

[REDACTED]
Foreshore Unit,
Department of Housing, Local Government and Heritage,
Newtown Road,
Co. Wexford
28th February 2022

Marine Adviser Environment Screening Stage Report
Re: FS007062 Foreshore Lease Application for site investigation at the AMETS test site of the Mullet Peninsula, Co. Mayo

Applicant: Sustainable Energy Authority of Ireland (SEAI)

I have reviewed the Foreshore Application **FS007062** and all 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 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.

Risk Assessment of Annex IV Species

A review of the applicant's environmental reports provide sufficient relevant information in order for a Risk Assessment of Annex IV species to be carried out by the Department's Environmental Marine Advisor. It was deemed that intertidal work was very minor in scale and duration and therefore no negative impacts on the European Otter would occur from this element of the project. With strict adherence to the DAHG 2014 guidance on underwater noise as outlined in the applicant's Natura Impact Statement it is very unlikely that any of Annex IV species will be injured or killed as a result of the proposed site investigation works.

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.

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 SEAI I agree with and accept the IEC's determination that the project does not require an EIA. However the Consent Authority (DHLGH) must complete **an Examination for EIA** as part of their obligations under the EIA Directive [see Appendix 1].

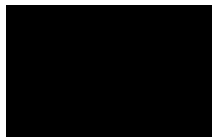
Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive): Following a review of the proposed project, the IEC completed a **Screening for Appropriate Assessment** which concluded that a Stage 2 Appropriate Assessment was required as the project, individually or in combination with other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

Having considered the application by SEAI 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 Appendix 2.

On completion of the Public and Prescribed Bodies Consultation and the work of the IEC, I will furnish my Appropriate Assessment Screening Determination and Environmental Report. 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. My Final Environmental Report with Determinations which may include any case specific conditions will follow having regard to the information obtained during public participation.

Signature of Marine Advisor:



28th February 2022

Appendices

Appendix 1

Examination of EIA

EIA legislation sets down the types of projects that may require an EIA. Annex I of Directive 2011/92/EU, as amended by Directive 2014/52/EU defines mandatory projects that require an EIAR and Annex II lists projects which can be subject to case by case analysis or thresholds to be determined by member states.

In the case of development which is under the relevant threshold, the consent authority is required to request an EIAR where it considers that the proposed development is likely to have significant environmental effects. The decision as to whether a development is likely to have such effects must be taken with reference to the criteria set out in Annex III (Schedule 7) inserted by (the Planning and Development Regulations 2001, as amended, (S.I. No. 600 of 2001)) the above Directive and the national guidance developed to assist.

Name of Proposed Development: Dredging and re-instating of existing pontoon and gangway upon completion of dredging works at Courtmacsherry, Co. Cork

Foreshore Reference: FS007062

Question 1: Is the proposed development included in Annex I and II of the Directive (Schedule 5 to the P& D Regs)?

- If Yes: EIA is required.
- If No, proceed to Q2.

Answer: No

Question 2: Is the proposed development of a type/class included in Annex I and II of the Directive (Schedule 5 to the P&D Regs) but below the threshold specified?

- If Yes, but the development is below the quantity/area/other threshold, proceed to Q3.
- If No, no EIA or Screening for EIA is required.

Answer: No

Question 3: Are significant effects likely?

To decide whether significant effects are likely, use the Annex III of the Directive (Schedule 7 of the P&D Regs)

- If Yes, significant effects are likely; an EIA is required.
- If No, no significant effects are likely; no EIA is required.

Answer: N/A

Access to Information:

- The Consent Authority's process must be documented.
- A record of the decision and the decision-making process must be made public.

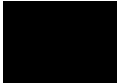
Appendix 2

Screening for Appropriate Assessment Determination

Project reference: FS007062 for the undertaking of site investigation activities for the development of Floating Offshore Wind technology west of the Mullet Peninsula/Annagh Head, Co. Mayo.

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project which includes a site investigation requiring the use of Sub-bottom Profiling and Core Penetration Testing, bathymetric and benthic surveys would be likely, individually or in combination with other plans or projects, to have a significant effect (s) on a European site(s).

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 has made a determination following screening that an Appropriate Assessment is required as the project individually or in combination with other plans or projects is likely to have a significant effect on any European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

Signature and Date of Recommending Officer:  **28th February 2022**

Signature and Date of the Decision Maker: