Marine Advisor's Environmental Assessment and Determinations Report

Hi Graham,

I have reviewed the application and all the environmental documents associated with the Foreshore Application FS007383 Site Investigation works off the coast of Co. Louth. 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 9th of May 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 9th of May 2022 and my Screening for Appropriate Assessment Report dated 10th of May 2022 where, as the Department's Environment Marine Advisor, I concluded 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.

I have completed an Appropriate Assessment in which I 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. My Appropriate Assessment Conclusion Statement is attached.

Article 12 of Directive (92/43/EEC) (as amended) (Habitats Directive): The applicant submitted a Risk Assessment for Annex IV species. The Assessment determined that with the strict adherence to the DAHG 2014 *Guidance to man-made sound sources in Irish waters* no Annex IV species will be injured or killed as a result of the proposed activity.

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 condition:

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. The licensee shall ensure that there is strict adherence to the DAHG 2014 *Guidance to man-made sound sources in Irish waters*. This includes the use of soft-start and ramp-up procedures for any sound generating surveys undertaken on both a day-to-day basis and on re-start after any stoppages with any day.
3. The IFI guidance in relation to construction works adjacent to water should be adhered to. https://www.fisheriesireland.ie/sites/default/files/migrated/docman/2016/Guidelines%20Report%202016.pdf
4. Should a pollution incident occur, the applicant must contact SFPA Howth immediately so protective measure can be put in place to avoid potentially contaminated shellfish being placed on the market or food chain. The contact details are sfpahowth@sfpa.ie and direct contact is be made to both shellfish managers for the area, Declan Mac Gabhann 0879294673 and Philip West 0858708312.

Appropriate Assessment Conclusion Statement

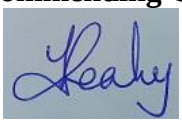
***Project reference*:** FS007383 Site Investigation works off the coast of Co. Louth

The Appropriate Assessment Screening process determined that likely significant effects could not be ruled out with respect to disturbance in the 17 European sites from underwater noise and accidental hydrocarbon spillage.
In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage made a determination following screening that an Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect the integrity of European sites, in view of the said sites' conservation objectives.

Measures to mitigate against the likely significant effect are identified in the Appropriate Assessment Report (September, 2022). The adherence to these measures is considered appropriate mitigation to avoid significant effects on conservation objectives of any European site.

It is therefore determined that the proposed project, either alone or in-combination with other projects, will not adversely affect the integrity of any European Site.

Signature and Date of Recommending Officer - Marine Advisor Environment:



2nd September 2022

Signature & Date of Minister of State for Local Government and Planning: