on a European Site.

2 Description of the proposed maritime usage activity

The proposed marine site investigation activities, or maritime usage activities, are set out on Table 1 along with the estimated duration of each of the activities. The proposed licence duration is for two years to allow for tendering of the surveys and to account for weather conditions. The MUL application area is 3.66 ha and is shown on Figure 1.

Table 1: Proposed maritime usage activities and estimated durations

Proposed maritime usage activities	Estimated duration
Geophysical surveys. Gas main survey: acoustic sub-bottom profiling and marine magnetometer surveys using a survey vessel.	2 days
Geophysical surveys. Inspection of North Wall Quay river wall and Tom Clarke bridge piers using multibeam echo sounder mounted on a survey vessel.	2 days (concurrent with gas main survey)
Structural inspections: Dive survey involving visual inspection and underwater ultrasonic testing of steel pile wall. Chloride testing and defects mapping of concrete substructures including bascule pier. Underwater point cloud survey[1] undertaken in the vicinity of the existing quay wall at the end of Thorncastle Street in Ringsend at the confluence of the Rivers Dodder and Liffey.	One week 2 days (concurrent with gas main survey)
Geotechnical surveys (ground investigation works): 7 no. boreholes (rotary core) using a rotary drilling plant mounted on a jack up barge[2] and concrete coring of the concrete slab at the bridge bascule pier. Rotary coring will be to a depth of 15–30 m. Boreholes will be drilled one at a time. Grab samples (8 no.).	Maximum of 3 months

The application supporting documents also included some additional activities proposed to take place outside of the MUL application area and above the High Water Mark (HWM). These were the excavation of a slit trench, installation of a standpipes and piezometer and the drilling of a borehole. As these activities are not within the maritime area, as defined in the MAP Act, they are outside of MARA's remit and are not considered as part of this MUL application.

2.1 Location

The MUL application area is shown on Figure 1. The proposed site investigation activities will be undertaken within the tidal reaches of the River Liffey, in transitional waters (Water Framework Directive waterbody code IE_EA_090_0300: Liffey Estuary Lower). The activities will be carried out just upstream and downstream of the existing Tom Clarke Bridge structure, protective dolphins and the quay near Thorncastle Street in Dublin City.

[1] Underwater point cloud survey is to provide precise measurements and 3D spatial imagery of the quay wall. No sound is emitted.
[2] The use of a jack-up barge is ancillary to the site investigation activities.

