

## Submission 1

**Marine Planning and Foreshore Section,  
Department of Housing,  
Planning and Local Government,  
Newtown Road,  
Wexford,  
Co. Wexford.**

**Planning Application Reference Number:** FS006859

**Applicant:** Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House, Buttevant, Co Cork

**Description of Development:** Site Investigations relating to a possible windfarm at Inis Ealga, Cork

To Whom it Concerns,

I refer to the above planning application & wish to make the following submission in relation to the same.

I am making this response as a person directly dependant on a Commercial Inshore Fishing Enterprise, and am concerned the project outlined will impact negatively on this enterprise.

- The area in question covered by this application is very important to the Inshore fishing enterprise I am dependent on economically, displacement from that area is not a viable option
- I would like to acknowledge the consultation and engagement to date by the developer and the local fishing community, I hope it will continue at a minimum for the duration of any such project.
- I acknowledge that this application is for site investigation works, but I am concerned that these works will negatively affect the financial viability of the fishing enterprise I depend on, for my livelihood. The fishing operation I depend on, operates in the following areas, at the following times, for the following species, fishing by means of the following methods, and I fear the proposed works will prevent or disrupt it from doing the same

- Operating in the area roughly bound by the following latitude and longitude coordinates

51.43.11N 8.20.24W, 51.41.69N, 8.20.19W  
51.41.96N 8.10.12W, 51.47.05N 8.10.42W  
Including CORK harbour

The fishing operation I'm dependant on, traditionally fishes for (cross out as appropriate) crustacean shellfish/whitefish/~~bi valve mollusc~~/whitefish/~~pelagic fish~~, other species, during the months of August — March

By means of (cross out as appropriate) pots/~~static nets~~/demersal trawl/~~mid water trawl~~/~~bottom dredge~~/hooks and lines/other.

- Operating in the area roughly bound by the following latitude and longitude coordinates

51.44.92N 8.18.06W, 51.36.96N 8.00.57W, 51.35.36N 7.48.21W  
51.46.04N 7.28.72W, 51.52.45N 7.35.06W, 51.46.75N. 7.53.51W  
51.43.58N 8.11.38W, 51.47.41N 8.15.09W  
Including CORK harbour

The fishing operation I'm dependant on, traditionally fishes for (cross out as appropriate) crustacean shellfish/whitefish/~~bi valve mollusc~~/whitefish/~~pelagic fish~~, other species, during the months of January — December

By means of (cross out as appropriate) pots/~~static nets~~/demersal trawl/~~mid water trawl~~/~~bottom dredge~~/hooks and lines/other

- Operating roughly in the area bound by the following latitude and longitude coordinates

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The fishing operation I'm dependant on, traditionally fishes for (cross out as appropriate) crustacean shellfish/whitefish/~~bi valve mollusc~~/whitefish/~~pelagic fish~~, other species, during the months of \_\_\_\_\_

By means of (cross out as appropriate) pots/static nets/demersal trawl/mid water trawl/bottom dredge/hooks and lines/other

Outside of the specific areas in which this enterprise fishes, it is reliant on others areas covered by the application for safe navigational passage to and from the fishing grounds to the following safe harbours

I would also like to raise the following points:

I have serious concerns on what effect the Vibrocore (VC) and Cone Penetration (CPT) Tests will have on the Shrimp Grounds during closed season. Possible negative impact may not be realised until season is open August - March

Name: DERMOT O'CONNELL

Boat name [REDACTED] & Reg No. [REDACTED]

Other Fishing Vessels owned \_\_\_\_\_

I am a Skipper  tick or Crew \_\_\_\_\_ tick Shore Manager \_\_\_\_\_ tick Other \_\_\_\_\_ tick

Address [REDACTED]  
Crosshaven Co. CORK

Phone no: [REDACTED]

Email: [REDACTED] @mail.com

Signed [REDACTED]

17/4/2020.

## Submission 2

**Marine Planning and Foreshore Section,  
Department of Housing,  
Planning and Local Government,  
Newtown Road,  
Wexford,  
Co. Wexford.**

**Planning Application Reference Number: FS006859**

**Applicant: Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House, Buttevant, Co Cork**

**Description of Development: Site Investigations relating to a possible windfarm at Inis Ealga, Cork**

To Whom it Concerns,

I refer to the above planning application & wish to make the following submission in relation to the same.

I am making this response as a person directly dependant on a Commercial Inshore Fishing Enterprise, and am concerned the project outlined will impact negatively on this enterprise.

- The area in question covered by this application is very important to the Inshore fishing enterprise I am dependent on economically, displacement from that area is not a viable option
- I would like to acknowledge the consultation and engagement to date by the developer and the local fishing community, I hope it will continue at a minimum for the duration of any such project.
- I acknowledge that this application is for site investigation works, but I am concerned that these works will negatively affect the financial viability of the fishing enterprise I depend on, for my livelihood. The fishing operation I depend on, operates in the following areas, at the following times, for the following species, fishing by means of the following methods, and I fear the proposed works will prevent or disrupt it from doing the same

Outside of the specific areas in which this enterprise fishes, it is reliant on others areas covered by the application for safe navigational passage to and from the fishing grounds to

the <sup>following</sup> Cork, Bellycotton, Wolvic, Dunmore East <sup>safe</sup> <sup>harbours</sup>

I would also like to raise the following points:

IF My Earning were affected  
I would have to be  
compensated.

I have a log book history  
OF Fishing in area  
V119 and V11A

Name: \_\_\_\_\_

Boat name \_\_\_\_\_

Reg No. \_\_\_\_\_

Other Fishing Vessel owned \_\_\_\_\_

I am a Skipper  tick or Crew  tick Shore Manager  tick Other  tick

Address \_\_\_\_\_

Phone no \_\_\_\_\_

Email: \_\_\_\_\_

Signed \_\_\_\_\_

Lincoln

@gmail.com

- Operating in the area roughly bound by the following latitude and longitude coordinates

From Kinsale to Helvic  
 approx 20 miles off the  
 shore

The fishing operation I'm dependant on, traditionally fishes for (cross out as appropriate) crustacean shellfish/whitefish/bi valve mollusc/whitefish/pelagic fish, other species, during the months of year Round Trawling (Crab + Lobster)  
 By means of (cross out as appropriate) pots/static nets/demersal trawl/mid water trawl/bottom dredge/hooks and lines/other. Shrimp - September - February

- Operating in the area roughly bound by the following latitude and longitude coordinates

<sup>west</sup> (51.42.27 8.3150) - <sup>East</sup> (52.15.29 7.0642)

The fishing operation I'm dependant on, traditionally fishes for (cross out as appropriate) crustacean shellfish/whitefish/bi valve mollusc/whitefish/pelagic fish, other species, during the months of year Round  
 By means of (cross out as appropriate) pots/static nets/demersal trawl/mid water trawl/bottom dredge/hooks and lines/other

- Operating roughly in the area bound by the following latitude and longitude coordinates

<sup>west</sup> (51.42.27 8.3150) - <sup>East</sup> (52.15.29 7.0642)  
 approx 12 miles off shore

The fishing operation I'm dependant on, traditionally fishes for (cross out as appropriate) crustacean shellfish/whitefish/bi valve mollusc/whitefish/pelagic fish, other species, during the months of year Round  
 By means of (cross out as appropriate) pots/static nets/demersal trawl/mid water trawl/bottom dredge/hooks and lines/other

## Submission 3

03/04/2020

Dear Sir/Madam

While the development proposed by DP Energy is generally welcome, there are a few observations we would like to make with regard to the site investigation:

**1.** The statement on page 11 “*sounds generated from the proposed survey will be less intense and less harmful than sounds generated from oil and gas seismic surveys*” is a broad sweeping statement that is not universally true. Sub-bottom profilers come in a variety of frequencies and source levels and it is difficult to know what will be best for the survey area and what will be available on board the vessel used. If you look at the SBP 120 Sub-Bottom Profiler from Kongsberg for example (see the datasheet at <https://www.kongsberg.com/globalassets/maritime/km-products/product-documents/sbp-120-sub-bottom-profiler>) this has a narrowband source level of 220 dB re 1 $\mu$ Pa@1m between 3.5 kHz and 6.5 kHz. This source level is similar to that of a single seismic airgun (Richardson, 1995) used in oil and gas surveys. However the frequency is much higher than the 50 Hz, which is the approximate peak frequency of seismic airguns and in the range of mid-frequency naval sonar of 1 to 8 kHz (Melcon et al, 2012).

**Refs:**

*Melcon ML, Cummins AJ, Kerosky SM, Roche LK, Wiggins SM, et al. (2012) Blue Whales Respond to Anthropogenic Noise. PLoS ONE 7(2): e32681. doi:10.1371/journal.pone.0032681*

*Richardson, W.J., Greene, C.R., Malme, C.I., Thomson, D.H., (1995). Marine Mammals and Noise. Academic Press, San Diego, CA.*

**2.** The CPT (Cone Penetration Test) described in the Geotechnical survey in page 12 is described as being pushed into the seabed for up to 40m. Is it possible to ascertain whether or not Standard Penetration Tests (SPT) will be performed as described by Erbe and McPherson (2017) where source levels will depend on regolith encountered and if the penetration test is performed by being hammered into the sea bed.

**Ref:**

Erbe, C., and McPherson, C. (2017). Underwater noise from geotechnical drilling and standard penetration testing. J. Acoust. Soc. Am. 142, EL281–EL285. doi: 10.1121/1.5003328

**3.** The Underwater Noise Assessment in Appendix A (Table A-4) assumes a source level of 208 dB re 1  $\mu$ Pa @1m (rms) for both chirp, pinger and boomer systems. This can be quite variable in reality and therefore a worst case scenario is required. The previously mentioned Kongsberg SBP 120 has a source level of 220 dB, but more powerful Sub Bottom Profilers for deeper water which could be used operate at source levels of 247 dB re 1 $\mu$ Pa@1m at 100 kHz (see <https://www.innomar.com/ses2000medium-100.php>) . The Applied Acoustics CAT200 boomer has a source level of 215 dB re 1 $\mu$ Pa and peak frequencies of between 500 and 2,000 Hz. Without knowing the specific equipment it must be assumed the equipment with the highest possible source level and lowest possible frequency is to be used. This will change the source modelling result.

Impacts of SBP equipment on marine mammals is an unknown and while it has to be acknowledged that the equipment is directed downwards, there is an assumption generally that such equipment has little impact on marine mammals, but this is based on no scientific evidence. It is known impacts

can be species specific, context specific, frequency dependent, and source level dependent. Current noise assessments are based on source level alone. Furthermore current mitigation guidelines do not allow mitigation monitoring personnel to stop operations if animals come within an injury zone or are perceived to be disturbed by operations. Therefore operations cannot be prevented from continuing when animals are present and currently operations would simply have to start farther from animals, when or if present. If marine mammal monitoring began before geophysical and geotechnical operations it would, with sufficient CPODS (and SoundTraps), perhaps be possible to ascertain if these operations had any possible impact on marine mammal distribution in the area.

