

Submission HLG 00226-21: Foreshore Licence Application by Energia Renewables ROI Ltd. for Site Investigations for South Irish Sea Offshore Wind

TO: Minister of State Burke
STATUS: Completed
PURPOSE: For Decision and Signature

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

DIVISION: Foreshore
DECISION BY:

Final comment

Approved by Minister, 02/07/2021

Action required

Approval of the Minister to consent to a foreshore license to the applicant to carry out site investigation works to gather data off the coast of Arklow to Rosslare in the South Irish sea.

Executive summary

This application relates to a Foreshore Licence to carry out site investigation works to gather data to aid in the selection of the optimum offshore wind farm location and onshore cable route.

The proposed offshore wind farm would have a capacity of 600 - 1,330MW and be situated off the east coast of Ireland.

The proposed wind farm area runs off the coast from Arklow to Rosslare in the South Irish Sea and is 11.8km offshore from Cahore Point, Co. Wexford.

Detailed information

1.0 Project Overview

This application relates to a Foreshore Licence for a site investigation only, which is designed to assist in the selection of the optimum offshore wind farm location and onshore cable route. The proposed offshore wind farm would have a capacity of 600-1,330 MW and be situated off the east coast of Ireland. The proposed wind farm area runs off the coast from Arklow to Rosslare in the South Irish Sea and is 11.8km offshore from Cahore Point, Co. Wexford.

The site investigation will obtain baseline data in order to determine the optimum wind farm layout design, the offshore foundation locations, the offshore substation location, the cable design and development of cabling laying methodologies, the inter-array cabling routes, the cable route to shore and the optimum location for the landfall site. The application also includes survey work to cover baseline data to determine the wind resource in the area and environmental conditions in the area.

2.0 Brief Description of the Proposed Works

The site investigations proposed are to supplement the data available for the project design and to provide additional information concerning the prevailing baseline environmental conditions.

The applicant has provided the following documents in support of their Application:

Application Form (*Tab 1*)

Appendix 1 Drawings (*Tab 2*)

Appendix 2 Schedule of Works (**Tab 3**)

Appendix 3 Fisheries (**Tab 4**)

Appendix 4 AA Screening / Natura Impact Statement (**Tab 5**)

The principal objectives of the surveys are:

- Geophysical to include for example magnetometer survey, multi-beam echo sounder, side scan sonar, sub-bottom profiler (sparker/boomer)
- Geotechnical investigations to include for example grab sampling, cone penetration testing (CPT) and vibrocores.
- Archaeological assessment to include assessment of archaeological significance of identified targets, identification and assessment of metallic and other targets recorded during marine survey.
- Ecological surveys to include benthic ecology, intertidal ecology, mammals and birds, fisheries, water quality
- Oceanographic and meteorological surveys to include for example ADCP, AWAC, wind measurement device, metocean buoy

The 'Schedule of Works' included in Appendix 2 of the application outlines in more details the Site Investigation works proposed.

The works are proposed to take up to 3 years with indicative dates as follows:

- Geophysical Surveys (including Archaeology) – Spring/Summer 2020 (4 month campaign) 2. Preliminary Geotechnical Surveys – Summer/Autumn 2020 (2 months)
- Completion Campaign – Spring/Summer 2021 (4 – 5 months)
- Ecological Surveys – Winter 2019 (2 years duration, seasonal)
- Wind resource monitoring – On award of Foreshore Licence Q1 2020 (Min 12 months, Max 36 months)
- Oceanographic monitoring - Spring/Summer 2020 (period of up to 24 months)

3.0 Other Relevant Consents and Government Policies

The published Programme for Government has committed to achieving 5GW capacity in offshore wind by 2030 off Ireland's Eastern and Southern coasts. Furthermore, the National Marine Planning Frameworks (draft) states that "Proposals that assist the State in meeting the Government's offshore renewable energy targets, including the target of achieving 5GW of capacity in offshore wind by 2030 and proposals that maximise the long-term shift from use of fossil fuels to renewable electricity energy, in line with decarbonisation targets, should be supported. All proposals will be rigorously assessed to ensure compliance with environmental standards and seek to minimise impacts on the marine environment, marine ecology and other maritime users."

4.0 Public Participation

The Foreshore Section of the DHLGH conducted the public consultation. All consultation was undertaken to conform to the requirements of the Section 19 of the Foreshore Act 1933 as amended and the European Directive 2003/35/EC (known as the Public Participation Directive or "PPD").

A public consultation period was held from 4th March 2020 to 28th May 2020 (the original closing date of 6 April 2020 being extended due to the Government response to Covid-19). Notices announcing the consultation were published in the Irish Times on 4th March 2020, Gorey Guardian on 3rd March 2020, Wexford People on 3rd March 2020, Wicklow People on 4th March 2020 and in the March issues of the Marine Times and The Skipper. Application documents were made available throughout the consultation period in Wexford Garda Station, Mulgannon, Wexford, County Wexford; Arklow Garda Station, Abbey Street, Arklow, County Wicklow and Gorey Garda Station, 50 Main Street, Gorey, County Wexford. Application documents were published in the appropriate location on the website of the then Department of Housing, Planning and Local Government.

Public Consultation Submissions and Assessment:

Seventeen (17) public submissions were received during consultation periods. The issues raised were grouped, considered and assessed by the MLVC as follows:

- Impacts on commercial fisheries.
 - MLVC comment: *A number of submissions related to potential impacts on commercial fisheries were received. The MLVC is satisfied that the SFPAs are not opposed to the application and propose the standard condition that the applicant appoint a Fisheries Liaison Officer who shall consult with the SFPAs, relevant fishermen's groups and charter*

boat skippers in order that appropriate actions can be taken to avoid or minimize any interactions with ongoing fishing/angling activities in the area during the course of the investigations. Furthermore the MLVC accepts the Marine Institutes comments "considering the nature, scale and location of the proposed site investigations the Marine Institute is satisfied that the site investigations as proposed will not have a significant impact on the marine environment in the survey area and will not have a significant impact on other legitimate uses / users of the area and therefore has no objections to a licence being granted"

- Uncertainty of borehole locations
 - MLVC comment: A number of submissions related to potential impacts the boreholes. The MLVC is satisfied that the SFPA are not opposed to the application and propose that the applicant appoint a Fisheries Liaison Officer who shall consult with relevant fishermen's groups in order that appropriate actions can be taken to avoid or minimize any interactions with ongoing fishing/angling activities in the area during the course of the investigations. Furthermore the MLVC accepts the Marine Institutes comments "considering the nature, scale and location of the proposed site investigations the Marine Institute is satisfied that the site investigations as proposed will not have a significant impact on the marine environment in the survey area and will not have a significant impact on other legitimate uses / users of the area and therefore has no objections to a licence being granted"
- Impacts on Aquaculture.
 - MLVC comment: A number of submissions were made in relation to a licence aquaculture site. The MLVC is satisfied that DAFM and MI are not opposed to the application and that there are no licenced aquaculture sites within the site investigation area. Notwithstanding and for the avoidance of doubt, the MLVC propose a condition that no survey activity is permitted within 500m of the boundaries of the licenced aquaculture site (T32/27). Furthermore, the MLVC proposes a condition to minimise any cumulative effects on aquaculture, where the Licensee is obliged to liaise with Hibernian Wind Power if both ORE licenced site investigations are proceeding at the same time.
 - Note: Following the initial Prescribed Bodies Consultation, the applicant submitted revised maps to allow 500m clearance around the existing aquaculture site, reducing the application area by 3km sq. (Tab 6)
- Impacts of any future wind farm
 - MLVC comment: A number of submissions related to a wind farm development were received. The MLVC is satisfied that this foreshore application is for site investigation works only in order to assess the geophysical, geotechnical, ecological, oceanographic and meteorological characteristics of the area. There are to be no permanent structures or permanent occupation of the foreshore. The granting of any foreshore licence for site investigation works does not give rise any expectation whatsoever for, right or entitlement to a grant of any future foreshore consent in respect of all or any part of any area of foreshore. If in the future a wind farm is proposed for the site it will be subject to a separate and full foreshore consent application with pre application consultation, rigorous environmental assessment with public consultation and participation and the consent process public consultation and participation. If a wind farm is applied for in the future the MLVC would encourage early and comprehensive consultation with all relevant stake holders.
- Impacts on tourism and the Bray to Dungarvan Blueway.
 - MLVC comment: As stated above, this application relates to a site investigation only and the MLVC is satisfied that the proposed site investigation will not negatively impact on tourism or the proposed Bray to Dungarvan Blueway.
- The requirement for a Foreshore Licence to undertake geophysical investigations.
 - MLVC comment: The MLVC understands that a Foreshore Licence is required to undertake geophysical investigations.
- Impacts on marine traffic and navigation
 - MLVC comment: The MSO are not opposed to the proposed site investigation, accordingly the MLVC is satisfied that marine navigation matters can be addressed by appropriate licence conditions.
- NMPF (Marine Spatial Plan) should be in place prior to giving permission for any more Offshore Windfarms
 - MLVC comment: The MLVC understands that the Minister has continued to accept and consider foreshore licence applications for site investigation activities which will inform the future development of offshore wind farm projects in the State. The National Marine Planning Framework has now been approved and published and it is envisaged that future applications for the development of offshore windfarms at these locations will be assessed by An Bord Pleanála at an appropriate time.

The Consolidated Public Submissions are available at **Tab 7**.

Energia's response to the Public Consultation Submissions is available at **Tab 8**.

5.0 Prescribed Bodies Consultation

Foreshore Regulations 2011 (S.I. No. 353 of 2011) provides under regulation 3 that when considering a foreshore application, as set out under section 18A (1) of the Act of 1933, the Minister may seek observations from a number of prescribed bodies. For this application, observations were requested from:

- Department of Housing, Local Government and Heritage (Marine Advisors)
- Department of Culture, Heritage and the Gaeltacht (NPWS and UAU)
- Department of Agriculture Food and the Marine (Aquaculture)
- Department of the Environment, Climate and Communications (Policy)
- Marine Institute
- Marine Survey Office
- Inland Fisheries Ireland
- Sea Fisheries Protection Agency
- Wicklow County Council
- Wexford County Council

Prescribed Bodies Submissions and Assessment: Observations on the application were received from:

- Department of Housing, Local Government and Heritage (Marine Advisors)
- Department of Culture, Heritage and the Gaeltacht (NPWS and UAU)
- Department of Agriculture Food and the Marine (Aquaculture)
- Department of Agriculture Food and the Marine (extra submission from BIM side)
- Department of the Environment, Climate and Communications (Policy)
- Marine Institute
- Marine Survey Office
- Inland Fisheries Ireland
- Sea Fisheries Protection Agency
- Wicklow County Council

The prescribed bodies that responded confirmed no objection to the project and provided commentary which is listed in the Consolidated Prescribed Bodies and Public Submission document on the Department's website. A number of the submissions from the Prescribed Bodies raised particular observations and put forward suggested conditions to be included in any consent issued.

- MLVC comment: *The MLVC reviewed and assessed these submission and have incorporate all relevant and necessary conditions in the proposed Consent Conditions set out in Section 11 below.*

*The Consolidated Prescribed Bodies Observations are available at **Tab 9**.*

*Energia's response to the Prescribed Bodies Observations are available at **Tab 10**.*

6.0 Environmental Assessment

Environmental Impact Assessment Regulations

Independent Environmental Consultant (IEC): The Department engaged OVE ARUP & Partners Ireland Ltd as IEC to provide assistance and advice with regard to the statutory environmental assessments of this Foreshore Licence application. The IEC has conducted independent assessments of the information provided by the Applicant, having regard to the Habitats and Birds Directives, the Birds and Natural Habitats Regulations and the public and prescribed bodies' consultations.

Environmental Impact Assessment (EIA) Regulations (IEC): The IEC has found that proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive. See **Tab 11** for full report.

Environmental Impact Assessment (EIA) Regulations (Marine Advisor): The DHLGH Marine Advisor has concluded that: the proposed development is not included in Annex I and Annex II of the Directive (Schedule 5 to the Planning and Development Regulations); the proposed development is not of a type/class included in Annex I and Annex II of the Directive (Schedule 5 of the Planning and Development Regulations) but below the threshold specified; significant effects are not likely. The Marine Advisor has provided an EIA Pre-Screening Declaration. (**Tab 12**)

EIA Screening Determination by the Minister: Following a review of all application, and consultation materials submitted to date, including those of the IEC and Marine Advisor, the Minister has concurred and Determined on considering the nature, scale and location of the proposed site investigation activities that significant effects on the environment are unlikely and that an EIA is not

required. (**Tab 13**)

Appropriate Assessment Screening

AA Screening (IEC) Ove Arup & Partners Ireland Ltd with Hartley Anderson Ltd were commissioned as IEC 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.

A number of application documents informed the AA Screening Conclusion by the IEC including:

- the information provided in the licence application, including supporting documents and drawings
- the responses by the applicant to the submissions of the public and the observations of the prescribe bodies,
- the submissions from the public,
- the observations of the statutory consultees (Prescribed Bodies),
- the imposition of the licence conditions proposed by the Marine Survey Office, Marine Institute, Department of Agriculture, Food and the Marine, Inland Fisheries Ireland, Department of Housing, Planning and Local Government - Water and Marine Advisor, National Parks and Wildlife Service and Underwater Archaeology Unit of the National Monuments Service - in their observations, and
- compliance by the applicant with those licence conditions.

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 of the Appropriate Assessment Screening & Natura Impact Statement (Appendix 4 of the application documents)).

Natura 2000 Sites Considered

- Blackwater Bank SAC (IE002953) which borders the southwestern side of the wind farm area
- Carnsore Point SAC (IE002269) which borders the southwestern tip of the wind farm area
- Cahore Polders and Dunes SAC (IE000700) 450m south of cable route corridor
- Kilpatrick Sandhills SAC (IE001742) 600m north of cable route corridor.
- Buckronev – Brittas Dunes and Fen SAC (IE000729) 650m north of cable route corridor.
- Cahore Marshes SPA (IE004143) 1km south of cable route corridor.
- Kilmukridge – Tinnaberna Sandhills SAC (IE001741) 6.9km southwest of cable route corridor.
- Magherabeg Dunes SAC (IE001766) 9.9km north of wind farm area.
- The Long Bank SAC (IE002161) 13.8km west of wind farm area.
- The Raven SPA (IE004019) 14.9km west of wind farm area.
- Wicklow Head SPA (IE004127) 15.1km north of wind farm area.
- Wicklow Reef SAC (IE002274) 15.8km northeast of cable route corridor.
- Carnsore Point SAC (IE002269) 16.3km southwest of the wind farm area.
- Murrough SPA (IE004186) 17.2km north of cable route corridor.
- Murrough Wetlands SAC (IE002249) 17.9km north of cable route corridor.
- Raven Point Nature Reserve SAC (IE000710) 19.5km west of wind farm area.
- The Slaney River Valley SAC (IE000781) 20.3km west of wind farm area.
- Wexford Harbour and Slobbs SPA (IE004076) 20.9km west of wind farm area
- Saltee Islands SAC (IE000707) 35.2km to southwest of wind farm area
- Lambey Island SAC (IE000204) 77.6km to the north of the wind farm area
- Rockabill to Dalkey Island SAC (IE003000) 51km to the north of the wind farm area
- West Wales Marine SAC / Gorllewin Cymru Forol SAC (0030397) 39.3km to the east of the wind farm area
- Pembrokeshire Marine SAC / Sir Benfro Forol SAC (UK13116) 57.4km to the south east of the wind farm area
- Pen Llyn a'r Sarnau/Lleyn Peninsula and the Sarnau SAC (UK13117) 62.3km to the east of the wind farm area
- Cardigan Bay SAC/Bae Ceredigion SAC (UK12712) 67.4km to the east of wind farm area
- North Anglesey Marine SAC/ Gogledd Môn Forol SAC (UK0030398) 71.3km to the northeast of the wind farm area

