

Marine Advisor's Environmental Assessment and Determinations Report

I reviewed the application and all the environmental documents associated with the Foreshore Application FS007188 for Site Investigation for the proposed Dublin Array wind farm off the coast of Counties Dublin and Wicklow.

Please find attached the Appropriate Assessment 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 the **Examination for EIA** document of the 20th of June 2022. 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 20th of June 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 has completed the Appropriate Assessment and has 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 European 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): Risk Assessment for Annex IV species likely to occur in Irish waters was carried out by the IEC. 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 which was identified as a mitigation measure in the Appropriate Assessment process for Annex II species Harbour Porpoise no cetaceans will be injured or killed as a result of the proposed activity.

The distribution of the Annex IV European Otter overlaps with the landfall sites of the proposed cable routes¹. Surveys to establish the presence of otters prior to the commencement of works will ensure that, if necessary mitigation measures are in place to protect this species.

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 the mitigation measures set out in Natura Impact Statement of September 2021 shall be carried out in full.
2. In addition to strict adherence to the DAHG guidance (2014) during the Harbour porpoise calving season, from May to September inclusive, sound-producing activity shall not commence until at least 45 minutes have elapsed with no marine mammals detected with the Monitored Zone by the MMO.

¹ <https://maps.biodiversityireland.ie/Map/Terrestrial/Species/119290>

3. The inter-tidal and sub-tidal geotechnical sampling locations will be selected after review of the geophysical and environmental data has been reviewed for the presence of potential ecological features such as geogenic reef.
4. To prevent damage to saltmarsh and mudflats and sandflats not covered by seawater at low tide qualifying interests (South Dublin SAC), all access to the Poolbeg intertidal by track machine will be supervised by an ecologist to ensure these sensitive areas are avoided.
5. The intertidal survey to be carried out outside the over-wintering period (Sept - Mar) to avoid disturbance to the overwintering SCIs of the South Dublin Bay and River Tolka SPA.
6. At intertidal locations:
 - An ecologist is to be employed to ensure disturbance is minimised and site integrity is maintained. If roosting birds are present on the shore during intertidal works, the nearby sample stations will be postponed until the birds depart, without provocation;
 - Drift lines in close proximity to the proposed route would contain the highest proportion of potential food source for bird species. If present, these will be avoided by machinery and personnel;
 - If for any reason access by sea to the near-shore or intertidal sample locations is not possible, any temporary access arrangements or structures that are put in place to allow machinery access to the beach area will be prepared in consultation with an ecologist and the site should be fully reinstated post works;
 - Reinstatement of the intertidal habitat will be carried out to pre-survey conditions. Spoil from boreholes to be contained and removed off site. If the boreholes are close to the HDD cable route, the boreholes are to be filled with grout to prevent weakness during drilling operations during construction.
 - An appropriately qualified ecologist to carry out an otter survey up to 100m seaward of the high water mark prior to commencement of work in the intertidal. Mitigation measures should include the provision of protection zones of 30m around otter holt or couch and 150m around natal dens. Vegetation cover around holts to remain undisturbed. Potential harmful machinery to be made safe or cordoned off at the end of the working day.
7. The licensee shall liaise with the Department and use their best endeavours to liaise with the holders of Foreshore licences for other surveys and site investigations to be undertaken in the vicinity of the Foreshore licence area specified in this application.
8. 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.
9. The licensee shall ensure that appropriate methods of operation are adopted in order to ensure that no spillages of fuel, hydrocarbons, cement or other hazardous substance occur to the foreshore or surface waters during the site investigation. In the unlikely event of a spill occurring all relevant statutory bodies, including BIM, shall be notified as soon as possible.