No	No
Yes	Yes – possible visual and above water noise disturb

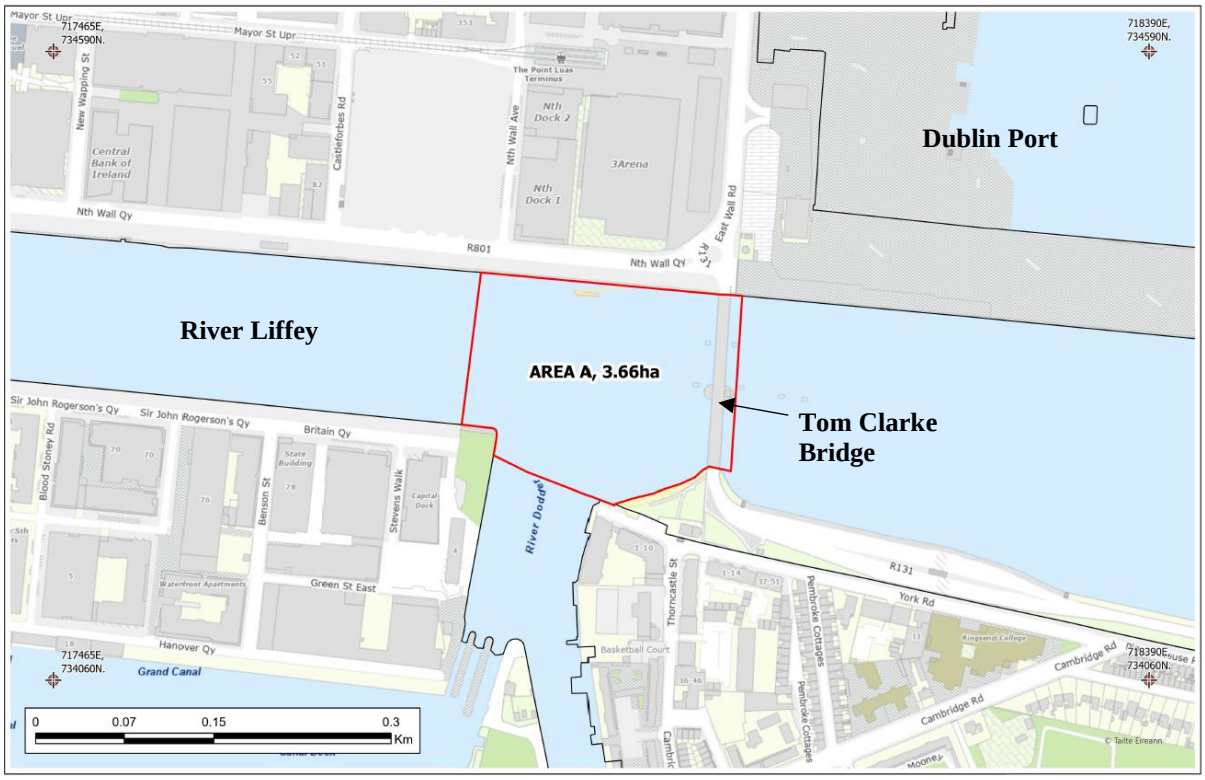

Figure 1: MUL application area

3 European sites and qualifying interests

3.1 Identification of European sites likely to be affected

The appropriate assessment screening report prepared by MARA used the Source-Pathway-Receptor model and the precautionary principle, to identify potential significant effects on the Qualifying Interests (QIs) of European sites within the Zone of Influence of the proposed activities.

The impacts that were identified at the screening stage that have the potential to cause significant impacts on European sites and their QIs are shown on Table 2. Table 3 provides information on the European sites that were screened in for appropriate assessment.

Table 2: Potential impacts identified at appropriate assessment screening stage

Potential Impacts	**Possible Significance of potential Impacts (duration, magnitude etc.)**
Disturbance from underwater noise	Possible temporal impacts on marine mammals.
Visual & above water noise disturbance	Possible temporal impacts on birds

Table 3: European sites and qualifying interests that were screened in for appropriate assessment along with potential source of impact and site-specific conservation objectives.

(Note: Where Site-specific Conservation Objective (SSCO) documents are not available from the NPWS, the SSCOs from the closest relevant European site are used instead.)

European Site & Site Code	Approx distance from MUL application area (km)	List of Qualifying Interests (screened in)	Potential Source of impact	Site specific Conservation objectives
SACs				
Rockabill to Dalkey SAC [IE003000]	<10	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2013) Conservation Objectives: Rockabill to Dalkey Island SAC 003000. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Lambay Island SAC [IE000204]	25–30	*Phocoena phocoena* (Harbour Porpoise) [1351] *Halichoerus grypus* (Grey Seal) [1364] *Phoca vitulina* (Harbour Seal) [1365]	disturbance from underwater noise	NPWS (2024) Conservation Objectives: Lambay Island SAC 000204. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.
Codling Fault Zone SAC [003015]	35–40	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2025) Conservation Objectives: Codling Fault Zone SAC 003015. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.
Blackwater Bank SAC [002953]	~100	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2024) Conservation Objectives: Blackwater Bank SAC 002953. Version 3. NPWS, Department of Arts, Heritage & the Gaeltacht.
Slaney River Valley SAC [000781]	130–150	*Phoca vitulina* (Harbour Seal) [1365]	disturbance from	NPWS (2011) Conservation Objectives: Slaney River Valley SAC 000781. Version 1.0. NPWS, Department of Arts, Heritage & the Gaeltacht.

			underwater noise	
Saltee Islands SAC [0007071]	150–180	*Halichoerus grypus* (Grey Seal) [1364]	disturbance from underwater noise	NPWS (2011) Conservation Objectives: Saltee Islands SAC 000707 and Saltee Islands SPA 004002. Version 1.0. NPWS, Department of Arts, Heritage & the Gaeltacht.
Roaringwater Bay and Islands SAC [000101]	>300	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2011) Conservation Objectives: Roaringwater Bay and Islands SAC 000101. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Blasket Islands SAC [002172]	>500	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2014) Conservation Objectives: Blasket Islands SAC 002172. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Carnsore Point SAC [002269]	130–150	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2024) Conservation Objectives: Carnsore Point SAC 002269. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.
Hook Head SAC [000764]	150–180	*Phocoena phocoena* (Harbour Porpoise) [1351] *Tursiops truncatus* (Common Bottlenose Dolphin) [1349]	disturbance from underwater noise	NPWS (2025) Conservation Objectives: Hook Head SAC 000764. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.
Kenmare River SAC [002158]	>400	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2013) Conservation Objectives: Kenmare River SAC 002158. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Belgica Mound Province SAC [002327]	>500	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2025) Conservation Objectives: Belgica Mound Province SAC 002327. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.

Inishmore Island SAC [000213]	>600	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2024) Conservation Objectives: Inishmore Island SAC 000213. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.
Kilkieran Bay and Islands SAC [002111]	>600	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2014) Conservation Objectives: Kilkieran Bay and Islands SAC 002111. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
West Connacht Coast SAC [002998]	>600	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2025) Conservation Objectives: West Connacht Coast SAC 002998. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht.
Bunduff Lough and Machair/Trawalua/Mullaghmore SAC [000625]	>500	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	NPWS (2015) Conservation Objectives: Bunduff Lough and Machair/Trawalua/Mullaghmore SAC 000625. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
North Anglesey Marine SAC [UK0030398]	>50	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	JNCC 2019. North Angelsey Marine conservation objectives
West Wales Marine SAC [UK0030397]	<100	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	JNCC 2019. West Wales Marine SAC conservation objectives
Bristol Channel Approaches SAC [UK003039]	>250	*Phocoena phocoena* (Harbour Porpoise) [1351]	disturbance from underwater noise	JNCC 2019. Bristol Channel and approaches SAC conservation objectives
The Maidens [UK0030384]	150–180	*Halichoerus grypus* (Grey Seal) [1364]	disturbance from	DAERA (2017) The Maidens SAC UK0030384 Conservation Objectives.

			underwater noise	
Lleyn Peninsula and the Sarnau SAC [UK0013117]	>100	*Tursiops truncatus* (Common Bottlenose Dolphin) [1349]	disturbance from underwater noise	Countryside Council for Wales, 2009. Lleyn Peninsula and the Sarnau European Marine Site.
Cardigan Bay SAC [UK0012712]	>150	*Tursiops truncatus* (Common Bottlenose Dolphin) [1349]	disturbance from underwater noise	Natural Resources Wales, 2018. Cardigan Bay Special Area of Conservation.
French SACs screened in for *Phocoena phocoena* (Harbour Porpoise) [1351] for disturbance from underwater noise. No site specific conservation objectives available so using NPWS (2025) Conservation Objectives: Hook Head SAC 000764. Version 2. NPWS, Department of Arts, Heritage & the Gaeltacht. Sites are approx. >500 km from the MUL application area.				
• Récifs et landes de la Hague SAC [Site code FR2500084] • Anse de Vauville SAC [Site code FR2502019] • Banc et récifs de Surtainville SAC [Site code FR2502018] • Estuaire de la Rance SAC [Site code FR5300061] • Baie de Lancieux, Baie de l'Arguenon, Archipel de Saint Malo et Dinard SAC [Site code FR5300012] • Cap d'Erquy-Cap Fréhel SAC [Site code FR5300011] • Nord Bretagne DH SAC [Site code FR2502022] • Baie de Morlaix SAC [Site code FR5300015] • Côtes de Crozon SAC [Site code FR5302006] • Riviére Leguer, forêts de Beffou, Coat an Noz et Coat an Hay SAC [Site code FR5300008]				• Chausey SAC [Site code FR2500079] • Baie du Mont Saint-Michel SAC [Site code FR2500077] • Tregor Goëlo SAC [Site code FR5310070] • Côte de Granit rose-Sept-Iles SAC [Site code FR5300009] • Abers - Côte des legends SAC [Site code FR5300017] • Baie de Saint-Brieuc SAC [Site code FR5300066] • Ouessant-Molène SAC [Site code FR5300018] • Mers Celtiques – Talus du golfe de Gascogne SAC [Site code FR5302015] • Estuairie de la Rance SAC [Site code FR53000061] • Récifs du talus du golfe de Gascogne SAC [Site code FR5302016] • Chaussée de Sein SAC [Site code FR5302007]
SPAs				
South Dublin Bay and River Tolka SPA [004024]	<2	Black-headed Gull (*Chroicocephalus ridibundus*) [A179] Roseate Tern (*Sterna dougallii*) [A192]	visual & above water noise disturbance	NPWS (2015) Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.

