

Submission HLG 00327 -20: FS007029 Innogy Kish and Bray Banks

TO: Minister
STATUS: Completed
PURPOSE: For Decision and Signature

AUTHOR:
OWNER:
REVIEWERS:



DIVISION: Foreshore
DECISION BY:

Final comment

Minister approved submission - 12 November 2020

Action required

Submission of Foreshore application and accompanying documents to the Minister for Decision

Executive summary

Innogy Renewables Ireland Ltd has submitted an application for a Foreshore Licence to carry out site investigation works in the western Irish Sea off the coast of Dublin and Wicklow in the vicinity of the Kish and Bray Banks.

The overall aim of the site investigations is to collect the necessary data and information required to inform the Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS) and preliminary design for a proposed wind farm array and ancillary infrastructure in the vicinity of the Kish and Bray Banks.

The possible installation of a windfarm and associated infrastructure in the area in the future would be the subject of a separate Foreshore Lease application and is not the subject of this current application.

Detailed information

Foreshore Licence application by Innogy Renewables Ireland Ltd. for Site Investigations relating to a potential offshore wind power development at Kish and Bray Banks off the coasts of Dublin and Wicklow.

File Ref: FS007029

Application

The approval of the Minister is sought to grant a licence for a term of five (5) years under Section 3 of the Foreshore Act 1933 to Innogy Renewables Ireland Ltd. (Innogy).

Innogy are applying for a Foreshore Licence to undertake surveys and data collection to provide supplementary environmental information to inform the Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS) and preliminary design for a proposed wind farm array and ancillary infrastructure in the vicinity of the Kish and Bray Banks, approximately 10km off the coast of Dublin.

Two Foreshore Lease applications were submitted for a proposed offshore windfarm on the Kish and Bray banks in 2006. Supplementary environmental information was provided in 2009 and 2012/13.

Site investigations will include Geophysical Surveys, Geotechnical Surveys, Ecological Surveys and Wind Resources and Metocean Surveys.

Geophysical surveys to include:

- Multibeam Echosounder;
- Side Scan Sonar;
- Shallow Reflection Seismic (Sub-bottom Profiling); and

- Marine Magnetometer.

Geotechnical surveys to include:

- Vibrocoring (48 max);
- Cone penetration tests (c.4cm diameter up to 15m depth) (15 max); and
- Boreholes (3 max) (c.10cm diameter up to 20 m depth).

The exact location will be determined following interpretation of the geophysical data

Ecological surveys to include:

- Drop down video
- Grab sampling (benthic)(Max 30)

The exact sampling locations will be determined following interpretation of the geophysical data

Wind resources and metocean surveys to include:

Up to two buoy mounted Floating Lidar (FLiDAR) Units and up to two wave rider buoys incorporating wave and current measurement devices.

The principal objectives of the proposed surveys are to:

- Obtain additional measurements of wind speed and direction;
- Provide further measurements of wave and current across the site;
- Produce up to date detailed bathymetric mapping;
- Provide further information concerning the nature of the seabed;
- Obtain supplementary detailed seabed morphology information;
- Acquire additional shallow and deep geological cross-sections of the array site;
- Determine the presence of any marine archaeological features in the area, *i.e.* identifying wrecks and anomalies of archaeological potential and sediment layers which may be of archaeological interest.

The total proposed survey area within the 12nm foreshore area is approximately 25,440 hectares (254.4 km²).

Further details of the proposed project are available in the Foreshore Application Form (**Tab 1**) and in the "Planning Report" support document (**Tab 2**) with appendices (**Tabs 2a – 2e**).

Coordinates for the proposed licence area are provided in **Tab 2a**, while Foreshore licence drawings showing the area of the development are provided in **Tab 2b**.

Public Consultation

A Public Consultation was held for this application from 18 October 2019 to 18 November 2019. A public notice regarding the application was published in the Irish Times (16/10/19), the Bray People (16/10/19), Wicklow People (16/10/19), Dublin City Gazette (17/10/19), Dublin Fingal Gazette (17/10/19), Dublin South Gazette (17/10/19) and Dublin West Gazette (17/10/19).

The documents were made available in the following Garda stations for the duration of the consultation period: Shankill, Dún Laoghaire, Blackrock, Clontarf, Irishtown, Pearse Street, Howth, Bray, Greystones and Wicklow.

Ten submissions were received from this process (**Tab 3**) and were forwarded to the Applicant for comment. The Applicant's responses are provided in **Tab 4**.

Prescribed Bodies Consultation

Written submissions on the proposed development were received during the public consultations from this Department's Water and Marine Advisory, Department of Agriculture, Food and the Marine, Marine Survey Office, the Marine Institute, Inland Fisheries Ireland, Sea Fisheries Protection Authority, Dun Laoghaire-Rathdown County Council, Fingal County Council, Development Applications Unit (Department of Culture Heritage and the Gaeltacht DCHG) and Underwater Archaeology Unit (DCHG). These are consolidated in **Tab 5**.

There were no objections in principle to the proposed development.

Innogy responded to the observations from those Prescribed Bodies in **Tab 6**.

Environmental Assessment

EIA Screening

The proposed works are not of a class that requires an EIA (**Tab 7**).

Appropriate Assessment

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, the Department of Housing, Planning and Local Government undertook an Appropriate Assessment of the proposed project.

The applicant submitted an *Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS)* (**Tab 2e**) which was assessed by the MLVC Chair. AA screening demonstrated that underwater acoustic noise may have the potential for impacts on the cetaceans listed as features of interest in certain Natura 2000 sites. In the absence of mitigation measures significant impacts could not be discounted, however the implementation of those mitigation measures set out in the supporting document will minimise impacts on habitats and species listed as Features of Interest within the Natura 2000 sites. The MLVC Chair recommended that the implementation of these mitigation measures be included as specific conditions of any licence that may be granted.

Based on the above, and the information provided in the NIS submitted by the applicant, the MLVC Chair determined that the proposed development individually, or in combination with other plans or projects, is unlikely to have a significant effect on any European site/s subject to specific mitigation measures. The risk of likely significant effects on European sites can be excluded on the basis of mitigation and objective evidence. This determination, with which this Department agrees, is based on the location, scale, extent and duration of the proposed development. (**Tab 8**).

Marine Licence Vetting Committee (MLVC) report (Tab 9)

The MLVC considered the Application and Supporting Documents, the NIS and AA review, submissions received during the Public and Prescribed Bodies Consultations and Applicant responses.

Considering the nature, scale and location of the proposed work the MLVC concurs with the Appropriate Assessment findings and concludes that, subject to compliance with the conditions set out in **Tab 11**, the proposed works would not have a significant negative impact on the marine environment, would not adversely impact on any Natura 2000 site and therefore, is agreeable to the grant of the licence to facilitate the proposed development.

Acceptance of Fee and Licence Conditions (Tab 10)

Innogy has accepted the licence fee of [REDACTED]

Innogy has agreed to the specific conditions that would be attached to the licence, if granted.

Recommendation

Having regard to

- the application for a Foreshore Licence together with accompanying documents;
 - the submissions received from prescribed bodies;
 - The public consultations undertaken;
 - the Appropriate Assessment performed;
 - the EIA screening performed;
 - the assessment of the proposed development by the Marine Licence Vetting Committee, and its conclusions and recommendations in this regard; and
 - the consent conditions to be attached to the Foreshore Licence, if granted
- it is considered that:

the proposed development individually, or in combination with other plans or projects, is unlikely to have a significant effect on any European sites subject to specific mitigation measures. The risk of likely significant effects on European sites can be excluded on the basis of mitigation and objective evidence. This determination is based on the location, scale, extent and duration of the proposed development.

It is recommended that a foreshore licence be granted subject to the conditions recommended by the MLVC and the

licence fee set out above.

Notification of Minister's Determination

If approval is granted by the Minister, Innogy will be informed accordingly, an appropriate licence will issue for execution and a Notice of Determination regarding the decision (including the reasons) will be published on the Department's website and in the relevant publications as required under the Foreshore Act.

The Notice of Determination will address:

- the outcome of the Minister's determination of the application;
- the main reasons and considerations for the Minister's determination;
- a statement that all relevant documentation on which the determination is based is available for inspection both on the website of the Department and at the Department's Wexford Office; and
- confirmation that a review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's determination may be challenged, together with practical information on the review procedure.

Submitted, please.



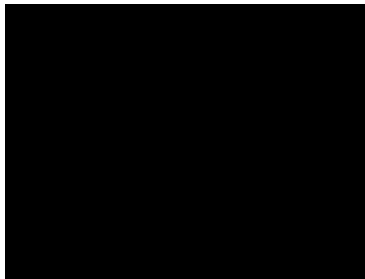
30 October 2020

Related submissions

There are no related submissions.

User details

INVOLVE



READ RECEIPT:

