

Response to Submissions received from Prescribed Bodies as part of a Foreshore Licence Application for Marine Survey Works (FS007048)

1. Introduction

Eight responses were received from the prescribed bodies; Wicklow County Council, the Marine Survey Office, the Marine Institute, Bord Iascaigh Mhara (BIM), the Dept. Agriculture, Food and the Marine, Inland Fisheries Ireland, the Department Culture, Heritage and the Gaeltacht and the Dept. Housing, Planning & Local Government.

The Applicant's responses to each submission can be seen below.

2. Responses to Submissions Received

Submission 1 – Email from Bord Iascaigh Mhara to Department of Agriculture, Food and the Marine received April 27th 2020

In relation to the response from Bord Iascaigh Mhara ("BIM") the Applicant notes the following:

- The extent of the Foreshore Licence Area is larger than the combined proposed wind farm and proposed cable corridor areas in order to allow for the deployment of measuring devices (e.g. ADCP for current measurements, CPODs for recording acoustics from marine mammals) in the event that the Applicant is requested, by the relevant authority, to measure outside of the proposed development area, for example as a control site.
- Regarding the potential for interaction between the proposed cable corridor and seed mussel beds, the Applicant acknowledges BIM's view in relation to the nature of the proposed works set out in the Application. Specifically in relation to existing aquaculture, as set out in Appendix 3 – Fisheries Assessment, the Applicant has committed to avoid any existing licensed sites and the Applicant engaged with Irish Mussel Seed Company specifically in relation to excluding the licensed aquaculture site and in relation to this the Applicant accepts BIM's recommendation that an exclusion zone of 500m is appropriate.
- The impact of cable laying, the presence of cables, exclusion zones and the wind farm on seed mussel and mature mussel beds will be examined as part of the EIA that will be prepared for the development. In addition, surveys of the proposed wind farm area will be carried out as part of the EIA and the results of these surveys will be presented as part of consultation with BIM and the seed mussel operators.
- Regarding the cumulative impact on seed beds from the Applicants' exploratory works commencing at the same time as the exploratory works proposed by Hibernian Wind Power. As stated above it is the Applicant's intention to avoid or mitigate against any significant impacts from the exploratory works on the seed mussel beds in the vicinity of the survey area. In addition, while it is extremely unlikely that both surveys would be carried out over the same timeframe, the Applicant will engage with Hibernian Wind Power regarding the timing of both surveys.

Submission 2 – Email from Marine Survey Office to DHPLG received May 11th 2020

The Applicant welcomes the Marine Survey Office position in relation to the proposed site investigation works proceeding subject to the controls outlined in the application being adhered to. The Applicant will continue to engage with the Marine Survey Office and will be undertaking a detailed Navigation Risk Assessment for the proposed wind farm as part of the EIA and further consultation with the MSO will be carried out during preparation of the EIA.

Submission 3 – Email from Wicklow County Council to DHPLG received May 12th 2020

The Applicant welcomes Wicklow County Council's position in relation to the application and notes their observations regarding the features at Arklow Harbour which they request are left unobstructed by cables and/or undisturbed. The application is for site investigation surveys only and the Applicant confirms that the disposal pit referred to will not be disturbed by the site investigation works. The cable routes to shore are unknown at this stage and they will be identified as the Environmental Impact Assessment (EIA) work progresses. The Applicant will consult with Wicklow Co. Co. during the EIA process and the locations of the features listed by Wicklow Co. Co. will be factored into any decisions made in relation to cable routes.

In addition to arranging, with the MSO, for the production of a Marine Notice providing information on the proposed works along with commencement and completion dates, the Applicant will also notify Wicklow County Council's Senior Marine Officer prior to the commencement of the site investigations as requested.

Submission 4 – Submission from Marine Institute to DHPLG received May 20th 2020

The Applicant welcomes the Marine Institute's ("MI") findings that given the number of geotechnical sampling sites and the nature and scale of the geotechnical sampling methods proposed, significant impacts on the seabed, including species and habitats is not considered likely.

The Applicant also welcomes the MI's findings that as seabed sampling within the licensed aquaculture site is not proposed, significant impacts on the aquaculture activity licenced at this site is not considered likely. The Applicant has no objection to the MI's specific licence condition in this regard.

The Applicant confirms that the methodology outlined in the MI's response for excavating trial pits is how the Applicant proposes to carry out these works. The Applicant welcomes the MI's findings that the excavation of trial pits in the intertidal area will have non-significant impacts and will not impact on aquaculture operations. While the location of trial pits are unknown and therefore were not identified in the application, the number of trial pits were identified as being up to 10 at no more than 3 landfall options (30 trial pits in total). The Applicant will liaise with the MI closer to the commencement of the survey works when the precise locations of the trial pits are known.

The Applicant welcomes the MI's finding that given the scale, timing and duration of the proposed investigations it is considered that interaction with commercial fishing activity will be limited and overall will not be significant. An FLO has been appointed for this

project and is actively engaging with the fishing community and the Applicant has no objection to the MI's specific licence condition in this regard.

The Applicant welcomes the MI's finding that given the nature, scale and location of the proposed investigations there will be no significant impact on the marine environment in the survey area and there will be no significant impact on other legitimate uses / users in the area and as a result has no objection to the licence being granted.

The Applicant has no objections to the recommended licence conditions.

Submission 5 – Email from Department of Culture, Heritage & the Gaeltacht to DHPLG, received May 29th 2020

The Applicant recognises the archaeological potential of the proposed site investigation area within the foreshore license submission. The Applicant notes the licence conditions recommended by the Underwater Archaeology Unit (UAU) in this regard.

The Applicant has engaged directly with UAU to discuss these conditions and has since engaged a suitably qualified archaeological consultant with a track record in dealing with marine and offshore developments. The archaeological consultant has commenced work on a desktop study, Underwater Archaeological Impact Assessment (UAIA) and Archaeological Mitigation Plan (AMP). The Applicant is committed to on-going engagement with UAU, where we will present the output of the desktop study, UAIA and AMP to the Underwater Archaeology Unit.

The Applicant is committed to adhering to all licence conditions recommended by UAU following assessment of the above outputs.

Submission 6 – Submission from Inland Fisheries Ireland to DHPLG dated 2nd June 2020

The Applicant notes the recommendations for mitigation proposed by IFI.

The Applicant confirms that the number of sound-requiring test types to be employed will be reduced to only those that are absolutely necessary. Soft-start and ramp-up procedures will follow the relevant NPWS guidance for marine mammals and the duration of the noise-generating surveys will be reduced to the minimum necessary to collect results of sufficient quality. The impacts arising during sensitive periods will be avoided or minimised where possible and the sampling window will be kept as short as possible.

Submission 7 – Submission from Water Management Unit of Department Housing, Planning & Local Government dated August 4th 2020

The Applicant welcomes the fact that the Department has no objection to the granting of a Section 3 Licence. The Applicant has no objections to the recommended licence conditions.

Submission 8 – Email from Department of Agriculture, Food and the Marine to DHPLG received August 12th 2020

The Applicant notes the 6 observations from DAFM.

The Applicant can confirm that a FLO has been appointed for the project. The Applicant confirms no survey activity will be carried out within the boundaries of the licenced aquaculture site T32/27 and an exclusion zone of 500m will be applied.

The potential impact of cable laying on mature mussel seed beds will be examined as part of the EIA that will be prepared for the development. Consultation with DAFM and BIM will be carried out at this stage to identify seed bed locations and determine suitable assessment methods.