		Common Tern (*Sterna hirundo*) [A193] Arctic Tern (*Sterna paradisaea*) [A194]		
North Bull Island SPA [004006]	<5	Black-headed Gull (*Chroicocephalus ridibundus*) [A179]	visual & above water noise disturbance	NPWS (2015) Conservation Objectives: North Bull Island SPA 004006. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
North West Irish Sea SPA [004236]	<6	Red-throated Diver (*Gavia stellata*) [A001] Great Northern Diver (*Gavia immer*) [A003] Fulmar (*Fulmarus glacialis*) [A009] Manx Shearwater (*Puffinus puffinus*) [A013] Cormorant (*Phalacrocorax carbo*) [A017] Shag (*Phalacrocorax aristotelis)* [A018] Common Scoter (*Melanitta nigra*) [A065] Little Gull (*Larus minutus*) [A177] Black-headed Gull (*Chroicocephalus ridibundus*) [A179] Common Gull (*Larus canus*) [A182] Lesser Black-backed Gull (*Larus fuscus*) [A183] Herring Gull (*Larus argentatus*) [A184]	visual & above water noise disturbance	NPWS (2023) Conservation Objectives: North-west Irish Sea SPA 004236. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.

		Great Black-backed Gull (*Larus marinus*) [A187} Kittiwake (*Rissa tridactyla*) [A188] Roseate Tern (*Sterna dougallii*) [A192] Common Tern (*Sterna hirundo*) [A193] Arctic Tern (*Sterna paradisaea*) [A194] Little Tern (*Sterna albifrons*) [A195] Guillemot (*Uria aalge*) [A199] Razorbill (*Alca torda*) [A200] Puffin (*Fratercula arctica*) [A204]		
Ireland's Eye SPA [004117]	10–15	Herring Gull (*Larus argentatus*) [A184] Kittiwake (*Rissa tridactyla*) [A188] Cormorant (*Phalacrocorax carbo*) [A017] Guillemot (*Uria aalge*) [A199] Razorbill (*Alca torda*) [A200]	visual & above water noise disturbance	NPWS (2024) Conservation Objectives: Ireland's Eye SPA 004117. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Howth Head Coast SPA [004113]	10–15	Kittiwake (*Rissa tridactyla*) [A188]	visual & above water noise disturbance	NPWS (2024) Conservation Objectives: Howth Head Coast SPA 004113. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Lambay Island SPA [004069]	15–20	Fulmar (*Fulmarus glacialis*) [A009] Cormorant (*Phalacrocorax carbo*) [A017]	visual & above water noise disturbance	NPWS (2024) Conservation Objectives: Lambay Island SPA 004069. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.

		Shag (*Phalacrocorax aristotelis*) [A018] Lesser Black-backed Gull (*Larus fuscus*) [A183] Herring Gull (*Larus argentatus*) [A184] Kittiwake (*Rissa tridactyla*) [A188] Guillemot (*Uria aalge*) [A199] Razorbill (*Alca torda*) [A200] Puffin (*Fratercula arctica*) [A204]		
The Murrough SPA [004186]	25–30	Little Tern (*Sterna albifrons*) [A195] Herring Gull (*Larus argentatus*) [A184] Black-headed Gull (*Chroicocephalus ridibundus*) [A179]	visual & above water noise disturbance	NPWS (2024) Conservation Objectives: The Murrough SPA 004186. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Skerries Islands SPA [004122]	25–30	Herring Gull (*Larus argentatus*) [A184]	visual & above water noise disturbance	NPWS (2024) Conservation Objectives: Skerries Islands SPA 004122. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
River Nanny Estuary and Shore SPA [004158]	30–35	Herring Gull (*Larus argentatus*) [A184]	visual & above water noise disturbance	NPWS (2012) Conservation Objectives: River Nanny Estuary and Shore SPA 004158. Version 1.0. NPWS, Department of Arts, Heritage & the Gaeltacht.
Wickow Head SPA [004127]	40–45	Kittiwake (*Rissa tridactyla*) [A188]	visual & above water noise disturbance	NPWS (2024) Conservation Objectives: Wicklow Head SPA 004127. Version 1. NPWS, Department of Arts, Heritage & the Gaeltacht.
Dundalk Bay SPA [004026]	55–60	Herring Gull (*Larus argentatus*) [A184]	visual & above water noise disturbance	NPWS (2011) Conservation Objectives: Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026. Version 1.0. NPWS, Department of Arts, Heritage & the Gaeltacht.

4 Assessment and Mitigation

4.1 Assessment of likely significant impacts on European sites and their conservation objectives

The impacts identified at appropriate assessment screening are temporal disturbance from underwater noise on marine mammals (Harbour porpoise, Bottlenose dolphin, Grey and Harbour seals) and visual and above water noise disturbance on seabirds. Any mitigation measures recommended on foot of the assessment in this section are included in Section 4.6 – Mitigation Measures, of this report.

4.1.1 Disturbance from underwater noise

Harbour porpoise and Bottlenose dolphin

The frequency of noise produced by the acoustic sub-bottom profiler and the rotary core drilling plant is within the hearing range of Harbour porpoise (200 Hz–180 kHz) and Bottlenose dolphin (150 Hz–160 kHz). The frequency emitted by the multibeam echosounder is outside of the hearing range of these species. No sound is emitted from the magnetometer surveys or the underwater point cloud surveys. As described in the NIS, the peak Sound Pressure Level (SPL) produced by the sub-bottom profiler is within the range at which the onset of a Permanent Threshold Shift (PTS) could be induced if either species was in the immediate vicinity of the activity. Both the rotary core drilling and the acoustic sub-bottom profiler could induce a Temporary Threshold Shift (TTS) if either species was found in the immediate vicinity. However, the noise is expected to attenuate rapidly from the source and to reduce to background levels at 500 m. Within this range behavioural changes may occur.

The MUL application area is within the busy Dublin Port area in the Inner Liffey, and thus Harbour porpoise and Bottlenose dolphin are unlikely to occur there. However, both species have been recorded 5 km east of this area, around the harbour walls in Dublin Bay, which is within the Effective Deterrence Range (EDR) for Harbour porpoise for geophysical surveys[3]. For the Irish SACs, the relevant conservation objective refers to disturbance impacts and that human activities should occur at levels that do not adversely affect the Harbour porpoise or Bottlenose dolphin communities at those SAC sites. The underwater noise from the activities should not be at a level that could result in a significant negative impact on individuals and/or the community, or a deterioration of their key resources or causing death or injury. This objective is also applicable to the UK and French sites. It is possible that temporal underwater noise disturbance might impact individual Harbour porpoise or Bottlenose dolphin should these species be foraging in Dublin Harbour, and thus mitigation is required to ensure that neither species is present in the vicinity of the activities, as set out in Section 4.6 of this report.

Grey seal and Harbour seal

The frequency of noise emitted by the acoustic sub-bottom profiler and the rotary core drilling plant is within the hearing range of Grey seal and Harbour seal (75 Hz–75 kHz). Both of these pinniped species could experience PTS from the acoustic sub-bottom profiler if they were present in the immediate vicinity of the activity. The acoustic sub-bottom profiler and the rotary core drilling plant could cause a TTS and a behavioral response in both species in

[3] Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs (England, Wales & Northern Ireland) JNCC Report No. 654. 2020.

the immediate vicinity of the activities. However, the noise is expected to attenuate rapidly from the source and to reduce to background levels at 500 m. Within this range behavioural changes may occur.