## Submission 4

**Planning Application Reference Number: FS006859**

**Applicant: Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House, Buttevant, Co Cork**

**Description of Development: Site Investigations relating to a possible windfarm at Inis Ealga, Cork**

To Whom it Concerns,

I refer to the above planning application & wish to make the following submission in relation to the same.

I am making this response as a person directly dependant on a Commercial ~~inshore~~ Fishing Enterprise, and am concerned the project outlined will impact negatively on this enterprise.

- The area in question covered by this application is very important to the Inshore fishing enterprise I am dependent on economically, displacement from that area is not a viable option
- I would like to acknowledge the consultation and engagement to date by the developer and the local fishing community, I hope it will continue at a minimum for the duration of any such project.
- I acknowledge that this application is for site investigation works, but I am concerned that these works will negatively affect the financial viability of the fishing enterprise I depend on, for my livelihood. The fishing operation I depend on, operates in the following areas, at the following times, for the following species, fishing by means of the following methods, and I fear the proposed works will prevent or disrupt it from doing the same

- Operating in the area roughly bound by the following latitude and longitude coordinates

LAT 51° 23' N    9° 52' W → 52° 04' N 006° 09.4 W  
→ 51° 00' N 005° 40' W → 50° 25' N 007° 21' W →  
50° 15' 009° 52' W

The fishing operation I'm dependant on, traditionally fishes for *(cross out as appropriate)* crustacean ~~shellfish~~/whitefish/~~bi-valve mollusc~~/whitefish/pelagic fish, other species, during the months of JAN - DEC

By means of *(cross out as appropriate)* pots/static nets/demersal trawl/mid water trawl/bottom dredge/hooks and lines/other.

- Operating in the area roughly bound by the following latitude and longitude coordinates

The fishing operation I'm dependant on, traditionally fishes for *(cross out as appropriate)* crustacean ~~shellfish~~/whitefish/~~bi-valve mollusc~~/whitefish/pelagic fish, other species, during the months of JAN - DEC

By means of *(cross out as appropriate)* pots/static nets/demersal trawl/mid water trawl/bottom dredge/hoor

- Operating roughly in the area bound by the following latitude and longitude coordinates

The fishing operation I'm dependant on, traditionally fishes for *(cross out as appropriate)* crustacean shellfish/whitefish/bi valve mollusc/whitefish/pelagic fish, other species, during the months of \_\_\_\_\_

By means of *(cross out as appropriate)* pots/static nets/demersal trawl/mid water trawl/bottom dredge/hooks and lines/other

Outside of the specific areas in which this enterprise fishes, it is reliant on others areas covered by the application for safe navigational passage to and from the fishing grounds to the following safe harbours

I would also like to raise the following points:

we fish anywhere within the Celtic sea  
seine net fishing for white fish  
A lot of our work is done EAST + SE  
ALSO NORTH + NORTH EAST OF THE KINSALE GAS FIELD  
as well as pelagic fishing for sprat  
Herring Mackerel Horse Mackerel and  
Bore fish all in the proposed areas

Name: [REDACTED] FISHING LTD

Boat name: [REDACTED] & Reg No. [REDACTED]

Other Fishing Vessels owned

I am a Skipper  tick or Crew  tick Shore Manager  tick Other  tick

Address: [REDACTED] CROSSHAVEN  
CO. CORK

Phone no: [REDACTED]

Email: [REDACTED] @eircom.net

Signed: [REDACTED]

## Submissions 5

Marine Planning and Foreshore Section,  
Department of Housing,  
Planning and Local Government,  
Newtown Road,  
Wexford,  
Co. Wexford.



**Planning Application Reference Number:** FS006859

**Applicant:** Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House, Buttevant, Co Cork

**Description of Development:** Site Investigations relating to a possible windfarm at Inis Ealga, Cork

To Whom it Concerns,

I refer to the above planning application & wish to make the following submission in relation to the same.

I am making this response as a person directly dependant on a Commercial Inshore Fishing Enterprise, and am concerned the project outlined will impact negatively on this enterprise.

- The area in question covered by this application is very important to the Inshore fishing enterprise I am dependent on economically, displacement from that area is not a viable option
- I would like to acknowledge the consultation and engagement to date by the developer and the local fishing community, I hope it will continue at a minimum for the duration of any such project.
- I acknowledge that this application is for site investigation works, but I am concerned that these works will negatively affect the financial viability of the fishing enterprise I depend on, for my livelihood. The fishing operation I depend on, operates in the following areas, at the following times, for the following species, fishing by means of the following methods, and I fear the proposed works will prevent or disrupt it from doing the same

- Operating in the area roughly bound by the following latitude and longitude coordinates

N Side	51° 48' N
S Side	51° 30' N
E Side	007° 50' W
W Side	008° 35' W

The fishing operation I'm dependant on, traditionally fishes for ~~crustacean shellfish/whitefish~~ crustacean shellfish/whitefish, ~~whitefish/pelagic fish~~ whitefish/pelagic fish, ~~and other species~~, during the months of ALL YEAR ROUND

By means of ~~trawls~~ pots/static nets/demersal trawl/mid water trawl/bottom ~~trawls and other~~

Outside of the specific areas in which this enterprise fishes, it is reliant on others areas covered by the application for safe navigational passage to and from the fishing grounds to the following safe harbours

Cork Harbour, Ballycotton

I would also like to raise the following points:

the AREA OF PROPOSED SITE INVESTIGATION IS OF KEY IMPORTANCE TO OUR INSHORE FISHERY OF POTTS, GULLHEAD AND BOTTOM TRAWLS FOR CRAB, LOBSTER, WHITEFISH, PRAWN AND PELAGIC SPECIES,

Any Disruption to our fishing activity in this Area, let alone in the most profitable time of the year, could seriously threaten the financial viability of our livelihood, especially due to recent market collapse.

My vessel will be working since June in an Area to the West of ~~Ballycotton~~ Ballycotton, east of Potts but and up to 10km off the shore during the proposed "Site Investigation" and will continue to do so, 12 months of the year.

Any Disruption to this due to your works will require several weeks notice as well as financial compensation for time taken to relocate any gear.

Name

Boat name

& Reg No.

Other Fishing Vessels owned

I am a Skipper  tick or Crew  tick Shore Manager  tick Other  tick

Address "Paura" Coonys Field, Myrevenue Co Cork

Phone no

Email:

Sign

5/April/2020

## Submission 6



[nifa.secretary@gmail.com](mailto:nifa.secretary@gmail.com)

[www.inshore.ie](http://www.inshore.ie)



[nifo.secretary@gmail.com](mailto:nifo.secretary@gmail.com)

Office Light,  
Cahirciveen,  
Co. Kerry,

29/03/20

To whom it may concern,

With reference to planning application reference number FS006859, by Inis Ealga Marine Energy Park (IEMEP) Ltd, C/O DP Energy Ireland, Mill House, Buttevant Co. Cork. For site Investigations relating to a possible windfarm at Inis Ealga, Cork. The National Inshore Fishermen's Association (NIFA) and the National Inshore Fishermen's Organisation (NIFO) wish to make the following joint submission.

We would like to acknowledge the level of consultation to date, between the developer and the Inshore fishing community, which has included some of our members. As with any Marine planning related application, we would always advocate that applicants consult directly with operators likely to be directly affected and commend the applicant on their efforts in this regard to date. We would advocate that this level of engagement will continue as a minimum for the duration of any project. That's said however, our members have asked us to make the following submission, which is based on the following

### **Importance of area to Inshore Fishing communities.**

The area concerned is immensely important for a significant number of Inshore Fisheries in which our members participate. These include inter alia, demersal trawling for prawns and whitefish, midwater trawling for herring and sprat, Static netting for whitefish and shellfish. Fishing with hooks and lines for various pelagic and whitefish species and various potting fisheries for a number of shell fish species. A number of our members have traditionally fished this area for years. Many with the previous generations also having fished in this specific area. This area accounts for a significant part of the economic return of these members operations. They consider displacement of their operations out of this area, not to be economically viable and would be detrimental to their businesses. They operate with small vessels of around 6/14 meters overall length, which limits their operational range considerably. In many cases landing sites they traditionally use are not suitable for larger vessels. Scaling up the size of their vessels is not a realistic option for them, if they are to continue to operate from these sites, in the fisheries they are currently, and have been

traditionally, involved in. Displacement, is not a viable option for them. Their operations play a vital role in terms of supporting the coastal communities in which they are based.

#### **Potential disruption to fishing activity**

While we appreciate this application is for site investigation works our members are concerned that these works will disrupt their fishing operations and this disruption will have a negative economic impact on them. We acknowledge that the applicant has engaged a Fisheries Liaison Officer (FLO) prior to submitting the application, and that there has been positive engagement to date. We feel this will have to continue for the duration of any project to ensure disruption is kept to an absolute minimum. However despite best efforts we are concerned that disruption is inevitable particularly due to the nature and anticipated duration of the proposed survey work

#### **Suitability of area for development**

Again acknowledging that this application is only for site investigation work, members question the suitability of this area for offshore renewable energy development particularly using "floating" technology, given the density of marine traffic in the area. The high level of Marine Traffic in the area is something acknowledged in the application. Members are concerned that restrictions on that traffic, that could effectively "funnel" it into a smaller area, could have serious consequences on their business. This would be both in terms of loss of static gear due to entanglement of markers buoys in ships propellers but more importantly in terms of safety due to an increased risk of collision between fishing vessels operating static gear in the areas and vessels on passage through it.

**Finally to conclude**, we would like to thank DPLHP for the opportunity to make this submission, we commend the applicant on consultation with industry date and trust it will continue should permissions be granted. We have concerns that our members will experience disruption to their fishing operations in the short, medium and long term. Our position is that any disruption should be kept to an absolute minimum, even if this involves exploring alternative locations, but when disruption is unavoidable and in cases where it has a negative economic impact on our members they should be reimbursed for that impact.

## Submission 7

From: [REDACTED]@gmail.com]

Sent: 08 April 2020 19:46

To: foreshore

Subject: Planning Application Reference Number: FS006859

Date 03/04/2020

Planning Application Reference Number: FS006859

Applicant: Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House, Buttevant, Co Cork  
Description of Development: Site Investigations relating to a possible windfarm at Inis Ealga, Cork

o Whom it may concern,

I refer to the above planning application & wish to make the following submission in relation to the same.

I am making this response as a person directly dependant on a Commercial Inshore Fishing Enterprise, and I am concerned the survey and project outlined will impact negatively on my business.

The area in question covered by this application is very important to the Inshore fishing I am dependent on economically and therefore displacement from that area is not a viable option for any amount of time.