Following a draft review the IEC requested further information under Regulation 42(3)(b) of the European Communities (Birds and

Natural Habitats) Regulations 2011 (as amended). On review of Energia's response, the IEC concluded that LSE on the following Annex II species could not be ruled out with respect to underwater noise for the following sites (and features): Slaney River Valley SAC (harbour seal, twaite shad); Lambay Island SAC (harbour seal, grey seal); Saltee Islands SAC (grey seal); Pembroke Marine SAC / Sir Benfro Forol SAC (grey seal); Cardigan Bay SAC / Bae Ceredigion SAC (grey seal, bottlenose dolphin); Pen Llyn a'r Sarnau / Llyn Peninsula and the Sarnau SAC (grey seal, bottlenose dolphin). IEC accepted that likely significant effects cannot be discounted for these site features and that Stage 2 Appropriate Assessment is required. (**Tab 14**)

DHLGH Marine Advisor Environment Report on Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive)(Tab 15): After a review of the proposed project screening was conducted by the IEC. **Screening for Appropriate Assessment** concluded that the likely significant effects as a result of underwater noise could not be discounted for Annex IV species and for the Annex II species for a number of SACs which lie within the Zone of Influence of 100km for mobile species. Therefore a Stage 2 Appropriate Assessment is required. Having considered the application by Energia Ltd and the IEC's Screening for Appropriate Assessment Report, I agree with and accept the IEC's Screening for Appropriate Assessment and its conclusions.

Appropriate Assessment Screening (Stage 1) - Determination: Minister of State Phelan, upon a review of all materials on the application (**Tab 16**) concurred with the IEC and Marine Advisors and accepted and adopted the IEC Screening for Appropriate Assessment and its conclusions. On 1 June 2021 the Minister Determined (**Tab 17**) the following:

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 investigate and obtain baseline data required to determine the wind resource and environmental conditions in the proposed offshore wind farm survey area and an inshore cable corridor, 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(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 some European sites and Annex IV species. The risk of likely significant effects on European sites and Annex IV species 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. (**Tab 18**)

Stage 2 Appropriate Assessment (IEC): The IEC examined the effect of underwater noise on qualifying interests of relevant SACs, the proposed mitigation by application of the DAHG (2014) best practice guidelines and considered in-combination effects with another with two other projects. The IEC concluded that "the activities will not have a direct adverse effect on the relevant sites and features for which a LSE was identified. It is also concluded that significant in-combination effects are not foreseeable in view of the other relevant projects identified and that the applicant will consult with developers and Government bodies in advance of the works". The IEC provided an Article 12 assessment and concluded that with the implementation of the DAHG (2014) mitigation measures:

- there will not be negative residual impacts from the proposed site surveys on marine mammals in the area.
- It is very unlikely that any animals will be injured or killed as a result of the proposed works.
- Harbour porpoise, dolphins and seals using the area are likely to be tolerant of vessel noise and any animals which might be displaced from the vicinity of the survey vessels or corers can be expected to quickly re-establish use of the area following cessation of the works.