Grey seals have been regularly recorded in the Inner Liffey Channel and Dublin Bay and within the vicinity of the proposed activities. Harbour seals are also commonly recorded in the area though less so than grey seals. The area provides foraging opportunities and temporary haul out sites for both species, such as at Bull Island. In terms of conservation objectives, there is the possibility that seals linked with the SACs shown on Table 3, which are foraging in the immediate vicinity of the proposed activities might be temporally impacted by disturbance from underwater noise. It is not likely that the noise produced by the activities will interfere with breeding or moulting behaviour of either species that might use the area, given the high levels of noise present in the area from shipping activities within Dublin Port. Recent seal studies in Dublin Port have shown no decline in numbers or changes of use of haul out sites during times of increased construction activity in the Port. Mitigation is required in order to avoid disturbance impacts on Grey and Harbour seals, as set out in Section 4.6 of this report.

4.1.2 Visual and above water noise disturbance

Seabirds

The appropriate assessment screening report carried out by MARA identified breeding and non-breeding seabirds present in a number of SPAs on the east coast of Ireland which have the potential to be impacted by the proposed activities. Some of these seabird species forage over relatively wide distances. It was identified that visual and above water noise disturbance could have a temporal impact on these seabird species outside of the SPAs, should they be present in the vicinity of the proposed activities.

Common and Arctic Tern are both known to breed in the port area on man-made mooring platforms. One such structure is approximately 2.5 km distance from the MUL application area and forms part of the South Dublin Bay and River Tolka Estuary SPA. At approximately 300 m distance from the activities, it is not expected that the noise generated would be higher than background noise levels. Given the high levels of background noise in this area which the Terns are accustomed to, and the distance from the activities, it is not expected that significant disturbance to the breeding Tern populations will result from the activities. This species also primarily forages in open coastal waters.

The other breeding and non-breeding seabird species that might be foraging in the vicinity of the proposed activities regularly occur in the area and they are relatively tolerant of human activity and noise disturbance. The proposed activities will take place in a busy part of Dublin Port with regular shipping activity as well as high levels of traffic over the bridge and quay areas. It is expected that these species have habituated to the baseline levels of noise and human activity in the vicinity of the proposed activities. Given the MUL application area is within a busy urban environment and in tidal reaches of the Inner Liffey Channel, it not expected that significant numbers of foraging seabirds will be present. Therefore, is it is not expected that a temporary increase in visual and noise disturbance surrounding this busy area will have an adverse effect on the integrity of the SPAs, in particular on the population trends of the species or the distribution of the seabirds (range, timing and intensity of use of the SPA

areas). Mitigation is not required for seabirds relating to above water noise or visual disturbance.

4.2 Assessment of in-combination effects

Article 6(3) of the Habitats Directive requires that an appropriate assessment be carried out in respect of any plan or project which is likely to have a significant effect on one or more European sites, either individually or in combination with other plans or projects. Therefore, regardless of whether or not the likely or possible effects of a plan or project are significant when considered in isolation, the potential for the plan or project to significantly affect European sites in combination with other past, present or foreseeable future plans or projects must also be assessed. All types of plans or projects that could, in-combination with the project under consideration, have a significant effect, should be taken into account. This in-combination assessment has been undertaken using professional and scientific judgement.

4.2.1 Defining the Cumulative Effects Spatial Scope (CESS)

Impacts of underwater noise associated with the proposed activities are considered to have the widest spatial reach, with Harbour porpoise being most sensitive to noise disturbance[4]. The CESS was defined at appropriate assessment screening stage as 10 km, based on acoustic survey equipment effective deterrence ranges[5].

4.2.2 Defining the Cumulative Effects Temporal Scope (CETS)

The temporal scope for examination of cumulative effects has been defined considering the period over which the proposed activities would take place. The applicant has applied for a 2-year licence duration and thus the Cumulative Effects Temporal Scope (CETS) is 2 years.

4.2.3 Impact and pathway identification

Impact	Potential Cumulative Pathway
Disturbance from underwater noise	Pathway possible via sound travelling through water with impacts possible within 10 km, or the CESS, where there is temporal overlap with other underwater noise producing projects.
Visual and above water noise disturbance	Pathway possible via light and sound travelling through air with impacts possible within CESS where there is temporal overlap with other visual and above water noise producing projects.

4.2.4 Prediction

The magnitude and extent of identified likely cumulative effects have been predicted below.

Disturbance from underwater noise

There is the potential for increased underwater noise disturbance effects with other projects if geophysical and geotechnical activities were to take place at the same time.

Visual and above water noise disturbance

[4] JNCC Guidance on Assessing the Significance of Noise Disturbance against Harbour Porpoise SACs Conservation Objectives (https://data.jncc.gov.uk/data/2e60a9a0-4366-4971-9327-2bc409e09784/JNCC-Report-654-FINAL-WEB.pdf)

[5] Effective Deterrence Range – the radius of a circular area assumed to be disturbed.

There is the potential for increased visual and above water noise disturbance if similar activities including construction activities, were to take place at the same time.

4.2.5 Identification of Plans or Projects that could act in combination

A search was carried out on 20/05/2025 of relevant databases (including EPA, Foreshore, MARA, planning authorities *etc.*) for other plans and projects with characteristics that may cause in-combination effects with the proposed site investigation activities, on the QIs of the European sites identified on Table 3. All relevant plans and projects within the CESS and CETS have been considered.

Particular attention is given in the context of this in-combination assessment to the following projects:

- Maritime Area Consent (MAC) ref. 2022-MAC-006 and amendments granted to Codling Wind Park Ltd. for construction and operation of an Offshore Wind Farm and associated infrastructure (including decommissioning and other works required on foot of any Development Permission for such Offshore Wind Farm). ABP planning ref. OA29N.320768. MUL application ref. MUL230034 for associated site investigation activities.
- MUL granted to Microsoft Ireland Operations Ltd. ref. LIC230016 for marine site investigation activities for proposed subsea cable having a landfall in Dublin Port.
- MUL application ref. MUL240023, Iarnrod Eireann for site investigations in support of east coast railway infrastructure protection project.
- MAC ref. 240020 for Operations and Maintenance Facility at Dun Laoighaire harbour for Dublin Array Offshore Wind Farm and MAC20230012 granted to Bray Offshore Wind Ltd. And Kish Offshore Wind Ltd. for construction, use, and operation, of operations and maintenance infrastructure for an offshore wind farm at Dun Laoighaire harbour.
- Foreshore licence FS007188 granted to RWE Renewables Ireland Ltd. for site investigations for Dublin Array Offshore Wind Farm.
- Dublin Port Company EPA Dumping at Sea permit applications S0004-03 (granted), S0024-02 (granted), S0033-01 (granted), S0038-01 (applied). Associated foreshore licence granted to Dublin Port Company for dredging: FS007164.
- Dublin Port Company 3FM Project – Dublin Port development project ABP ref. 320250 and MP2 Project, foreshore ref. FS007132.

In addition, the in-combination assessment considers the potential cumulative impacts from minor development projects in the geographical area surrounding the proposed MUL application area, as well as planning permissions associated with referenced MAC applications.

The following plans, in particular, related to the development of the maritime environment in the Dublin area were also identified:

- Climate Action Plan 2024;
- Dublin Port Masterplan 2040;
- National Development Plan 2021–2030;
- Dublin City Development Plan 2022–2028,

- EigGrid's Powering Up Dublin Programme;
- Greater Dublin Area Transport Strategy 2022–2042, and
- Poolbeg West Planning Scheme April 2019.

These plans promote sustainable development and integrated management planning in the maritime environment and further projects in the Dublin area are likely to arise from the plans.

4.2.6 Cumulative Effects Assessment conclusion

There is potential for likely significant in-combination effects on the conservation objectives of the European sites addressed in this appropriate assessment, where impacts from the proposed site investigation activities could interact synergistically with other plans and projects, to create adverse effects on the integrity of the European sites. In order for synergistic interactions to occur both sources of impacts must reach a threshold of interactive potential that is of sufficient character, magnitude, duration or intensity. The assessment in Section 4.2 of this report, has already assessed the potential for significant effects of the proposed site investigation activities on European sites.

The pressures resulting from the proposed site investigation activities are primarily associated with underwater noise disturbance and visual and above water noise disturbance. Based on insufficient clarity on when some of the projects highlighted above will be carried out, and using the precautionary principle, there is potential for these projects to have potential in-combination effects should there be temporal overlap with the proposed activities.

It is not possible to exclude the possibility of likely significant in-combination effects on the conservation objectives of the European sites considered in this assessment as a result of this proposed site investigation activities, the relevant projects identified and the relevant plans listed above. Therefore, it is recommended that a suitable mitigation measure be included in a Maritime Usage Licence relating this proposed maritime activity for the possibility of likely significant in-combination effects.

4.3 Residual effects

This assessment has identified Likely Significant Impacts on European Sites and their conservation interests in Section 4.1 and recommends mitigation measures for each at Section 4.6 below. It is considered that the mitigation measures described and their implementation through licence conditions will remove, or reduce to imperceptible levels, all negative impacts and that residual effects will not arise.

4.4 Assessment of transboundary effects

The mitigation measures proposed as part of this appropriate assessment will mitigate against any transboundary effects on the qualifying interests from the UK and French protected sites.

4.5 Public consultation

A public consultation was undertaken between 03/04/2025 and 06/05/2025, with the public invited to make observations. In addition to the public consultation, observations were invited from relevant public bodies. One submission was received from a member of the public and five submissions were received from relevant public bodies. These submissions have been considered as part of the appropriate assessment and are summarised in the MUL Assessment Report associated with this application.

4.6 Mitigation measures

Mitigation measures for those impacts discussed in Section 3 and 4 of this report are detailed below.

4.6.1 Disturbance due to underwater noise (marine mammals)

Appropriate mitigation for the effects of underwater noise disturbance on marine mammals is the implementation of the most up to date national guidance. Currently the national guidance is the 2014 NPWS '*Guidance to manage the Risk to marine mammals from man-made sound sources in Irish Waters*[6]'. Should new national underwater noise guidance be published, that should be followed. The current guidance specifies the measures to be taken when undertaking drilling and geophysical survey activities in order to minimize the risk to marine mammals and these should be followed. It is recommended a condition be included in any maritime usage licence that may be granted as follows:

Marine Mammals

i. The Holder shall appoint a marine mammal observer(s) for the purposes of overseeing the Permitted Maritime Usage. The Holder shall ensure the marine mammal observer(s) shall satisfy the requirements of the most up to date national guidance. During the activity the Holder shall comply with the directions of the marine mammal observer(s).

ii. The Holder shall implement risk control and mitigation measures for marine mammals in strict accordance with the most up to date national guidance.

iii. The Holder shall, within 30 days of completion of the Permitted Maritime Usage, forward a report of the marine mammal observer(s) operations and mitigation undertaken, to offshore@npws.gov.ie and compliance@mara.gov.ie.

iv. The Holder shall publish the report and recording and data forms on their website within 60 days of completion of the Permitted Maritime Usage unless otherwise agreed with the Grantor.

4.6.2 In-combination effects

To minimise any in-combination effects as a results of other projects or plans, it is recommended a condition be included in any maritime usage licence that may be granted as follows:

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 Licensed Area.

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

[6] NPWS, 2014. Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters.

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.

5 Appropriate assessment conclusion

The applicant provided an NIS which detailed the potential impact of the proposed activities on relevant European sites and whether these impacts would adversely affect the integrity of the sites in light of their conservation objectives.

The appropriate assessment screening process identified likely significant impacts due to temporal disturbance from underwater noise on marine mammal species and temporal visual and above water noise disturbance on seabird species. These likely significant impacts could not be ruled out, beyond reasonable scientific doubt, alone or in combination with other plans or projects, without mitigation.

Mitigation measures were identified to ensure that impacts on European sites and their QIs do not occur. Therefore, with adherence to the mitigation measures specified in Section 4.6 Mitigation Measures, and in view of best scientific knowledge, and of the sites 'conservation objectives, the project, individually, or in-combination with other plans or projects, will not have adverse effects on European sites.

Signature and Date of Recommending Marine Advisor	[redacted] **Dr. Alison McCarthy** Senior Marine Advisor Assessment, Research and Data 05/06/2025

6 Appropriate Assessment Determination

Having considered this report, the application documents submitted by Dublin City Council, the observations received on foot of the public consultation on the application, along with my own assessment, it can be concluded, and I determine, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposal for marine site investigation activities in the River Liffey, to inform the design of the Point Bridge and Tom Clarke Bridge Widening Project in Dublin City (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 specified in section 4.6 Mitigation Measures

adopted and outlined above, which must be included as conditions to any consent that may be granted in respect of the respective maritime usage licence application.

Signature and Date of Decision Maker	 _____ John Evans Director of Assessment, Research and Data 08/06/2025