I would like to acknowledge the consultation and engagement to date by the developer and the local fishing community. From this date forward I wish to be included on all communications and invited to all public meetings to do with this project going forward.

I acknowledge that this application is for site investigation works, but I am concerned that these works will negatively affect the financial viability of the of my business, which I solely rely on for my livelihood.

The fishing operation I depend on, operates in the following areas, at the following times, for the following species, fishing by means of the following methods, and I fear the proposed works will prevent or disrupt it from doing the same

Time Period

Method

Area

April - December

Hooks and Lines

Cork Harbour to Ling Rocks

Ling Rocks to South Cardinal Bouy, ESE Power Head

April – September

Lobster & Crab

Harbour Rock to Cork Bouy to Power Head

August - March

Potting for shrimp

Inner harbour area to Roches Point

Roches Point to Cork Bouy

Cork Bouy to Power Head

I would also like to raise the following points:

Fishing is difficult at the best of times. This development has the potential to introduce an exclusion zone which will force me to fish in different zone, further out to sea.

I have a small vessel and inshore fishing is how I make my living. This will add extra pressure to my work and have a negative impact on my income.

## Submission 8

A Chara,

As a worker in various conservation fields for the past 30 years and a holder of an MSc in Environmental Resources MGNT from UCD I wish to highlight a number of concerns regarding this proposal.

Firstly the stretch of coast concerned ie. the target for this potential wind farm, is adjacent to a large number of EU designated coastal sites which are extremely important for breeding, wintering and migrating bird species including Seabirds and Wintering/summering terrestrial species that arrive into Ireland via this stretch of coast. The developers own application acknowledges this along with the importance of the area for spawning pelagic fish species. There is growing concern and evidence for harmful impacts of offshore windfarms on the bird species mentioned above via direct collisions and displacement from preferred feeding grounds <https://www.bbc.com/news/uk-scotland-34375295>, [https://www.academia.edu/29784162/Seabirds\\_and\\_offshore\\_wind\\_farms\\_in\\_European\\_waters\\_A\\_voidance\\_and\\_attraction](https://www.academia.edu/29784162/Seabirds_and_offshore_wind_farms_in_European_waters_A_voidance_and_attraction) – Gannets and Divers suffer disproportionately from these issues which is of particular concern given the importance of these waters for the national breeding population of the former and the overall importance of the Irish population of this species in terms of its global range and abundance.

This application is also only one of a number of applications for multiple windfarms stretching all along the South and East coasts from Cork to Louth targeting shallow areas and sandbanks (containing important sand eel etc. spawning areas) which will potentially have a serious cumulative impact on a significant % of this countries Marine and Avian biodiversity, including the main migratory routes into the country for many Summer migrant bird species. So far there has been no independent study of such cumulative impacts in Irish waters by any government agency or body. This despite government policies that appear to be promoting offshore wind via the Department of Energy without any overall CBA. This also suggest a failure by the state to carry out proper EIA studies etc on such policies as is required EU Directives concerning such matters eg. Birds, Habitats and the Aarhus Directives.

In light of the concerns outlined here I consider it imperative that this application is turned down.

## Submission 9

To whom it may concern,

I wish to make a submission to your planning department highlighting my strongest objections to any investigations or idea or suggestion of a windfarm being developed in the area outlined on the marine chart which was submitted with the application to you, from the company listed below. I wish to indicate to you a number of valid reasons why I form my objections.

- The area that has been indicated for the proposed site is a natural breeding habitat for a multiple number of marine life forms, not just the commercial fish stocks which breed, spawn and live in this area but also the very food chain that is created here for stocks further

afield. Any disruption to the natural environment would have, without any doubt, detrimental effect on the entire south coast and beyond.

- This area has been for many generations of Cork, Waterford and Wexford fishermen a fishing ground that was the “bread and butter” of their livelihoods. I myself like so many other fishermen before and after me, began a fishing career across these grounds and supported many coastal families from its bounty.
  
- The evidence has been shown in other countries that even site investigations have caused enormous damage to the natural seabed and the lifeforms which live there. In the area of the proposed development, there are stocks of mature and juvenile fish all year round depending on season. There are healthy stocks of shellfish (crab and lobster). Stocks of crustaceans such as prawns and shrimp in the very many mud patches scattered all along the length of the coast at varying depths, which would be totally overwhelmed. There area is also one of the very strictly controlled spawning ground for herring in winter. The entire marine life food chain of the area relies very heavily on nourishment generated by the life created in this natural environment and must not be disrupted.
  
- One thing that is most concerning is why has the applicant stated the location of the development as being **OFF CORK COAST**. This is very misleading as the chart clearly shows that it is OFF the Cork / Waterford coast.

I base my objection on the above observations formed by me after a lifetime living and working as a fisherman in this most valuable piece of Irish coastline. To think that future generations of fishing families and coastal fishing communities would be deprived of the same opportunities of the people who went before them, is simply outrageous. It is a hard graft for any fisherman to earn a decent living and remain compliant with the law in the present time considering the raft of futile regulations pushed down their throats from Europe. They should not now have to do battle with greedy “big business” such as DP Energy to survive. This company, as many like them in the past, have only profit margins in sight and this must be achieved at no matter what cost to the environment and those who rely on the sea for a living.

I am retired now but still have a keen interest in the fishing industry and I listen to what is gravely concerning the present day young fishermen and the very fact that this proposal is at application stage now without any proper consultation with the people who will be directly affected (the fishermen), beggars belief.

## Submission 10

08/04/2020

im am writing in objection of planning number fs006859 on the the grounds I have fished scallops in this area on my boats [REDACTED] rom 2001 until 2007 and then on [REDACTED] [REDACTED] until present it would have a major impact on my scallop fishing ,your ais readings does not show fishing activity in the area because many fisher men leave it off and only trough readings could be got off vms from the navy , my boat is at 23.95 registered scallop boat that has a crew of up to six men which have famleys local Regards [REDACTED]

ps excuses the poor typing I'm a fisher man not a seactery

## Submission 11

hello thier id like to object to the planning reference number FS006859 i as a fisherman know it will cut off highly productive fishing grounds for white fish and prawns desimating ports like ballycotton, helvic dunmore east, killmore quay and will afect boats from fearter a field who travel to work these highly productive fishing grounds

regards [REDACTED]

## Submission 12

**Marine Planning and Foreshore Section,  
Department of Housing,  
Planning and Local Government,  
Newtown Road,  
Wexford,  
Co. Wexford.**

**Planning Application Reference Number: FS006859**  
**Applicant: Inis Ealga Marine Energy Park (IEMEP) Ltd,  
c/o DP Energy Ireland, Mill House, Buttevant, Co Cork**  
**Description of Development: Site Investigations relating  
to a possible windfarm at Inis Ealga, Cork**

To Whom it Concerns,

I refer to the above planning application & wish to make the following submission in relation to the same.

I am making this response as a person directly dependant on a Commercial Inshore Fishing Enterprise, and am concerned the project outlined will impact negatively on this enterprise.

- The area in question covered by this application is very important to the Inshore fishing enterprise I am dependent on economically, displacement from that area is not a viable option

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- I would like to acknowledge the consultation and engagement to date by the developer and the local fishing community, I hope it will continue at a minimum for the duration of any such project.

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- I acknowledge that this application is for site investigation works, but I am concerned that these works will negatively affect the financial viability of the fishing enterprise I depend on, for my livelihood. The fishing operation I depend on, operates in the following areas, at the following times, for the following species, fishing by means of the following methods, and I fear the proposed works will prevent or disrupt it from doing the same

- Operating in the area roughly bound by the following latitude and longitude coordinates
- 
- 
- 

The fishing operation I'm dependant on, traditionally fishes for ~~(cross out as appropriate)~~ crustacean shellfish ~~whitefish~~/bi valve mollusc whitefish pelagic fish, other species, during the months of January to December

## Submission 13

To Whom it concerns, I would like to object to the proposed wind farm off the south coast, Ref No. FS006859. My name is [REDACTED] and I am acting on behalf of [REDACTED] Fisheries Ltd.

There are 2 trawlers in the company that fish in that area, The [REDACTED] and the [REDACTED] and they will need to continue to fish there as it is very lucrative prawn ground.

Please acknowledge my objection by email.

[REDACTED]

Submission 14

**Marine Planning and Foreshore Section,  
Department of Housing,  
Planning and Local Government,  
Newtown Road,  
Wexford,  
Co. Wexford.**

**Planning Application Reference Number: FS006859**  
**Applicant: Inis Ealga Marine Energy Park (IEMEP) Ltd,**  
**c/o DP Energy Ireland, Mill House, Buttevant, Co Cork**  
**Description of Development: Site Investigations relating**  
**to a possible windfarm at Inis Ealga, Cork**

To Whom it Concerns,

I refer to the above planning application & wish to make the following submission in relation to the same.

I am making this response as a person directly dependant on a Commercial Inshore Fishing Enterprise, and am concerned the project outlined will impact negatively on this enterprise.

- The area in question covered by this application is very important to the Inshore fishing enterprise I am dependent on economically, displacement from that area is not a viable option

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- I would like to acknowledge the consultation and engagement to date by the developer and the local fishing community, I hope it will continue at a minimum for the duration of any such project.

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- I acknowledge that this application is for site investigation works, but I am concerned that these works will negatively affect the financial viability of the fishing enterprise I depend on, for my livelihood. The fishing operation I depend on, operates in the following areas, at the following times, for the following species, fishing by means of the following methods, and I fear the proposed works will prevent or disrupt it from doing the same

- Operating in the area roughly bound by the following latitude and longitude coordinates
- 
- 
- 

The fishing operation I'm dependant on, traditionally fishes for *(cross out as appropriate)* crustacean shellfish whitefish/bi valve mollusc whitefish pelagic fish, other species, during the months of January to December

## Submission 15

**Investigative Foreshore Licence Application Dated 10<sup>th</sup> March 2020 of**

**Clodagh McGrath/IEMEP Limited Preliminary to Offshore Wind Energy Project**

**Known as Inis Ealga Project for DP Energy Ireland Limited**

**To:** Marine Planning Policy and Development, Department of Housing, Planning, and Local Government, Newtown Road, Wexford, County Wexford

**E-Mail:** [foreshore@housing.gov.ie](mailto:foreshore@housing.gov.ie)

**Reference Number:** FS006859

**Submission of Knollway Limited, Tower House, Ballylynch, Baltimore, Co. Cork**

### **Preliminary:**

We are a little confused as to the name, title and identity of the Applicant for this Foreshore License.

The Foreshore License Application Form dated and completed on 5<sup>th</sup> March 2020 discloses that the **“Full Name of Applicant (not Agent):”** is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as **“Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI).”**

We respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

We note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4<sup>th</sup> 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5<sup>th</sup> March 2020. With all due respects, this simply cannot be and we strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited.

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**Turning to the content of the Application itself, we wish to make the following Submissions:**

1. Insofar as the Application discloses that the Area of Sea-bed sought to be licensed extends to 12 nm from Baseline and within the Exclusive Fisheries Limits of the State we note that the Applicant does not mention the fact that the Areas of Sea-bed sought to be Licensed extends landwards from the Baseline, something that the Applicant has failed to mention or to delineate and outline on any of her Charts accompanying her Application. All Waters inside of the Baseline represent the Inland Waters of the State and the Charts accompanying the Application must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending

landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.

2. Arising out of 1 above, and having regard to the content of Section 224 of the Planning & Development Act 2000, we submit that the Works in respect of which a Foreshore License is sought are "Development" in accordance with the provisions of the Planning & Development Act 2000 (as amended) and accordingly, the Applicant or (more likely) IEMEP Limited must make contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works proposed to be conducted and carried out in the Waters inside of the Baseline and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.
3. On page 7 of the Application, we notice that the Applicant discloses she will conduct her Investigation Works into **Birds & Marine Mammals** during Spring of 2020 with these Works to continue for a period of 2 years in duration, seasonal. This is simply wrong insofar as we are already well-advanced into Spring of 2020 as of today's date being 9<sup>th</sup> April 2020. We therefore suggest that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines commencing in Spring of 2021, at earliest.

We also notice that the Applicant discloses she will conduct her **Geophysical survey (including Archaeology and Benthic)** during Summer 2020 in a 3 months window stretching from Mid-April to Mid-July in association with the benthic sampling programme. Again, this is simply wrong insofar as we are already in mid-April of 2020 and we repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines.

The Application also discloses that a **Metocean Survey** with Current Resource Monitoring is to begin in Summer 2020 for a period of 3 months. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021.

4. We notice that Paragraph 1.9 of the Application requires the Applicant to disclose likely interactions with activities of the public or other Foreshore users during the investigative works including Fishing, Aquaculture, Sailing and Surfing and requires the Applicant to describe any measures proposed to minimise inconvenience to other users. NO such measures have been proposed by the Applicant to minimise inconvenience to Fishers, whether Irish Fishers or Fishers from other Member-States of the EU and none are disclosed by the Applicant in her Application. We confirm that no such consultation/notification has been made with this Organization representing Fishing Boats operating all along the South Coast of Ireland. It simply isn't good enough to say that a Fisheries Liaison Officer has been appointed when no Liaison or Consultation with Fishermen who may and who will be affected by the Development proposed by the Applicant and/or IEMEP Limited has taken place.
5. In the Document accompanying the Application dated 17<sup>th</sup> February 2020 described as and setting out the **Schedule of Survey Woks** (presumably Works) the Applicant discloses that **Geophysical survey (including Archaeology and Benthic)** will be conducted during Summer 2020

in a 3 Months window between Mid-April and Mid-July in association with the benthic sampling programme; that **Wind Resource Monitoring** would start Summer 2020 for a minimum of 12 months and a maximum of 36 months; that a **Metocean Survey** with Current Resource monitoring would Start in Summer 2020 for a period of 3 months and that **Birds & Marine Mammal** Surveys would begin in Spring of 2020 extending for 2 years duration, seasonal. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted beginning Spring 2020, that is to say NOW, nor during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021. That an updated **Schedule of Survey Works** dated 15<sup>th</sup> February 2020 would be lodged in support of this Application with Works slated to begin and to run from mid-April 2020 shows complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.

6. We are members of a **Fish Producer Organization** representing Fish Producers all along the south-west, south and east coast of Ireland from Dingle to Dundalk that was founded and has since operated pursuant to and in accordance with the provisions of the **Common Fisheries Policy** of the **EU**. We are one of four Irish Fish Producer Organizations and our Producer-Members fish in Boats ranging from smaller Inshore Fishing Boats to larger Trawlers of up to 37 Meters in length fishing for a multiplicity of Species in Fishing Grounds from the Coast of Norway to Rockall to the North Coast of Spain throughout the year. The Waters the subject matter of this Application are some of the most intensively fished Irish Waters, both by our Members and by Members of the 3 other Fish Producer Organizations and the Fish Stocks spawned within, contiguous with and/or emanating from these Waters represent one of the most significant assets of the Irish Fishing Industry and, of necessity of the Fishing Industry of the European Union. By way of preliminary submission, we are bewildered that this Application has been made and lodged without the Applicant and/or their Agents first consulting with those who most intensively use and avail of these Waters, being Irish Fishers.
7. Our Members are extremely concerned at the Investigations proposed to be conducted by the Applicant and/or IEMEP Limited as disclosed and described in the **Application for License**, in the **Natura Impact Statement** dated 19<sup>th</sup> December 2019 and in the **Schedule of Survey Works** dated 15<sup>th</sup> February 2020.
8. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is vested in the **European Union** we believe and so submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council**, **EU Commission** and **EU Parliament**, to **ICES**, the **International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including in those Waters stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among **Fishers** in each of those Member States whose **Fishers** fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. These Member States include Spain, France, Netherlands, Germany and Belgium, at a minimum in addition, also to Denmark whose Fishers depend on Catches of Mackerel and Horse-Mackerel (Scad) in the North Sea whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

We believe and so submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the **EU Bodies, EU Member-States & Fish Producers** in those Member-States as outlined above, this, or any amended Application must be deemed to be inadmissible. We submit that the Application should also be Notified to all such **Fish Producers** and **Regulatory Bodies** by **Notice** published in the **EU Journal**.

9. We submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.
10. We further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Ireland's Exclusive Economic Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish.
11. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/or Inis Ealga Marine Energy Park (IEMEP) Limited **are some of the most important Fish Spawning and Nursery Grounds in Europe.**
12. The Natura Impact Statement completed and dated 19<sup>th</sup> December 2019 which was Revised and Finalised on 17<sup>th</sup> February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the **SOUTH** Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s) the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the **Irish Sea, NOT the Celtic Sea**. This is a **flaw** in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the **Natura Impact Statement** together with the **Application** must be **rejected** on this basis alone.

### 3.4 Fish

Offshore gravelly sediments on the shelf in the Irish Sea are dominated by elasmobranchs (rays, skates and sharks), gurnards, cod, large whiting and a few flatfish species. Soft muddy sediments have higher numbers of gadoids and lower densities of plaice and dab than found in shallower sandy areas. The seasonal distributions of pelagic species such as mackerel, horse mackerel and herring are present within Irish waters largely on a seasonal basis, migrating between spawning and feeding grounds (DCCA 2015).

Fish communities present within coastal areas include juvenile flatfish and sandeel over sandy sediments, with seasonal influxes of sprat, herring, juvenile gadoids and mullet. Rocky shore fish assemblages are diverse and dominated by small species such as wrasses, gobies and blennies, as well as juvenile pollock and saithe (DCCA 2015).

The application area is within the spawning and nursery grounds for nine species of fish (Figure 3-3). A summary of the spawning and nursery periods for seven of these commercially important fish species is outlined in Table 3-3. The application area is a primary spawning ground for Atlantic cod (*Gadus morhua*), European hake (*Merluccius merluccius*), Herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Whiting (*Merlangius merlangus*) and Haddock (*Melanogrammus aeglefinus*) (see Table 3-3 below). As indicated by Figure 3-3, the application area is also within the nursery grounds of white belly angle monk (*Lophius sp*) and megrim (*Leidorhombus whiffiagonis*). No data on spawning and nursery period is available for these two species.



13. Further examination of the Information purported to be provided on **Sea-Fisheries** in the Waters the subject matter of the Application as contained and set forth in the **Natura Impact Statement** discloses that the Information provided is grossly deficient. The Waters of the Celtic Sea in which the Site(s) sought to be Licensed in accordance with the Foreshore Acts are situated represent not just any Spawning Ground but **one of the most important Spawning and Nursery Areas for these Species in Europe**. The nine species of fish referred to and in respect of which a Summary of the **Spawning and Nursery** periods for seven of these commercially important fish species is outlined in Table 3-3 discloses that the Application area is a **PRIMARY Spawning Ground** for **Atlantic Cod** (*Gadus morhua*), **European Hake** (*Merluccius merluccius*), **Herring** (*Clupea harengus*), **Atlantic Mackerel** (*Scomber scombrus*), **Whiting** (*Merlangius merlangus*) and **Haddock** (*Melanogrammus aeglefinus*) with the Application Area also representing the **Nursery Grounds** of **White Belly Angle Monk** (*Lophius sp*) and **Megrim** (*Leidorhombus whiffiagonis*) although stating that no data on Spawning and Nursery period is available for these latter two species. We suggest to the Applicant that even cursory consultation with this Organization would have provided such information to the Applicant.

It is remarkable that no mention whatsoever is made of the existence of very considerable **Spawning and Nesting Grounds** for **Prawns** within the Area sought to be Licensed.

14. For the record, the **Fish Stocks** whose **Spawning and Nursery Grounds** lie within and contiguous with the **Sea Area** sought to be Licensed represent the vast bulk of Fish Stocks upon which the Irish Fishing Industry depend for their livelihoods. **Mackerel** and **Horse-Mackerel Stocks** that **Spawn** within and adjacent to the Sea-Area sought to be Licensed represent, on their own, approximately 40% of the entire of the earning of the Irish Fishing Industry. **European Hake** and **Angle Monk (Monkfish)** together with **Prawns** that **Spawn and Nest** within the Area sought to

be Licensed and in adjoining Sea Areas represent in excess of 40% of the Earnings of the Irish Fishing Industry.

Moreover, the **Monkfish** and **Hake Catches** made and landed from **French** and **Spanish Fishers** into **Castletownbere**, alone, on more than 1,500 occasions annually are derived from and depend on the **Spawning Stocks** of Hake and Monk represented in the Sea Area sought to be Licensed. This takes no account of the activities of **Dutch** and **Belgian** Fishers dependent upon the Stocks derived from the Spawning Stocks in the Sea Area sought to be Licensed.

