[redacted]
Foreshore Unit,
Department of Housing, Local Government and Heritage,
Newtown Road,
Co. Wexford
18th February 2022

Marine Adviser Environment Screening Stage Report

Re: FS007358 NISA Cable
Applicant: NISA Ltd

I have reviewed the Foreshore Application FS007358 and the environmental documents associated with it. My comments on and recommendations for this application are as follows:

Independent Environmental Consultant (IEC): The Department engaged RPS as an IEC to provide assistance with regard to the statutory and non-statutory environmental assessments of this Foreshore Lease application. The IEC has conducted independent assessments of the information provided by the Applicant, having regard to the Habitats Directive, EIA Directive, and the public and prescribed bodies' consultations.

Environmental Impact Assessment Regulations: The IEC determined that the proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive. Having considered the application by NISA I agree with and accept the IEC's determination that the project does not requires a mandatory EIA. However the Consent Authority (DHLGH) the Department must complete **an Examination for EIA** as part of their obligations under the EIA Directive [see Appendices].

Risk Assessment of Annex IV Species of Directive (92/43/EEC) (as amended) (Habitats Directive: Following a review of the applicant's Risk Assessment of Annex IV species the IEC concluded that with the implementation of DAHG 2014 "*Guidance to manage the risk to marine mammals from man-made sound sources in Irish water*" it is unlikely that the proposed works will result in the injury or killing of Annex IV species.
It should be noted that this risk assessment is not part of the Article 6.3 assessment and therefore identification and inclusion of mitigation measures within the risk assessment is appropriated at this stage.

Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive): Following a review of the proposed project, the IEC completed a **Screening for Appropriate Assessment** which concluded that a Stage 2 Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites.

Having considered the application by NISA and the IEC's Screening for Appropriate Assessment Report I agree with and accept the Screening for Appropriate Assessment and its conclusions.

My signed Recommending Officer's **Screening for Appropriate Assessment Determination** which requires the signature of the Minister as part of the decision-makers obligations under the Habitats Directive is contained in the Appendices.

If the Minister adopts and approves these reports and a determination is made that a Stage 2 Appropriate Assessment is required a public consultation will be held on the Appropriate Assessment. On completion of this second consultation and the work of the IEC, I will furnish my final assessment report which will have regard to the information obtained during public participation and will include, if necessary, any case specific conditions.

Signature of Marine Advisor: [redacted] **21st February 2022**