

Submission HLG 00221 -21: Appropriate Assessment Determination. Foreshore licence application by [REDACTED] for site investigation activities for windfarm off Wexford coast

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 Appropriate Assessment Determination

Executive summary

[REDACTED] submitted a foreshore licence application for site investigation works at locations off Co. Wexford to assess the area for the potential development of an offshore wind farm.

As part of the assessment of this application the Minister was 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').

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.

Having considered all relevant material a recommendation has been made that the Minister determines 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.

Submitted for determination.

Detailed information

[REDACTED] submitted an application for a foreshore licence to the Department of Housing, Local Government and Heritage for a range of proposed geophysical/geotechnical and environmental surveys off the coast of Wexford. The application area lies within Ireland's 12 nautical mile limit, in the southern Irish Sea. The licence application area extends from circa 4km north of Arklow to Rosslare, Co Wexford.

The proposed investigative works and surveys include:

- Geophysical survey
- Geotechnical and sediment sampling
- Environmental/ecological surveys
- Fisheries and shellfish
- Marine mammals/reptiles and seabirds
- Marine mammals acoustic monitoring
- Oceanographic and meteorological survey.

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.

The consultants completed an Appropriate Assessment Screening report in May 2021 which concluded that an Appropriate Assessment was required in this case. 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 site.

Hartley Anderson prepared an Appropriate Assessment report in May 2021 which concluded that:

It is determined 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.

This Appropriate Assessment 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 for decision by the Minister:

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 affect Annex IV species or the integrity of European sites, in view of the said sites' conservation objectives.

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

Submitted for determination

Related submissions

There are no related submissions.

Comments

[REDACTED] 30/06/2021 22:27

[REDACTED] having considered all the material submitted to date relevant to this application and assessment of same i recommend a determination that this 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.

[REDACTED] 01/07/2021 15:27

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

[REDACTED] 01/07/2021 16:17

Approved by Minister Burke 1/7/2021

User details

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