

Our ref: MGE0778LT0002 AMETS Site Investigations FS007062

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██████████
Foreshore Section,
Department of Housing, Local Government & Heritage,
Newtown Road,
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Y35 AP90

FS007062 - Request for Further Information

Dear ██████████

During our review of the information submitted with application reference FS007062, we have determined that further information is required to enable us to complete our Stage 2 Appropriate Assessment. Therefore, we request that the applicant provide the following further information:

1. Underwater noise assessment

Additional details as to the expected noise emissions from the equipment proposed, including peak source levels and references for these details is required.

Also required is an assessment on the impacts from the underwater noise on mobile species, namely marine mammals and fish.

2. In-combination assessment

The in-combination assessment provided in Chapter 14 of the Natura Impact Statement is considered incomplete. The assessment concluded that:

"...As no impact from the proposed site investigations are predicted and no impacts from the installation of the sub-sea cable and cable joint bay and associated underground cables were predicted there is no potential for any cumulative impacts."

However, this does not represent an accurate assessment of in-combination effects. The assessment for in-combination impacts investigates whether elements of a project which alone are not considered to have a significant effect, when assessed together with elements of other plans or projects may have significant effects on or adversely affect the integrity of a European site. The European Commission has produced the following guidance on the matter of in-combination effects (EC, 2018):

"A series of individually modest impacts may, in combination, produce a significant impact....Article 6(3) tries to address this by taking into account the combination of effects from other plans or projects. In this regard, Article 6(3) does not explicitly define which other plans and projects are within the scope of the in-combination provision."

*It is important to note that the underlying intention of this in-combination provision is to take account of cumulative impacts, and these will often only occur over time. In that context, one can consider plans or projects which are **completed, approved but uncompleted, or proposed.**"*

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In order to identify plans and projects which have the potential to interact with the proposed project, a comprehensive search of relevant statutory consent applications should be conducted, in particular, other Foreshore Licence applications on the DHLGH website and applications for Statutory Petroleum Consents on the Department of the Environment, Climate and Communications (DECC) website. In particular, Foreshore Licence Application FS006889 should be considered in-combination with the proposed project.

Case-law of the Court of Justice of the European Union (Case C-164/17) has established that the assessment carried out under Article 6(3) may not have lacunae and must contain complete, precise and definitive findings and conclusions capable of dispelling all reasonable scientific doubt as to the effects of the proposed works on a European site. The above information is required in order for us to conclude the assessment.

Yours sincerely,
for RPS Consulting Engineers Limited

