

Ref: FS006859

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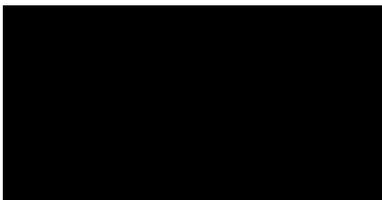
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09 October 2020

Dear Sir/Madam,

Please find attached the formal response to prescribed bodies regarding Foreshore Licence Application Reference FS006859.

Yours sincerely

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Director

Contents

1	Summary of Responses from Prescribed Bodies	3
1.1	Department of Agriculture, Food and Marine (DAFM).....	3
1.2	Marine Institute (MI)	3
1.3	Marine Survey Office (MSO)	4
1.4	Inland Fisheries Ireland (IFI).....	4
1.5	Sea Fisheries Protection Authority (SFPA)	5
1.6	National Parks and Wildlife Service (NPWS).....	5
1.7	Underwater Archaeology Unit (UAU)	5
2	Response to Input from Prescribed Bodies.....	6
2.1	Department of Agriculture, Food and Marine (DAFM).....	6
2.2	Marine Institute (MI)	6
2.3	Marine Survey Office (MSO)	6
2.4	Inland Fisheries of Ireland (IFI).....	7
2.5	Sea Fisheries Protection Authority (SFPA)	8
2.6	National Parks and Wildlife Service (NPWS).....	8
2.7	Underwater Archaeology Unit (UAU)	8
3	Conclusion.....	8

1 Summary of Responses from Prescribed Bodies

1.1 Department of Agriculture, Food and Marine (DAFM)

The response from DAFM states that there would be no impacts of the Foreshore Investigation on fishery harbours. The response states that there are no licensed aquaculture sites in immediate proximity to the proposed foreshore area and that it is not likely that the works would have any impact on aquaculture.

The response states 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 notes the licence will have specific conditions attached.

1.2 Marine Institute (MI)

The response from the Marine Institute begins by describing the nature of the site investigations and outlining the proposed programme. The Marine Institute notes that there will be impact on the seabed from the geotechnical survey, but the nature and scale of the sampling methods mean that any significant impact is not considered likely.

The Marine Institute notes that there are no licensed aquaculture sites within the proposed site investigation area. The potential for interference with commercial fishing activity is noted, however given the scale, timing, and duration of the proposed investigations it is considered that such interference will be limited and overall will not be significant. It is advised that a Fishing Liaison Officer is appointed as a condition of the licence.

The Marine Institute is satisfied that the site investigation 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 the Marine Institute has no objections to a foreshore licence being granted. The Marine Institute has outlined the following conditions which it has advised should be attached to any licence granted:

- 1) The Licensee shall use that part of the foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.
- 2) The Licensee shall ensure that the works are carried out and completed in accordance with the plans lodged with the application.
- 3) The Licensee shall appoint a Fisheries Liaison Officer who shall consult with the Sea Fisheries Protection Authority (SFPA), 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.
- 4) The Licensee shall ensure that the measures set out in Section 7 of the document entitled "Inis Ealga Application for Site Investigation – Schedule of Survey Works", dated 17th February 2020, are implemented in full.

1.3 Marine Survey Office (MSO)

The response from the Marine Survey Office states that a detailed navigation risk assessment will be required to be presented to The Marine Survey Office prior to the commencement of site investigation works due to the area of interest being in very close proximity to port approaches and local fishing grounds.

This assessment should include all correspondence with local harbour authorities, Commissioners of Irish Lights and the Irish Coast Guard.

1.4 Inland Fisheries Ireland (IFI)

The response from Inland Fisheries Ireland summarises the type of surveys planned and the proposed programme of works.

Inland Fisheries Ireland states that mitigation measures with regard to the timing of the works and the generation of noise during the works should be agreed with the licensing authorities and form part of the foreshore licence. IFI notes that the mitigation measures may be different from those that may be proposed by the National Parks and Wildlife Service (NPWS) for marine mammals.