15. While we note that very considerable effort is made to examine the Impacts of Geophysical Surveying on the **Cetaceans and Pinnipeds species that are at risk of injury or disturbance from the Geophysical Survey** **NO such effort is made to examine or disclose the very considerable risk of injury and disturbance to Fish Stocks from Geophysical Surveying.** This is likely to derive from the fact that this Application is subject to Appropriate Assessment in accordance with the Birds Directive and Article 6 of the Habitats Directive of the EU directed towards the health and wellbeing of Cetacean and Pinniped Species but we believe and so submit that this Application should also be subjected to Environmental Impact Assessment in order to assess the Risks to, amongst other issues, the health and wellbeing of Fish Stocks and their Spawning, Nursery and Nesting Grounds within and adjacent to the Sea Area sought to be Licensed and dealing with the Human Impacts to Fishers and Fishing Communities who depend for their livelihoods on Fish Species that are Spawned and Nursed to adulthood within the Sea Area sought to be Licensed.
16. Despite what is stated in the **Natura Impact Statement** to the affect that there will be no impact on these **Fish Stocks** from **Geophysical Surveying**, we respectfully beg to differ and strongly suggest that the Opinion of both **ICES** and **ICCAT** be sought on this issue as we are aware of the existence of a number of Studies disclosing **Significant Adverse Impacts** to both **Fish Stocks** and their **Spawning** and **Nurseries** from Geophysical Surveying.
17. Although passing mention is made of the presence of these enormously important Spawning Stocks within the Sea Area sought to be Licensed NO mention whatsoever is made of the fact that both **Albacore Tuna** and **Bluefin Tuna** visit this Sea Area in enormous numbers annually. This alone requires the Opinions of both **ICES** and **ICCAT** to be sought.
18. For the Record, it is not true to say that there will be little or no impact on any of these Fish Stocks from Geophysical Surveying. To the contrary, both experience and Scientific Studies disclose very considerable damage being caused to Spawning Stocks of Fish as a direct result of Geophysical Surveying. A full **Environmental Impact Assessment** separate from **Natura Impact Assessment** is required to be conducted in order to assess this issue.
19. By the Applicant's own admission, in the Table on page 19 relating to the nature of the Rock, Muds and Sands on the Sea-floor, there is a possibility that the EC Habitats Directive Annex-listed Habitat of **Biogenic Reef** may be observed in the areas the subject matter of the Application **BUT** despite this admission, there is not the slightest attempt made to explain whether Boreholes will be drilled or are envisioned to be drilled into or adjoining Biogenic Reefs and/or whether Avoidance and/or Compensatory Measures will be taken or are envisaged to be taken to ensure that there will be NO Adverse Impacts suffered by this important and highly protected Habitat.
20. There is a remarkable Admission made by the Applicant in the **Conclusion at Page A-8 of Appendix A** beginning on the page following Page 72 of the **Natura Impact Statement** relating to

Marine Mammals, all of which are protected by and Scheduled to the **EU Habitats Directive** stating:

(underlining, highlighting and bold text are ours)

#### A.3.1.4 Conclusion

The geometric spreading modelling results (Table A-4) indicate that **all cetaceans and pinnipeds species are at risk of injury or disturbance from the geophysical survey.**

Section 3.5 and Table 3-4 identified a total of 11 species that have been observed in waters within the application area. Of these, minke whale, bottlenose dolphin, Risso's dolphin, harbour porpoise, grey and harbour seals are likely to be found in the survey area during the April to October period. Short beaked dolphin may also be found in October to January, when there is a winter peak in numbers. The remaining 8 species are unlikely to be present in the application area during this period or are **rare visitor of the east coast of Ireland.**

Table A-4 above has identified that sound levels from the MBES equipment represent a worst-case impact to marine mammals. The assessment concluded:

Injury - Minke whale are the only low frequency cetacean species likely to be found in the survey area during April to October. Both the MBES and the SSS could result in injury to this species, with permanent injury (PTS) within 15m of the source and temporary injury within 40m (Table A-4).

Injury -Mid-frequency cetaceans, such as bottlenose dolphin, common dolphin and Risso's dolphin, are expected to be impacted by the MBES within up to 2.6m of the source. TTS is however likely to occur from both MBES and SSS, respectively within 7m and 2.6m.

Injury -Harbour porpoise is classified as a high frequency cetacean. All geophysical survey equipment has the capacity to produce noise capable of causing PTS, up to 110m (MBES), 60m (SSS) and 4.6m (chirp/pinger and boomer). TTS may occur up to 180m from MBES, 110m (SSS) and 11m (chirp/pinger and boomer).

Injury -Grey and harbour seal (Phocid) in water have the potential to be permanently injured by the MBES and SSS within up to 15m and 7m respectively. Temporary injury (TTS) could occur within 40m and 15m of the sound source.

Disturbance – for all species disturbance could occur within 2,600m of a chirp/pinger, 2500m of a boomer, 940m of a MBES, 720m of a SSS and 50m of a DP vessel.

21. Once again, the Information provided by the Developer and upon which the **Natura Impact Statement** is assembled for purposes of Assessment is Fundamentally Flawed insofar as the Information provided or, at least some of it, relates to the **East Coast of Ireland and NOT the South Coast of Ireland and the Celtic Sea** stating:

The remaining 8 species are unlikely to be present in the application area during this period or are **rare visitor of the east coast of Ireland.**

22. The **Conclusions** reached that **Minke Whales** will suffer Permanent Injury, that **Bottlenose Dolphin, Common Dolphin and Risso's Dolphin** will suffer Temporary Threshold Shift (**TTS**) as well as Permanent Threshold Shift (**PTS**) with **PTS** representing the most common hearing effect of acute and chronic high level acoustic stimulation and **TTS** typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation, that

**Harbour Porpoise** will suffer both **PTS** and **TTS**, that **Grey** and **Harbour Seal (Phoceid)** in water have the potential to be Permanently Injured **PTS** by the **MBES** and **SSS** within up to 15m and 7m respectively with the potential for Temporary injury **TTS** occurring within 40m and 15m of the Sound Source **ALL DISCLOSE** that the Project envisaged on foot of any Grant of Foreshore License **will cause Significant Adverse Impacts to Species annexed to and protected by the EU Habitats Directive.**

23. On the basis of these Conclusions, alone, **Consent** for this **Foreshore License MUST be Refused** as it is crystal clear that there will be **Significant Adverse Impacts** arising from the Project as proposed and it would be patently Illegal to Grant the License sought by the Applicant. In this regard we refer the Consenting Ministerial Authority to the Findings and **Judgements** of the **European Courts of Justice in Irish Cases** to which the **Minister was Party** beginning with ***Sweetman -v- Bord Pleanala Ireland & AG & Minister for Environment & Galway City & County Councils*** (Galway City Outer By-pass Case) followed by related ***Sweetman*** Cases and the Kilkenny Outer Ring-Road Case all of which make clear that any **Significant Adverse Impact** emanating from an Activity proposed to be carried out requires the **Consenting Authority to REFUSE** the Application.
24. This is a **Plan or Project** that will cause **Significant Adverse Impacts to Protected Habitats and/or Species** and accordingly, the Application **MUST be Refused.**
25. Having regard to the fact that this is a Project or Plan that has or will have significant cross-boundary Impacts insofar as Fish Stocks lying within the Waters the subject matter of the Application are under the Regulatory Control of the European Union in accordance with the **EU Common Fisheries Policy**, specifically, **Council Regulation (EU) No 1380/2013** we submit that this is a Project that additionally falls to be considered in accordance with the provisions of **EU Directive No 2014/52/EU of the European Parliament and Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the effects of certain Public and Private Projects on the Environment.** We therefore submit that the proposed License and the activities sought to be Licensed in accordance with the provisions of the **Foreshore Acts** must be assessed pursuant to the provisions of the **Environmental Impact Assessment Directive(s)** of the EU over and above and in addition to any **Assessment** to be conducted in accordance with the provisions of the **Habitats and Birds Directives** of the European Union.
26. We realize that the structure and Legal Framework of the Consent Procedure for Applications made for Foreshore Licenses in accordance with the provisions of the Foreshore Act 1933, as amended is, to say the least, chaotic and in dire and urgent need of overhaul, codification and the creation of an entirely new and modernised Legal & Statutory Framework but in the absence of any such comprehensive Legal Framework together with accompanying and appropriate Legislative Nuts & Bolts, we suggest that the Issues raised by us regarding Legal Responsibility for Fish Stocks within Irish Waters in the course of this Submission may not be capable of being dealt with by the Irish Authorities. Accordingly, the Application **MUST be Refused OR Referred** directly to the **European Court of Justice** for its **Opinion.**

Dated the 9<sup>th</sup> April 2020



**Knollway Limited**



## BALLYCOTTON FISHERMEN'S ASSOCIATION LIMITED

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08/April 2020

**DP. Energy Ireland Limited . Project known as Inis Ealga.**

**Submission, Ballycotton Fishermen's Association Limited.**

**Cliff Road Ballycotton Co Cork.**

**To Whom it may concern.**

Ballycotton Fishermans association represents inshore and offshore fishing vessels from Cork harbour to Ardmore Head, the fishing vessels that operate in this area range from 10m to 24m in length, by tradition these fishing vessels have a very diverse type of fishing from static gill nets to crab pots and conventional trawlers with a long tradition of fishing Dublin Bay prawns in this particular area suggested for these wind turbines, historical information and documentation could be made available for this under duress.

From a presentation made in Ballycotton on the 10<sup>th</sup> of Feb 2020 with DP Energy and its representatives and representatives of the Fishermans association, some effort was made by the DP Energy to illustrate to us the type of seismic survey, to survey the ground .The waters of the Celtic sea in which this site is suggested and seismic survey is to be carried out (please see map attached) is a lucrative fishing ground and also would lend its self to a substantial spawning ground for many of our regular species at different times of the year.

**Preliminary:**

We are a little confused as to the name, title and identity of the Applicant for this Foreshore License.

The Foreshore License Application Form dated and completed on 5<sup>th</sup> March 2020 discloses that the **"Full Name of Applicant (not Agent):"** is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as **"Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI)."**

We respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

We note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4<sup>th</sup> 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5<sup>th</sup> March 2020. With all due respects, this simply cannot be and we strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited.

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**Turning to the content of the Application itself, we wish to make the following Submissions:**

1. Insofar as the Application discloses that the Area of Sea-bed sought to be licensed extends to 12 nm from Baseline and within the Exclusive Fisheries Limits of the State we note that the Applicant does not mention the fact that the Areas of Sea-bed sought to be Licensed extends landwards from the Baseline, something that the Applicant has failed to mention or to delineate and outline on any of her Charts accompanying her Application. All Waters inside of the Baseline represent the Inland Waters of the State and the Charts accompanying the Application must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.

2. Arising out of 1 above, and having regard to the content of Section 224 of the Planning & Development Act 2000, we submit that the Works in respect of which a Foreshore License is sought are "Development" in accordance with the provisions of the Planning & Development Act 2000 (as amended) and accordingly, the Applicant or (more likely) IEMEP Limited must make contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works proposed to be conducted and carried out in the Waters inside of the Baseline and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.
3. On page 7 of the Application, we notice that the Applicant discloses she will conduct her Investigation Works into **Birds & Marine Mammals** during Spring of 2020 with these Works to continue for a period of 2 years in duration, seasonal. This is simply wrong insofar as we are already well-advanced into Spring of 2020 as of today's date being 9<sup>th</sup> April 2020. We therefore suggest that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines commencing in Spring of 2021, at earliest.