DHLGH Marine Advisor Environmental Report on Stage 2 Appropriate Assessment (Tab 15): The IEC carried out a **Stage 2 Appropriate Assessment** (Tab 14) in which mitigation against the impacts of underwater noise on Annex IV and Annex II species was identified as adherence to the NPWS guidelines for underwater noise (2014). In-combination effects were fully considered, including a similar application off the Waterford coast.

Appropriate Assessment Conclusion - The IEC concludes that the proposed development, individually or in-combination with other plans or projects, will not adversely affect the integrity of European sites, in view of the said sites' conservation objectives.

Having considered the application by Energia Ltd, the submissions from the public and prescribed bodies' consultations and the IEC's Screening for Appropriate Assessment and Appropriate Assessment Report, I agree with and accept the IEC's Appropriate Assessment and its Conclusion Statement.

Following a review of the proposed project, the IEC concludes that the proposed project will not will not adversely affect Annex IV species.

Having considered the application by Energia Ltd, the submissions from the public and prescribed bodies' consultations and the IEC's Assessment, I agree with and accept the IEC's Assessment of impact on Annex IV species.

Appropriate Assessment Stage 2 Determination: Minister of State Phelan, upon review of all relevant materials on the application (**Tab 19**) concurred with the IEC and Marine Advisors and accepted and adopted the IEC Appropriate Assessment and Conclusions. On 1 June 2021 the Minister Determined (**Tab 20**) the following:

The proposed project is to carry out a site investigate and obtain the baseline data required to determine the wind resource and environmental conditions in the proposed offshore wind farm survey area and an inshore cable corridor South Irish Sea Offshore Windfarm, offshore the coast of Wexford. The project will include geophysical survey, environmental sampling and surveys of marine mammals/reptiles and seabirds.

The Appropriate Assessment Screening process determined that likely significant effects could not be ruled out with respect to underwater noise for Annex IV species and for the Annex II species of a number of SACs which lie within the Zone of Influence for mobile species.

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 was 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 Appropriate Assessment identified the adherence to the NPWS guidance underwater noise and marine mammals (2014) as appropriate mitigation to avoid significant effects on Annex IV and the identified Annex II species. In-combination effects were fully considered, including a similar application off the Waterford coast. It is therefore concluded that the proposed project, either alone or in-combination with other projects, will not adversely Annex IV species or the integrity of European sites, in view of the said sites' conservation objectives. (**Tab 21**)

7.0 Estate Management

All foreshore is presumed state owned unless proven otherwise. DHLGH Marine Advisors conclude that there are no known established claims of private ownership of the foreshore at this location and no claims of private ownership were raised during the application and public consultation process therefore, the foreshore the subject of this application is state owned. Accordingly Section 3 of the Foreshore Act applies for the proposed site investigation. The licence area for the proposed site investigation is shown on the following map submitted by the applicant:

Drawing 001 Rev4 entitled "Foreshore License Map" dated 29/07/2020

This map should be attached to any licence issued. The SI area covered by this application extends to 104,600Ha.

8.0 Public Interest

Section 2 and 3 of the 1933 Foreshore Act, as amended, states that a lease or licence of state foreshore may be granted "If, in the opinion of the Minister, it is in the public interest". As foreshore is a finite and valuable national resource and public amenity, it is important that each plan and project is fully assessed to ensure, that if consented to, it is a sustainable and proper use of that finite and valuable resource. In assisting the Minister to establish if a particular plan or project is in the public interest, the MLVC considered and assessed the following:

- Does the project fall under any Government policy or programme?
 - MLVC comment: *Yes Offshore Renewable Energy (ORE) projects reflect Ireland's increased climate and energy ambition, the published Programme for Government has committed to achieving 5GW capacity in offshore wind by 2030 off Ireland's Eastern and Southern coasts. This application is to assess the potential to develop offshore wind energy generation in this area of the Irish Sea.*
- Does the project fall under any EU Directive or programme?
 - MLVC comment: *Yes, ORE projects fall under the EU Offshore Renewable Energy Strategy.*
- Is there a public use element to the project?
 - MLVC comment: *No, however the project forms part of the ORE sector which can help Ireland complete the long-term shift from use of fossil fuels to renewable electricity energy, in line with decarbonisation targets.*
- Does the project impact on existing public access/use and amenity of the foreshore?
 - MLVC comment: *The project will have no significant short or long term impact on public access/use and amenity of the foreshore.*
- Does the project impact on any potential future use of foreshore?
 - MLVC comment: *The MLVC is not aware of any planned public infrastructure project for this area of foreshore.*
- Does the plan or project contribute to the sustainable economic development of the local area or wider economy?
 - MLVC comment: *The site investigation is a short term duration and will not contribute to the local area or wider economy.*
- Relevant public and prescribed body submissions
 - MLVC comment: *The submissions are grouped, discussed and assessed under Sections 5 and 6 of this report.*

Having considered and assessed the relevant issues above, while taking note that the state owned foreshore is finite resource which must be utilised sustainably, the MLVC is satisfied that the proposed project is in the Public Interest.

9.0 MLVC Considerations

The following documents were considered and assessed:

- [Completed Investigative Foreshore Licence Application \(Offshore Renewable Energy\) Form](#) dated 04/10/2019
- [Appendix 1 - Drawings](#)
- [Appendix 2 - Schedule of Works](#)
- [Appendix 3 - Fisheries](#)
- [Appendix 4 - AA Screening & NIS](#)

- Following the prescribed bodies consultation phase, the Drawings were amended and resubmitted. The revised Drawings are as follows:
 - Drawing 001 Rev 4 'Foreshore License Map' dated 29/07/2020
 - Drawing 002 Rev 2 'Development Map' dated 29/07/2020
 - Drawing 003 Rev 2 'SI Survey Map' dated 29/07/2020
 - Drawing 004 Rev 2 'Metocean and Acoustic Survey Map' dated 29/07/2020
 - Drawing 005 Rev 2 'Other Users Map' dated 29/07/2020
 - Appropriate Assessment Screening and Appropriate Assessment Report by Hartley Anderson Ltd dated May 2021
 - EIA Screening Report and Environmental Report by OVE ARUP & Partners Ireland Ltd dated 14/05/2021
 - Clarifications requested and received. A number of requests for clarifications were made to the applicant during the decision making process. These docs are included in appendix 1.
 - Public Submissions received during Public Consultation
 - Applicant Response to Public Submissions
 - Prescribed Bodies Observations
 - Applicant Response to Prescribed Bodies Observations.
 - Article 12 Assessment

10.0 MLVC Conclusions

Submissions by the public and the prescribed bodies have been considered and responded to by way of proposed conditions in Section 11. Significant appropriate consideration has been given to environmental matters by Independent Environmental Consultants, the DHLGH Marine Advisors and MLVC.

The MLVC concludes that, subject to compliance with the specific conditions set out below, the proposed works would will not adversely affect Fishing, Navigation or the Environment and is in the Public Interest. Therefore, **the MLVC recommend that the Minster issues** a Foreshore Licence for the proposed site investigation as set out in the application.

11.0 Financial Considerations

Energia have accepted the standard licence fee of €950.

12.0 Agreement of the Applicant

Energia have agreed to the Specific Conditions that would be attached to the licence, if granted.

13.0 Recommendation

Having regard to

- the application for a Foreshore Licence together with accompanying documents;
- the submissions received from prescribed bodies;
- The public consultation undertaken;
- the Appropriate Assessment Screening;
- the EIA screening;
- 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 on the foreshore would not have a significant negative impact on the marine environment and would not adversely affect the integrity of the Natura 2000 sites.

It is recommended that a foreshore licence be granted subject to the conditions recommended by the MLVC and the licence fee set out above.