Inland Fisheries Ireland queries an assertion of the Natura Impact Statement that salmon, sea lamprey and river lamprey are not sensitive to underwater noise changes. The response also notes the potential for disruption of migration of certain species both during the works proposed by this application and the operation of an offshore wind farm.

The proposed mitigation measures include minimising the number and duration of tests which produce noise likely to impact on fish. Soft-start and ramp-up procedures and agreeing the timing of works where possible to avoid disruption of migration activities are also advised.

IFI proposes that the survey work:

- Records the extent of nursery habitats for fish species.
- Considers the use of the coastal waters as feeding areas.
- Compiles a record of the ecosystem reflecting the food web and the species present to ensure the baseline food web and ecosystem can be assessed.
- Records all fish species (both commercial and non-commercial) present in the area.

IFI notes the importance of recreational angling to the region and proposes consultation with this sector.

IFI notes the potential for cumulative impact and suggests that the applicant should liaise with nearby projects to mitigate potential impact.

The location of the cable route connection should be well designed considering the presence of cartilaginous fish and eel migration pathways (as these fish can be affected by electromagnetic fields).

1.5 Sea Fisheries Protection Authority (SFPA)

The SFPA responded that there are no foreseen implications for the SFPA conducting official controls and possible non-compliance issues that could arise.

The SFPA can foresee no impacts on shellfish growing areas adjacent to or within the licence area. The SFPA can foresee no impact on the ability of the SFPA to conduct official controls and non-compliance issues that could arise.

There are no foreseen impacts on seafood safety.

1.6 National Parks and Wildlife Service (NPWS)

No response has been received to date from the National Parks and Wildlife Service. The Applicant has made contact with the relevant department and has been advised that a response is in process.

1.7 Underwater Archaeology Unit (UAU)

No response has been received to date from The Underwater Archaeology Unit. The Applicant has made contact with the relevant department and has been advised that a response is in process.

2 Response to Input from Prescribed Bodies

2.1 Department of Agriculture, Food and Marine (DAFM)

The response from the Department of Agriculture, Food and Marine found no potential impact on Fishery Harbours, aquaculture sites, the marine environment, or other legitimate uses / users of the area.

The applicant intends to conduct the activities described in the application in accordance with best practise and with careful consideration for the environment. The applicant remains at the disposal of The Department of Agriculture Food and Marine to discuss any potential impacts of the project.

2.2 Marine Institute (MI)

The Marine Institute response states that no significant impact is anticipated as a result of the proposed activities.

The applicant has already appointed a Fisheries Liaison Officer to undertake consultations with Sea Fisheries Protection Authority (SFPA), 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.

The applicant intends to conduct the activities described in the application in accordance with best practise and with careful consideration for the environment. The applicant remains at the disposal of The Marine Institute to discuss any potential impacts of the project.

2.3 Marine Survey Office (MSO)

For activities that are in very close proximity to port approaches and local fishing grounds, The Applicant proposes to carry out a Navigation Risk Assessment, taking guidance from the following two documents and any region-specific guidance that emerges in the interim.

- Guidance on the Assessment of the Impact of Offshore Wind Farms: Methodology for Assessing the Marine Navigational Safety Risks of Offshore Wind Farms, published by the Department of Transport (DTI) in the UK.
- Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues published by the UK Maritime and Coastguard Agency.

The Applicant will engage with the Marine Survey Office at the appropriate time to ensure a mutual understanding of the requirements for the Navigation Risk Assessment.

2.4 Inland Fisheries of Ireland (IFI)

The design of the site investigation has yet to be completed in detail. In particular the activities which are likely to generate the most noise will not be designed, specified, procured and executed until the initial survey activities can be completed. This will allow the results of the initial survey work to inform the design of the more detailed survey work. As a result, it is impossible to include specific detailed conditions in the foreshore licence. A general obligation to attempt to mitigate any impacts using careful survey design and by employing best practise for the industry is suggested.