We also notice that the Applicant discloses she will conduct her **Geophysical survey (including Archaeology and Benthic)** during Summer 2020 in a 3 months window stretching from Mid-April to Mid-July in association with the benthic sampling programme. Again, this is simply wrong insofar as we are already in mid-April of 2020 and we repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines.

The Application also discloses that a **Metocean Survey** with Current Resource Monitoring is to begin in Summer 2020 for a period of 3 months. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021.

4. We notice that Paragraph 1.9 of the Application requires the Applicant to disclose likely interactions with activities of the public or other Foreshore users during the investigative works including Fishing, Aquaculture, Sailing and Surfing and requires the Applicant to describe any measures proposed to minimise inconvenience to other users. NO such measures have been proposed by the Applicant to minimise inconvenience to Fishers, whether Irish Fishers or Fishers from other Member-States of the EU and none are disclosed by the Applicant in her Application. We confirm that no such consultation/notification has been made with this Organization representing Fishing Boats operating all along the South Coast of Ireland. It simply isn't good enough to say

that a Fisheries Liaison Officer has been appointed when no Liaison or Consultation with Fishermen who may and who will be affected by the Development proposed by the Applicant and/or IEMEP Limited has taken place.

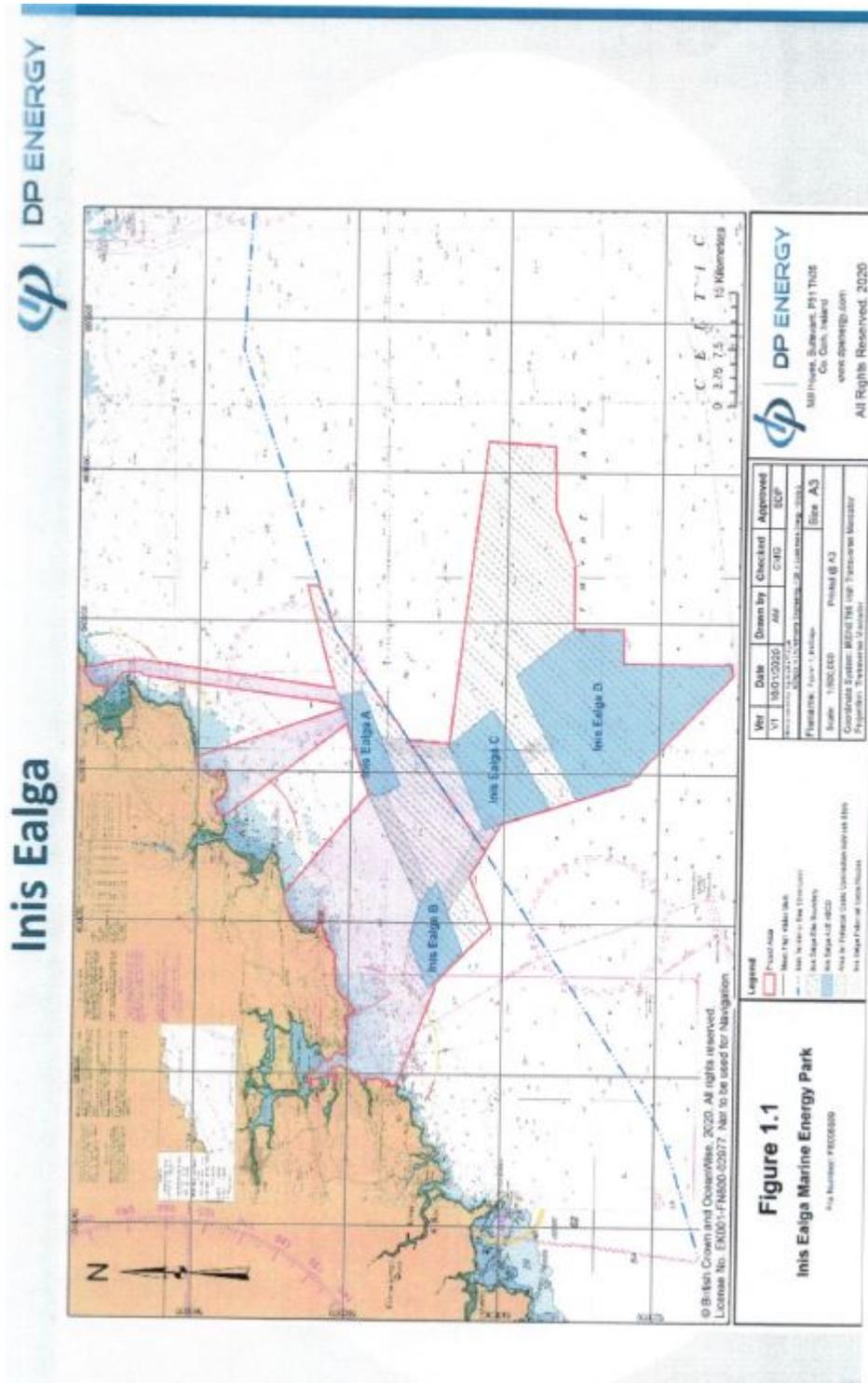
5. In the Document accompanying the Application dated 17<sup>th</sup> February 2020 described as and setting out the **Schedule of Survey Woks** (presumably Works) the Applicant discloses that **Geophysical survey (including Archaeology and Benthic)** will be conducted during Summer 2020 in a 3 Months window between Mid-April and Mid-July in association with the benthic sampling programme; that **Wind Resource Monitoring** would start Summer 2020 for a minimum of 12 months and a maximum of 36 months; that a **Met ocean Survey** with Current Resource monitoring would Start in Summer 2020 for a period of 3 months and that **Birds & Marine Mammal** Surveys would begin in Spring of 2020 extending for 2 years duration, seasonal. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted beginning Spring 2020, that is to say NOW, nor during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021. That an updated **Schedule of Survey Works** dated 15<sup>th</sup> February 2020 would be lodged in support of this Application with Works slated to begin and to run from mid-April 2020 shows complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.
5. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is **vested in the European Union** we believe and so submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council, EU Commission and EU Parliament**, to **ICES, the International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including in those Waters stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among **Fishers** in each of those Member States whose **Fishers** fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

We believe and so submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the **EU Bodies, EU Member-States&Fish Producers** in those Member-States as outlined above, this, or any amended Application must be deemed to be inadmissible. We submit that the Application should also be Notified to all such **Fish Producers** and **Regulatory Bodies** by **Notice** published in the **EU Journal**.

7. We submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.
8. We further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Ireland's Exclusive Economic Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish.
9. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/ Inis Ealga Marine Energy Park (IEMEP) Limited **are some of the most important Fish Spawning and Nursery Grounds in Europe.**
10. The Natura Impact Statement completed and dated 19<sup>th</sup> December 2019 which was Revised and Finalised on 17<sup>th</sup> February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the **SOUTH** Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s) the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the **Irish Sea, NOT the Celtic Sea**. This is a **flaw** in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the **Natura Impact Statement** together with the **Application** must be **rejected** on this basis alone.

**Signed on Ballycotton Fishermen Association.**

Screenshot of Foreshore Division Webpage disclosing Date of Application as 4<sup>th</sup> December 2019



## Submission 17

Preliminary:

I am confused as to the name, title and identity of the Applicant for this Foreshore License.

The Foreshore License Application Form dated and completed on 5th March 2020 discloses that the "Full Name of Applicant (not Agent):" is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as "Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI)."

I respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

I note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4th 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5th March 2020. With all due respects, this simply cannot be and we strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited.

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carried out in the Waters inside of the Baseline and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.

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complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.

1. The Waters the subject matter of this Application are some of the most intensively fished Irish Waters, by Members of the 4 Fish Producer Organizations and the Fish Stocks spawned within, contiguous with and/or emanating from these Waters represent one of the most significant assets of the Irish Fishing Industry and, of necessity of the Fishing Industry of the European Union. By way of preliminary submission, I am bewildered that this Application has been made and lodged without the Applicant and/or their Agents first consulting with those who most intensively use and avail of these Waters, being Irish Fishers.

2. I am extremely concerned at the Investigations proposed to be conducted by the Applicant and/or IEMEP Limited as disclosed and described in the Application for License, in the Natura Impact Statement dated 19th December 2019 and in the Schedule of Survey Works dated 15th February 2020.

1. Given that the power and responsibility for the Rational Exploitation and Conservation of Fish Stocks pursuant to the Common Fisheries Policy of the EU is vested in the European Union we believe and so submit that this is an Application that MUST be notified to and circulated among both the EU Council, EU Commission and EU Parliament, to ICES, the International Council for the Exploration of the Sea which conducts and assesses the Scientific State of Fish Stocks in EU Waters including in those Waters stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among Fishers in each of those Member States whose Fishers fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. These Member States include Spain, France, Netherlands, Germany and Belgium, at a minimum in addition, also to Denmark whose Fishers depend on Catches of Mackerel and Horse-Mackerel (Scad) in the North Sea whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

I believe and so submit that unless and until Formal Notification of the making of this Application is made to each and every one of the EU Bodies, EU Member-States & Fish Producers in those Member-States as outlined above, this, or any amended Application must be deemed to be inadmissible. We submit that the Application should also be Notified to all such Fish Producers and Regulatory Bodies by Notice published in the EU Journal.

1. I submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the Marine Strategy Framework Directive (2008/56/EC) of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.

1. I further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Ireland's Exclusive Economic

Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish.

1. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/or Inis Ealga Marine Energy Park (IEMEP) Limited are some of the most important Fish Spawning and Nursery Grounds in Europe.

1. The Natura Impact Statement completed and dated 19th December 2019 which was Revised and Finalised on 17th February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the SOUTH Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s) the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the Irish Sea, NOT the Celtic Sea. This is a flaw in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the Natura Impact Statement together with the Application must be rejected on this basis alone.

1. Further examination of the Information purported to be provided on Sea-Fisheries in the Waters the subject matter of the Application as contained and set forth in the Natura Impact Statement discloses that the Information provided is grossly deficient. The Waters of the Celtic Sea in which the Site(s) sought to be Licensed in accordance with the Foreshore Acts are situate represent not just any Spawning Ground but one of the most important Spawning and Nursery Areas for these Species in Europe. The nine species of fish referred to and in respect of which a Summary of the Spawning and Nursery periods for seven of these commercially important fish species is outlined in Table 3-3 discloses that the Application area is a PRIMARY Spawning Ground for Atlantic Cod (*Gadus morhua*), European Hake (*Merluccius merluccius*), Herring (*Clupea harengus*), Atlantic Mackerel (*Scomber scombrus*), Whiting (*Merlangius merlangus*) and Haddock (*Melanogrammus aeglefinus*) with the Application Area also representing the Nursery Grounds of White Belly Angle Monk (*Lophius* sp) and Megrim (*Leidorhombus whiffiagonis*) although stating that no data on Spawning and Nursery period is available for these latter two species. We suggest to the Applicant that even cursory consultation with this Organization would have provided such information to the Applicant.

It is remarkable that no mention whatsoever is made of the existence of very considerable Spawning and Nesting Grounds for Prawns within the Area sought to be Licensed.

1. For the record, the Fish Stocks whose Spawning and Nursery Grounds lie within and contiguous with the Sea Area sought to be Licensed represent the vast bulk of Fish Stocks upon which the Irish Fishing Industry depend for their livelihoods. Mackerel and Horse-Mackerel Stocks that Spawn within and adjacent to the Sea-Area sought to be Licensed represent, on their own, approximately 40% of the entire of the earning of the Irish Fishing Industry. European Hake and Angle Monk (Monkfish) together with Prawns that Spawn and Nest within the Area sought to be Licensed and in adjoining Sea Areas represent in excess of 40% of the Earnings of the Irish Fishing Industry.

Moreover, the Monkfish and Hake Catches made and landed from French and Spanish Fishers into Castletownbere, alone, on more than 1,500 occasions annually are derived from and depend on the Spawning Stocks of Hake and Monk represented in the Sea Area sought to be Licensed. This takes no account of the activities of Dutch and Belgian Fishers dependent upon the Stocks derived from the Spawning Stocks in the Sea Area sought to be Licensed.

1. While I note that very considerable effort is made to examine the Impacts of Geophysical Surveying on the Cetaceans and Pinnipeds species that are at risk of injury or disturbance from the Geophysical Survey NO such effort is made to examine or disclose the very considerable risk of injury and disturbance to Fish Stocks from Geophysical Surveying. This is likely to derive from the fact that this Application is subject to Appropriate Assessment in accordance with the Birds Directive and Article 6 of the Habitats Directive of the EU directed towards the health and wellbeing of Cetacean and Pinniped Species but we believe and so submit that this Application should also be subjected to Environmental Impact Assessment in order to assess the Risks to, amongst other issues, the health and wellbeing of Fish Stocks and their Spawning, Nursery and Nesting Grounds within and adjacent to the Sea Area sought to be Licensed and dealing with the Human Impacts to Fishers and Fishing Communities who depend for their livelihoods on Fish Species that are Spawned and Nursed to adulthood within the Sea Area sought to be Licensed.

1. Despite what is stated in the Natura Impact Statement to the affect that there will be no impact on these Fish Stocks from Geophysical Surveying, we respectfully beg to differ and strongly suggest that the Opinion of both ICES and ICCAT be sought on this issue as we are aware of the existence of a number of Studies disclosing Significant Adverse Impacts to both Fish Stocks and their Spawning and Nurseries from Geophysical Surveying.

1. Although passing mention is made of the presence of these enormously important Spawning Stocks within the Sea Area sought to be Licensed NO mention whatsoever is made of the fact that both Albacore Tuna and Bluefin Tuna visit this Sea Area in enormous numbers annually. This alone requires the Opinions of both ICES and ICCAT to be sought.

1. For the Record, it is not true to say that there will be little or no impact on any of these Fish Stocks from Geophysical Surveying. To the contrary, both experience and Scientific Studies disclose very considerable damage being caused to Spawning Stocks of Fish as a direct result of Geophysical Surveying. A full Environmental Impact Assessment separate from Natura Impact Assessment is required to be conducted in order to assess this issue.

1. By the Applicant's own admission, in the Table on page 19 relating to the nature of the Rock, Muds and Sands on the Sea-floor, there is a possibility that the EC Habitats Directive Annex-listed Habitat of Biogenic Reef may be observed in the areas the subject matter of the Application BUT despite this admission, there is not the slightest attempt made to explain whether Boreholes will be drilled or are envisioned to be drilled into or adjoining Biogenic Reefs and/or whether Avoidance and/or Compensatory Measures will be taken or are envisaged to be taken to ensure that there will be NO Adverse Impacts suffered by this important and highly protected Habitat.

1. There is a remarkable Admission made by the Applicant in the Conclusion at Page A-8 of Appendix A beginning on the page following Page 72 of the Natura Impact Statement relating to Marine Mammals, all of which are protected by and Scheduled to the EU Habitats Directive stating:

(underlining, highlighting and bold text are ours)

#### A.3.1.4 Conclusion

The geometric spreading modelling results (Table A-4) indicate that all cetaceans and pinnipeds species are at risk of injury or disturbance from the geophysical survey.

Section 3.5 and Table 3-4 identified a total of 11 species that have been observed in waters within the application area. Of these, minke whale, bottlenose dolphin, Risso's dolphin, harbour porpoise, grey and harbour seals are likely to be found in the survey area during the April to October period. Short beaked dolphin may also be found in October to January, when there is a winter peak in numbers. The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

Table A-4 above has identified that sound levels from the MBES equipment represent a worst-case impact to marine mammals. The assessment concluded:

Injury - Minke whale are the only low frequency cetacean species likely to be found in the survey area during April to October. Both the MBES and the SSS could result in injury to this species, with permanent injury (PTS) within 15m of the source and temporary injury within 40m (Table A-4).

Injury -Mid-frequency cetaceans, such as bottlenose dolphin, common dolphin and Risso's dolphin, are expected to be impacted by the MBES within up to 2.6m of the source. TTS is however likely to occur from both MBES and SSS, respectively within 7m and 2.6m.

Injury -Harbour porpoise is classified as a high frequency cetacean. All geophysical survey equipment has the capacity to produce noise capable of causing PTS, up to 110m (MBES), 60m (SSS) and 4.6m (chirp/pinger and boomer). TTS may occur up to 180m from MBES, 110m (SSS) and 11m (chirp/pinger and boomer).

Injury -Grey and harbour seal (Phocid) in water have the potential to be permanently injured by the MBES and SSS within up to 15m and 7m respectively. Temporary injury (TTS) could occur within 40m and 15m of the sound source.

Disturbance – for all species disturbance could occur within 2,600m of a chirp/pinger, 2500m of a boomer, 940m of a MBES, 720m of a SSS and 50m of a DP vessel.

1. Once again, the Information provided by the Developer and upon which the Natura Impact Statement is assembled for purposes of Assessment is Fundamentally Flawed insofar as the Information provided or, at least some of it, relates to the East Coast of Ireland and NOT the South Coast of Ireland and the Celtic Sea stating:

The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

1. The Conclusions reached that Minke Whales will suffer Permanent Injury, that Bottlenose Dolphin, Common Dolphin and Risso's Dolphin will suffer Temporary Threshold Shift (TTS) as well as Permanent Threshold Shift (PTS) with PTS representing the most common hearing effect of acute and chronic high level acoustic stimulation and TTS typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation, that Harbour Porpoise will suffer both PTS and TTS, that Grey and Harbour Seal (Phocid) in water have the potential to be Permanently Injured PTS by the MBES and SSS within up to 15m and 7m respectively with the potential for Temporary injury TTS occurring within 40m and 15m of the Sound Source ALL

DISCLOSE that the Project envisaged on foot of any Grant of Foreshore License will cause Significant Adverse Impacts to Species annexed to and protected by the EU Habitats Directive.

1. On the basis of these Conclusions, alone, I believe Consent for this Foreshore License MUST be Refused as it is crystal clear that there will be Significant Adverse Impacts arising from the Project as proposed and it would be patently illegal to Grant the License sought by the Applicant. In this regard we refer the Consenting Ministerial Authority to the Findings and Judgements of the European Courts of Justice in Irish Cases to which the Minister was Party beginning with Sweetman -v- Bord Pleanala Ireland & AG & Minister for Environment & Galway City & County Councils (Galway City Outer By-pass Case) followed by related Sweetman Cases and the Kilkenny Outer Ring-Road Case all of which make clear that any Significant Adverse Impact emanating from an Activity proposed to be carried out requires the Consenting Authority to REFUSE the Application.

1. This is a Plan or Project that will cause Significant Adverse Impacts to Protected Habitats and/or Species and accordingly, the Application MUST be Refused.

1. Having regard to the fact that this is a Project or Plan that has or will have significant cross-boundary Impacts insofar as Fish Stocks lying within the Waters the subject matter of the Application are under the Regulatory Control of the European Union in accordance with the EU Common Fisheries Policy, specifically, Council Regulation (EU) No 1380/2013 we submit that this is a Project that additionally falls to be considered in accordance with the provisions of EU Directive No 2014/52/EU of the European Parliament and Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the effects of certain Public and Private Projects on the Environment. I therefore submit that the proposed License and the activities sought to be Licensed in accordance with the provisions of the Foreshore Acts must be assessed pursuant to the provisions of the Environmental Impact Assessment Directive(s) of the EU over and above and in addition to any Assessment to be conducted in accordance with the provisions of the Habitats and Birds Directives of the European Union.

1. I realize that the structure and Legal Framework of the Consent Procedure for Applications made for Foreshore Licenses in accordance with the provisions of the Foreshore Act 1933, as amended is, to say the least, chaotic and in dire and urgent need of overhaul, codification and the creation of an entirely new and modernised Legal & Statutory Framework but in the absence of any such comprehensive Legal Framework together with accompanying and appropriate Legislative Nuts & Bolts, we suggest that the Issues raised by us regarding Legal Responsibility for Fish Stocks within Irish Waters in the course of this Submission may not be capable of being dealt with by the Irish Authorities. Accordingly, the Application MUST be Refused OR Referred directly to the European Court of Justice for its Opinion.

## Submission 18

### Preliminary:

I am a little confused as to the name, title and identity of the Applicant for this Foreshore License.

The Foreshore License Application Form dated and completed on 5<sup>th</sup> March 2020 discloses that the **“Full Name of Applicant (not Agent):”** is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as **“Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI).”**

I respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

I note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4<sup>th</sup> 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5<sup>th</sup> March 2020. With all due respects, this simply cannot be and I strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited.

---

**Turning to the content of the Application itself, I wish to make the following Submissions:**

1. Insofar as the Application discloses that the Area of Sea-bed sought to be licensed extends to 12 nm from Baseline and within the Exclusive Fisheries Limits of the State I note that the Applicant does not mention the fact that the Areas of Sea-bed sought to be Licensed extends landwards from the Baseline, something that the Applicant has failed to mention or to delineate and outline on any of her Charts accompanying her Application. All Waters inside of the Baseline represent the Inland Waters of the State and the Charts accompanying the Application must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.
2. Arising out of 1 above, and having regard to the content of Section 224 of the Planning & Development Act 2000, I submit that the Works in respect of which a Foreshore License is sought are "Development" in accordance with the provisions of the Planning & Development Act 2000 (as amended) and accordingly, the Applicant or (more likely) IEMEP Limited must make contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works proposed to be conducted and carried out in the Waters inside of the Baseline and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.
3. On page 7 of the Application, I notice that the Applicant discloses she will conduct her Investigation Works into **Birds & Marine Mammals** during Spring of 2020 with these Works to continue for a period of 2 years in duration, seasonal. This is simply wrong insofar as we are already well-advanced into Spring of 2020 as of today's date being 9<sup>th</sup> April 2020. I therefore suggest that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines commencing in Spring of 2021, at earliest.

