



“Safeguarding our Seas for a Truly Sustainable Future”

23 June 2025

From: [REDACTED]

Blue Ireland Coalition CLG Submission on MUL240036:

Objection to the Absence of EIA and Inadequate Assessment of Cumulative and Environmental Impacts

This submission is made in relation to application MUL240036 (EirGrid)for marine site investigation works off the Waterford–Wexford coast, covering 2,333 km².

The application and MARA's assessment of the application, raises concerns over the lack of adequate consideration of the need for Environmental Impact Assessment (EIA), the inadequate screening of cumulative and in-combination effects, and the failure to account for the ecological sensitivity of the area, particularly in respect of protected species, habitats, and forage prey depletion and collapse.

The screening process does not appear to be based on the best scientific knowledge in the field and in the public interest as to the relevance of the EIA Directive to the licence application or the presence or absence of Likely Significant Effects on the surrounding and overlapping Sites of Community Importance or other protected species. A requirement for EIA, appears to have been improperly excluded. For example, the application states that deep borehole drilling and geophysical surveys are exempt from EIA screening under Schedule 5 of the Planning and Development Regulations 2001. This appears to be a misinterpretation.

According to CJEU Case C-531/13, it is not the developer's classification of activity that determines EIA necessity but the nature, scale, and environmental sensitivity of the receiving area. Here, EirGrid proposes a large-scale survey involving numerous intrusive activities including drilling to depths of up to 100 metres, seabed sampling, and intensive acoustic methods such as side scan sonar and sub-bottom profiling. These clearly fall within the scope of activities requiring EIA when undertaken in ecologically sensitive marine areas.

The EIA exclusion gives rise to a failure to engage with the fact that multiple boreholes, geotechnical tests, and extended-duration survey operations (estimated up to two years) are not minor or negligible in impact. The applicant has described these works as exploratory, but the EIA Directive applies irrespective of the intention of the activity when its effects are significant or occur in protected zones.

This is further confirmed by the statement from the MARA EIA consideration report (Part A), where the adviser concludes that: "The borehole drilling is for the purposes of confirming the geotechnical conditions at the site and does not fall under Schedule 5, Part 2, 2(e)(i–iv) in relation to drilling." However, this view disregards the location, scale, duration and context of the drilling proposed, and the legal obligation to consider the environmental sensitivity of the area, rather than formalistic classification alone, as set out in case C-531/13.

Inadequate screening of Annex IV species and Natura sites. The Natura Impact Statement (NIS) and SISAA appear to perform a largely superficial screening for protected habitats and species. In particular, the presence of Annex IV cetaceans is not meaningfully evaluated. The region is known to be important for minke whales, harbour porpoise, and common dolphins, with confirmed sightings of fin whales and, recently, sightings of a sperm whale within Waterford Estuary. IWDG sighting records show high marine mammal presence throughout the south-east corridor, including near Viewpoints 6, 7, 8 and 9 on their published maps.

The assessment of this application does not demonstrate that site-specific conservation objectives (SSCOs) for nearby SACs and SPAs have been systematically reviewed, nor does it account for the implications where such site-specific objectives are absent or were only recently adopted (e.g. updated NPWS objectives in 2023–2024). SSCO provide the baseline against which likely significant effects must be judged under Article 6(3) of the Habitats Directive.

Where SSCO are in place, such as for the Saltee Islands SAC or Hook Head SAC, their specific parameters on reef condition, water clarity, or disturbance thresholds must be tested against potential impacts of survey works, including turbidity and acoustic disturbance. Where SSCO are not in place, a meaningful precautionary approach should apply, yet the assessment and scoping process so far appears to proceed as though screening can be undertaken without them. No clear justification is offered for this gap, and no compensatory measures are proposed. This could render the NIS and SISAA assessments scientifically deficient.

Furthermore, any assessment under the 2014 NPWS underwater noise guidance is compromised by the outdated and not fit for purpose nature of these guidelines. The DHLGH guidelines do not account for cumulative acoustic energy over time, masking effects, or the increased power and frequency range of contemporary survey equipment. In the MUL application, little attempt is made to evaluate whether this activity may disturb or displace Annex IV species. No effective site-specific mitigation appears to be proposed, beyond generic soft-start protocols. This approach is aggravated by the fact that a map providing clear coordinates for the proposed geotechnical activities, such as drilling, boreholes, CPTs is absent from the application. It is not acceptable that the applicant leaves the siting of such intrusive surveying techniques within the vast MUL site, to conjecture, outside of the public consultation process.

The IWDG 2013 Review of the National Cetacean Protection Strategy (NCPS) found that several objectives of the 2009 conservation plan had not been fulfilled, including site-specific monitoring, seasonal mapping of marine mammal hotspots, and defined acoustic exposure thresholds. These deficiencies are mirrored in the current application. This 12 year old review also highlighted the absence of spatial protections for areas of known cetacean use, some of which intersect with the MUL survey zone, yet these remain largely designated or assessed as sensitive in the application.

Failure to assess impacts on prey species and ecological function / needs. The area covered by the MUL includes important spawning and nursery grounds for forage fish such as herring, sprat, and sand eel. These species are critical to the marine food web and support seabird and cetacean populations. Recent data shows the collapse of some stocks potentially due to e.g. over-trawling and habitat degradation. Reports from other applications in the region confirm the ecological importance of this area for seabirds such as kittiwake and puffin, which have experienced circa 36% declines. The NIS does not adequately assess habitat deterioration or loss, turbidity, sediment plumes, or cumulative disturbance effects on these forage prey species.

Exclusion of Important Bird Areas (IBAs) The survey zone lies within or adjacent to five internationally recognised IBAs: the Northeast Celtic Sea IBA, the Saltees–Lady’s Island Marine Extension, the Mid-Waterford Marine Extension, Tramore Backstrand, and Dungarvan Harbour. In addition, the Old Head of Kinsale Marine Extension, while slightly outside the immediate MUL area, lies within its ecological zone of influence. These areas are used by seabirds for foraging, breeding, and staging. The overlap of the MUL site with these IBAs appears to be inadequately, if at all, assessed in the NIS or SISAA. There is poor assessment of displacement of seabirds, habitat / prey loss, or barrier effects and the long term impacts on breeding and chick provisioning, critical to avoid colony collapse and essential to the restoration and maintenance of protected bird species and their habitats. This shortfall is critical given Ireland’s legal obligations under the Birds Directive to protect not just nesting sites but also functional marine habitats necessary for survival.

Inadequate assessment of temporal or in-combination effects. EirGrid’s cumulative or in-combination impact assessment is overly narrow or superficial. For example, the Greenlink Interconnector project is dismissed as “concluded” and therefore not no longer relevant for the purposes of cumulative impacts, by RPS. This interpretation ignores the legal requirement to assess residual, additive, and temporal impacts from past, current, and future projects. In this case, numerous other survey and licensing activities have occurred within the same region since 2020. These include among others:

- Energia South Irish Sea (Site A) – Foreshore Licence FS007048; geophysical and geotechnical surveys conducted in 2022
- Mac Lir Offshore Wind
- Celtic Horizon Wind Farm – FS007384
- Blackwater Wind – FS007445
- Péarla Offshore Wind – FS007621

- Celtic Offshore Renewable Energy (Celtic 1) – FS007488
- Export Cable Corridor for Celtic 2 (floating)
- Voyage Offshore Wind Array – FS007436
- Inis Ealga Marine Energy Park – FS006859
- Shelmalere Offshore Wind – FS007261
- Latitude 52 – FS007232
- Kilmichael Point Wind
- Helvic Head Wind

All of these involve overlapping seabed disturbance, acoustic emissions, and extended marine operations in the vicinity of the proposed MUL. Yet they are inadequately assessed or referenced. In addition, aquaculture operations in Wexford and Waterford estuaries contribute further to cumulative pressures through increased vessel traffic, seabed activity, sedimentation through dredging, and ecological disruption. The MarinePlan.ie activities map (https://marineplan.ie/?page=Activities-Map#data_s=id%3AdataSource_41-17c18d31bbb-layer-145-186939b4d9f-layer-153%3A17) confirms that the MUL survey area intersects with multiple wind energy, aquaculture, and export cable corridors.

