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Marine Advisor's Environmental Assessment and Determinations Report

Hi [redacted]

I have reviewed the application and all the environmental documents, including the consultation comments, associated with the Foreshore Application FS007358 to carry out site investigation works off the coasts of Co. Dublin and Co. Meath.

Please find attached the AA Conclusion Statement which are part of the Department's Statutory Obligations. My comments are as follows:

***Environmental Impact Assessment (EIA) Regulations*:** The proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive. I refer you to my Environmental Report with Statutory Declarations Report of the 18th of February 2022 which contains the **Examination for EIA**. This examination is required to be carried out by the Consent Authority (DHLGH) as part of their obligations under the EIA Directive.

Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive): I refer you to my Environmental Report with Statutory Declarations Report of the 18th of February 2022 where, as the Department's Environment Marine Advisor, I agreed with and accepted the IEC's conclusion that the risk of likely significant effects on European sites as a result of the proposed project, either individually or in combination with other plans or projects, cannot be excluded. Therefore a stage 2 Appropriate Assessment was required.

The IEC completed an Appropriate Assessment and identified the mitigation measures required to ensure that the proposed project, either individually or in combination with other plans or projects, will not adversely affect the integrity of any Europeans Site. I agree with and accept the IEC's Appropriate Assessment Report and its recommendations. My Appropriate Assessment Conclusion Statement is attached.

Article 12 of Directive (92/43/EEC) (as amended) (Habitats Directive): The IEC Risk reviewed the Assessment for Annex IV species likely to occur in Irish waters. The Assessment determined that as a result of the underwater noise generated during the project injury or death to cetaceans could not be ruled out. However, with the strict adherence to the DAHG 2014 *Guidance to man-made sound sources in Irish waters* was identified as a mitigation measure to ensure no cetaceans will be injured or killed as a result of the proposed activity. Disturbance to Otter is to be mitigated by including this species in the MMO's monitoring activities.

Conclusion/recommendations:

Having considered the information submitted in support of the application, I have no objection to the granting of this application subject to the following conditions:

1. The licensee shall ensure that vessels used in the survey vessels are free of invasive marine species on their hulls and in their ballast water. Method statement to that effect should be submitted to the competent authority.
2. Mitigation measures as outline in the Applicant's Natura Impact Statement dated 31st March 2021 are to be implemented in full.
3. Known reef features to be avoided when anchoring, placing moorings for metocean services and when positioning CPODs.
4. For marine mammals the mitigation measures as outlined in the Annex IV and Seal Species Risk Assessment document dated 17th January 2022 are to be implemented in full.
5. MMO monitoring activities should also include the European Otter.

6. As part of the mitigation measures for migratory fish engagement with Braymore Point site investigation project must be undertaken prior to commencement of the proposed works.
7. Geophysical and geotechnical survey works to take place outside of migration times of Annex II fish species.

Marine Advisor Environment

[redacted] 24th June 2022