Modelling, presented in Appendix A of the Natura Impact Statement which accompanied the Foreshore Licence Application, indicates that the zone of influence for temporary auditory injury for fish is 2.2km from a chirper, pinger or boomer (types of sub-bottom profiling equipment). The thresholds assume species must be present within this zone of influence for 24 hours. As the marine surveys are continuously moving the maximum time any point within a 2.2km radius of the survey vessel would experience noise levels above the threshold is 2.5 hours. Therefore, marine survey works will not cause any significant adverse physical and physiological effects to sea and river lamprey and salmon populations which maybe migrating through the Application Area. The works will not lead to any long-term displacements as they are transient and temporary. Individuals are expected to return once the operation has passed through. The Applicant does not believe a restriction on the timing of the works is therefore necessary.

The comment on food webs will be taken into consideration and consulted on in due course for the construction phase Environmental Impact Assessment (EIA). As part of the survey scope benthic surveys will be undertaken to characterise the seabed and to record key and sensitive species. Scoping will be undertaken during the construction phase of the project as part of the EIA process. This scoping exercise will determine the level of detail required within the Environmental Impact Assessment Report (EIAR). Establishing a food web for each species is a complex process, and it is likely that the assessment will focus on key species found within the area.

The EIAR Commercial Fisheries Chapter will be informed through desktop studies (i.e. International Council for the Exploration of the Sea (ICES) block landings data) and consultation.

As IFI has noted, the project has appointed a Fisheries Liaison Officer. The scope of this appointee covers the commercial fishing industry but also includes a wider selection of stakeholders including recreational fishing industry and other recreational users of the marine area. The Fisheries Liaison Officer has engaged with (an engagement log is available for inspection) and continue to engagement will relevant marine stakeholders throughout the process.

The Applicant will engage with neighbouring projects to attempt to mitigate the potential for cumulative impact of noise generating activities on the fish populations in the area.

The cable design will consider all the potential impacts discovered during the survey work. This will primarily be achieved through the development consent process which will include an Environmental Impact Assessment. A full assessment on commercial fisheries and fish and shellfish ecology (including effects of turbines on fish migration) will be undertaken as part of the EIA for the construction phase of the project and if necessary, mitigation measures will be established.

2.5 Sea Fisheries Protection Authority (SFPA)

The SFPA responded that there are no foreseen implications for the SFPA conducting official controls and possible non-compliance issues that could arise. There are no foreseen Impacts on shellfish growing areas adjacent to or within the foreshore licence area and no impact on the ability of the SFPA to conduct official controls and possible non-compliance issues that could arise. There are no foreseen impacts on seafood safety.

The applicant intends to conduct the activities described in the application in accordance with best practise and with careful consideration for the environment. The applicant remains at the disposal of Sea Fisheries Protection Authority to discuss any potential impacts of the project.

2.6 National Parks and Wildlife Service (NPWS)

No response has been received to date from the National Parks and Wildlife Service. The Applicant has made contact with the relevant department and has been advised that a response is in process.

2.7 Underwater Archaeology Unit (UAU)

No response has been received to date from The Underwater Archaeology Unit. The Applicant has made contact with the relevant department and has been advised that a response is in process.

The applicant intends to conduct the activities described in the application in accordance with best practise and with careful consideration for the environment. The applicant remains at the disposal of prescribed bodies to discuss any potential impacts of the project.

3 Conclusion

The Applicant has contacted all prescribed bodies with regard to its application for a Foreshore Licence Application.

Of the responses received from the seven prescribed bodies; two foresee no potential impacts of the foreshore site investigation (DAFM, SFPA), one body foresees no significant impact (MI), one has recommended a Navigation Risk Assessment (MSO) and one has recommended mitigation measures which The Applicant will put in place during the appropriate phases of the investigation.

Reponses have yet to be received by two bodies (NPWS and UAU). The Applicant remains at the disposal of these two bodies and will welcome any recommendations which are forthcoming.

The Applicant acknowledges the feedback and recommendations from each body and will conduct all foreshore investigation activities in accordance with best practice and with careful consideration for the environment.