The application inadequately assesses past, present, and foreseeable activities (e.g., Greenlink, Celtic Sea surveys) on occasion by labelling them “concluded,” without assessing recovery periods or residual effects. This neglects established standards under EU and OSPAR guidance for cumulative exposure over time. There is no modelling of sequential acoustic disturbances, sedimentation cycles, or ecosystem recovery delays across multiple survey events. Only instantaneous impacts are addressed, which fails to meet the requirements in CJEU case C-323/17 and Marine Strategy Framework Directive obligations.

Elliott et al. (2021) confirm that EIA processes often fail to account for the accumulative effect of repeated surveys and multiple interventions. This study highlights that marine systems are subject to chronic stress and that resilience thresholds must be considered. These findings underline the inadequacy of the current approach in this MUL assessment, which appears to treat each project or survey as an isolated event rather than part of an escalating environmental load.

Inadequate assessment of reef and Annex I habitat assessments. Reef habitats (Annex I) are sensitive to sedimentation and turbidity. The NPWS 2024 Conservation Objectives for reef habitats (IWM150) stress the need to avoid any degradation through increased Suspended Sediment Concentration (SSC) or smothering. Inadequate assessment has been made in the application of the potential for sediment plumes or drilling discharge to affect any Annex I reef features, despite their known occurrence in this region.

Inadequate public participation and transparency

The Aarhus Convention, to which Ireland is a party, requires that the public be given early and effective opportunities to participate in environmental decision-making, including during the screening, scoping, and licensing phases. These obligations are further embedded in EU and Irish law via the EIA Directive and SEA Directive. In this application, key documentation

necessary for informed participation was either delayed or excluded entirely from public view.

Notably, the derogation licence for disturbance of Annex IV cetaceans (DER-CETACEAN-2025-04) was not made available at the time the application was published for consultation. As established in both Irish and EU case law—most recently the *Hellfire Massy* High Court decision—where such licences form part of the overall project authorisation, they must be available to the public during the consultation window. The failure to include this licence at the appropriate time represents a significant breach of both procedural fairness and the requirements of the Aarhus Convention.

There is also no indication that the public was provided in a timely manner, or at all, with any scoping documentation, technical summary, or access to baseline data relied on in the screening process for the derogation licence. This absence of documentation and transparency inhibits the ability of affected parties to participate meaningfully in the assessment process.

Potential lack of objectivity and independence in assessment or consenting process. EirGrid is a State enterprise. Under the amended EIA Directive (2014/52/EU), special attention must be paid to ensuring that where the competent authority is also the developer or is closely linked to the developer, the assessment process must be objective and independent. The MARA review of this application could fall short of that standard. The EIA screening process suggests a developer-led approach, and the ecological appraisal in parts, could lead to an overall lack of independent verification. The absence of a proper EIA screening report, full and adequate scoping, or independent ecological modelling could undermine the legitimacy of the consent process under these provisions of the updated EIA directive.

For the reasons set out above, we object to the proposed approval of MUL240036 without a full Environmental Impact Assessment and, among other flaws in the assessment and screening process to date, a lack of a comprehensive cumulative assessment. The ecological sensitivity of the area, the legal protections for marine species and habitats, and the State's own obligations as developer and regulator require a higher standard of scrutiny. We request that this application be screened back in for full EIA under Irish and EU law.

Please acknowledge receipt of this submission in writing and keep us informed as to further updates or decisions on Licence Application MUL240036

Yours sincerely,

Blue Ireland (www.blueireland.org).