

# Submission HLG 00217-21: Appropriate Assessment Screening Determination. Foreshore licence application by Energia for site investigation activities for windfarm off Helvick Head

TO: Minister of State Burke  
STATUS: Completed  
PURPOSE: For Decision and Signature  
DIVISION: Foreshore  
DECISION BY: 05/07/2021

AUTHOR: [REDACTED] (Housing)  
OWNER: [REDACTED] (Housing)  
REVIEWERS: [REDACTED] (Housing)

## Final comment

Approved by Minister Burke 1/7/2021

## Action required

For determination on Appropriate Assessment screening

## Executive summary

Energia Renewables ROI Ltd submitted a foreshore licence application for site investigation works at Helvick Head Co. Waterford to assess the area for the potential development of an offshore wind farm.

As part of the assessment of this application the Minister is required to make an Appropriate Assessment screening determination 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').

Having considered all relevant material a recommendation has been made that the Minister reaches the following Appropriate Assessment Screening determination:

In accordance with Regulation 42(7) 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 not required as the project individually or in combination with other plans or projects is not likely to have a significant effect on any European sites. The risk of likely significant effects on European sites can 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.

Submitted for decision.

## Detailed information

Energia Renewables ROI Ltd. (Energia) submitted an application for a foreshore licence to the Department of Housing, Local Government and Heritage to conduct a range of proposed geophysical/geotechnical and environmental surveys over an area which includes a preferred offshore wind farm array site (Helvick Head) and potential export cable corridors.

The proposed investigative works are required to obtain baseline data to inform the wind farm layout, foundation locations, array cable design and cable lay methods, export cable route and, landfall location. Data will also be collected on the wind resource and environmental conditions in the survey area.

As part of the assessment of the foreshore licence application Arup with Hartley Anderson Limited were commissioned to conduct an Appropriate Assessment (AA) Screening (stage 1 screening) and if required, an AA (stage 2), of the likelihood of significant impact on Natura 2000 sites from the application for a Foreshore Investigation Licence.

A number of application documents submitted by Energia informed the AA Screening Conclusion by ARUP and Hartley Anderson

including:

- Application form [Applicant: Energia Renewables ROI Ltd, date 18/04/2019]
- Appendix 1: Foreshore Licence Map [Aquafact, drawing no. 1516-001]
- Appendix 2: Schedule of Works [Site Investigation Schedule of Works Date 01/05/2019]
- Appendix 3: AA Screening Report [Appropriate Assessment Stage 1 Screening for Marine Surveys Off the Co Waterford Coast, Aquafact International Services Ltd, May 2019]
- Public Consultation
  - Public Submissions
  - Applicant response to Public Submissions
- Prescribed Body Consultation
  - Prescribed Body Observations
  - Applicant response to Prescribed Body Observations.

In addition and with respect to the Habitats Directive, an Article 12 Assessment of the proposed investigative works is described in Section 5 of this report based on information provided in the Energia application documents (*Appendix 3 Marine Mammal Risk Assessment*). The site investigation licence application was open for public consultation between 9th July to 6th August 2019.

Following a draft review of the above documents the consultants Hartley Anderson advised that further information would be required from the applicant under Regulation 42(3)(b) of the *European Communities (Birds and Natural Habitats) Regulations 2011* (as amended) on a number of points to inform the final AA screening determination.

The consultants completed an updated final Appropriate Assessment Screening report in April 2021 which contained the following Screening Conclusion;

“The applicant considered that there was no potential for significant effect from the proposed surveys, and that Appropriate Assessment was not required.

The applicant’s RFI Response has provided sufficient additional information to that presented in their Screening Assessment to conclude that there is no potential for LSE from the proposed activities.

As noted above, the applicant should keep the department informed of any necessary arrangements to eliminate/minimise overlaps with the other site investigation projects where these are necessary, and maintain awareness of other potential projects for which there could be a potential for in-combination impacts.”

This Appropriate Assessment Screening report along with all relevant material was considered by a Marine Biologist in the Department and the following recommendation has been made in relation to Appropriate Assessment Screening for decision by the Minister:

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 to carry out a site investigation of offshore wind farm area and 10 inshore cable corridors off the coast of Co. Waterford, individually or in combination with other plans or projects, would be likely to have a significant effect (s) on a European site(s).

In accordance with Regulation 42(7) 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 not required as the project individually or in combination with other plans or projects is not likely

to have a significant effect on any European sites. The risk of likely significant effects on European sites can 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.

A copy of all relevant material is attached/linked for consideration to inform the AA Screening determination, including the material considered by Hartley Anderson in preparing the AA Screening Report, the final AA Screening Report prepared by Hartley Anderson, the report prepared by the Marine Licence Vetting Committee and the AA Screening Determination prepared for this application.

## Related submissions

There are no related submissions.

## Comments

[REDACTED] (Housing) - 30/06/2021 21:53

[REDACTED] having considered all the material submitted to date relevant to this application and assessment of same i recommend a determination that this application be screened out for Appropriate Assessment

[REDACTED] (Housing) - 01/07/2021 15:30

Minister, I concur with [REDACTED]'s conclusion and recommend that you approve and adopt this determination.

[REDACTED] (Housing) - 01/07/2021 16:18

Approved by Minister Burke 1/7/2021

## User details

INVOLVED:

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