I also notice that the Applicant discloses she will conduct her **Geophysical survey (including Archaeology and Benthic)** during Summer 2020 in a 3 months window stretching from Mid-April to Mid-July in association with the benthic sampling programme. Again, this is simply wrong insofar as we are already in mid-April of 2020 and I repeat my suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines.

The Application also discloses that a **Metocean Survey** with Current Resource Monitoring is to begin in Summer 2020 for a period of 3 months. With all due respects to both Applicant and the Minister, I submit that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted during Summer 2020 and I again repeat my suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021.

4. I notice that Paragraph 1.9 of the Application requires the Applicant to disclose likely interactions with activities of the public or other Foreshore users during the investigative works including Fishing, Aquaculture, Sailing and Surfing and requires the Applicant to describe any measures proposed to minimise inconvenience to other users. NO such measures have been proposed by the Applicant to minimise inconvenience to Fishers, whether Irish Fishers or Fishers from other Member-States of the EU and none are disclosed by the Applicant in her Application. I understand that no such consultation/notification has been made with at least one Organization representing Fishing Boats operating all along the South Coast of Ireland. It simply isn't good enough to say that a Fisheries Liaison Officer has been appointed when no Liaison or Consultation with Fishermen who may and who will be affected by the Development proposed by the Applicant and/or IEMEP Limited has taken place.
5. In the Document accompanying the Application dated 17<sup>th</sup> February 2020 described as and setting out the **Schedule of Survey Woks** (presumably Works) the Applicant discloses that **Geophysical survey (including Archaeology and Benthic)** will be conducted during Summer 2020 in a 3 Months window between Mid-April and Mid-July in association with the benthic sampling programme; that **Wind Resource Monitoring** would start Summer 2020 for a minimum of 12 months and a maximum of 36 months; that a **Metocean Survey** with Current Resource monitoring would Start in Summer 2020 for a period of 3 months and that **Birds & Marine Mammal** Surveys would begin in Spring of 2020 extending for 2 years duration, seasonal. With all due respects to both Applicant and the Minister, I submit that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted beginning Spring 2020, that is to say NOW, nor during Summer 2020 and I suggest that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021. That an updated **Schedule of Survey Works** dated 15<sup>th</sup> February 2020 would be lodged in support of this Application with Works slated to begin and to run from mid-April 2020 shows complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.
6. I am extremely concerned at the Investigations proposed to be conducted by the Applicant and/or IEMEP Limited as disclosed and described in the **Application for License**, in the **Natura Impact Statement** dated 19<sup>th</sup> December 2019 and in the **Schedule of Survey Works** dated 15<sup>th</sup> February 2020.

7. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is vested in the European Union I submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council, EU Commission and EU Parliament**, to **ICES, the International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including in those Waters stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among **Fishers** in each of those Member States whose **Fishers** fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. These Member States include Spain, France, Netherlands, Germany and Belgium, at a minimum in addition, also to Denmark whose Fishers depend on Catches of Mackerel and Horse-Mackerel (Scad) in the North Sea whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

I submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the **EU Bodies, EU Member-States & Fish Producers** in those Member-States as outlined above, this, or any amended Application must be deemed to be inadmissible. I submit that the Application should also be Notified to all such **Fish Producers** and **Regulatory Bodies** by **Notice** published in the **EU Journal**.

8. I submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.
9. I further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Irelands Exclusive Economic Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish.
10. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/or Inis Ealga Marine Energy Park (IEMEP) Limited **are some of the most important Fish Spawning and Nursery Grounds in Europe**.
11. The Natura Impact Statement completed and dated 19<sup>th</sup> December 2019 which was Revised and Finalised on 17<sup>th</sup> February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the **SOUTH** Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s)

the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the **Irish Sea, NOT the Celtic Sea**. This is a **flaw** in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the **Natura Impact Statement** together with the **Application** must be **rejected** on this basis alone.

### 3.4 Fish

Offshore gravelly sediments on the shelf in the Irish Sea are dominated by elasmobranchs (rays, skates and sharks), gurnards, cod, large whiting and a few flatfish species. Soft muddy sediments have higher numbers of gadoids and lower densities of plaice and dab than found in shallower sandy areas. The seasonal distributions of pelagic species such as mackerel, horse mackerel and herring are present within Irish waters largely on a seasonal basis, migrating between spawning and feeding grounds (DCCA 2015).

Fish communities present within coastal areas include juvenile flatfish and sandeel over sandy sediments, with seasonal influxes of sprat, herring, juvenile gadoids and mullet. Rocky shore fish assemblages are diverse and dominated by small species such as wrasses, gobies and blennies, as well as juvenile pollock and saithe (DCCA 2015).

The application area is within the spawning and nursery grounds for nine species of fish (Figure 3-3). A summary of the spawning and nursery periods for seven of these commercially important fish species is outlined in Table 3-3. The application area is a primary spawning ground for Atlantic cod (*Gadus morhua*), European hake (*Merluccius merluccius*), Herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Whiting (*Merlangius merlangus*) and Haddock (*Melanogrammus aeglefinus*) (see Table 3-3 below). As indicated by Figure 3-3, the application area is also within the nursery grounds of white belly angle monk (*Lophius* sp) and megrim (*Leidorhombus whiffiagonis*). No data on spawning and nursery period is available for these two species.



12. Further examination of the Information purported to be provided on **Sea-Fisheries** in the Waters the subject matter of the Application as contained and set forth in the **Natura Impact Statement** discloses that the Information provided is grossly deficient. The Waters of the Celtic Sea in which the Site(s) sought to be Licensed in accordance with the Foreshore Acts are situated represent not just any Spawning Ground but **one of the most important Spawning and Nursery Areas for these Species in Europe**. The nine species of fish referred to and in respect of which a Summary of the **Spawning** and **Nursery** periods for seven of these commercially important fish species is outlined in Table 3-3 discloses that the Application area is a **PRIMARY Spawning Ground** for **Atlantic Cod** (*Gadus morhua*), **European Hake** (*Merluccius merluccius*), **Herring** (*Clupea harengus*), **Atlantic Mackerel** (*Scomber scombrus*), **Whiting** (*Merlangius merlangus*) and **Haddock** (*Melanogrammus aeglefinus*) with the Application Area also representing the **Nursery Grounds** of **White Belly Angle Monk** (*Lophius* sp) and **Megrim** (*Leidorhombus whiffiagonis*) although stating that no data on Spawning and Nursery period is available for these latter two

species. I suggest to the Applicant that even cursory consultation with this Organization would have provided such information to the Applicant.

It is remarkable that no mention whatsoever is made of the existence of very considerable **Spawning and Nesting Grounds** for **Prawns** within the Area sought to be Licensed.

13. For the record, the **Fish Stocks** whose **Spawning and Nursery Grounds** lie within and contiguous with the **Sea Area** sought to be Licensed represent the vast bulk of Fish Stocks upon which the Irish Fishing Industry depend for their livelihoods. **Mackerel** and **Horse-Mackerel Stocks** that **Spawn** within and adjacent to the Sea-Area sought to be Licensed represent, on their own, approximately 40% of the entire of the earning of the Irish Fishing Industry. **European Hake** and **Angle Monk (Monkfish)** together with **Prawns** that **Spawn and Nest** within the Area sought to be Licensed and in adjoining Sea Areas represent in excess of 40% of the Earnings of the Irish Fishing Industry.

Moreover, the **Monkfish** and **Hake Catches** made and landed from **French** and **Spanish Fishers** into **Castletownbere**, alone, on more than 1,500 occasions annually are derived from and depend on the **Spawning Stocks** of Hake and Monk represented in the Sea Area sought to be Licensed. This takes no account of the activities of **Dutch** and **Belgian** Fishers dependent upon the Stocks derived from the Spawning Stocks in the Sea Area sought to be Licensed.

14. While a very considerable effort is made to examine the Impacts of Geophysical Surveying on the **Cetaceans and Pinnipeds species that are at risk of injury or disturbance from the Geophysical Survey** **NO such effort is made to examine or disclose the very considerable risk of injury and disturbance to Fish Stocks from Geophysical Surveying.** This is likely to derive from the fact that this Application is subject to Appropriate Assessment in accordance with the Birds Directive and Article 6 of the Habitats Directive of the EU directed towards the health and wellbeing of Cetacean and Pinniped Species but I submit that this Application should also be subjected to Environmental Impact Assessment in order to assess the Risks to, amongst other issues, the health and wellbeing of Fish Stocks and their Spawning, Nursery and Nesting Grounds within and adjacent to the Sea Area sought to be Licensed and dealing with the Human Impacts to Fishers and Fishing Communities who depend for their livelihoods on Fish Species that are Spawned and Nursed to adulthood within the Sea Area sought to be Licensed.

15. Despite what is stated in the **Natura Impact Statement** to the affect that there will be no impact on these **Fish Stocks** from **Geophysical Surveying**, I respectfully beg to differ and strongly suggest that the Opinion of both **ICES** and **ICCAT** be sought on this issue as I am aware of the existence of a number of Studies disclosing **Significant Adverse Impacts** to both **Fish Stocks** and their **Spawning and Nurseries** from Geophysical Surveying.

16. Although passing mention is made of the presence of these enormously important Spawning Stocks within the Sea Area sought to be Licensed NO mention whatsoever is made of the fact that both **Albacore Tuna** and **Bluefin Tuna** visit this Sea Area in enormous numbers annually. This alone requires the Opinions of both **ICES** and **ICCAT** to be sought.

17. For the Record, it is not true to say that there will be little or no impact on any of these Fish Stocks from Geophysical Surveying. To the contrary, both experience and Scientific Studies disclose very considerable damage being caused to Spawning Stocks of Fish as a direct result of Geophysical Surveying. A full **Environmental Impact Assessment** separate from **Natura Impact Assessment** is required to be conducted in order to assess this issue.

18. By the Applicant's own admission, in the Table on page 19 relating to the nature of the Rock, Muds and Sands on the Sea-floor, there is a possibility that the EC Habitats Directive Annex-listed Habitat of **Biogenic Reef** may be observed in the areas the subject matter of the Application **BUT** despite this admission, there is not the slightest attempt made to explain whether Boreholes will be drilled or are envisioned to be drilled into or adjoining Biogenic Reefs and/or whether Avoidance and/or Compensatory Measures will be taken or are envisaged to be taken to ensure that there will be NO Adverse Impacts suffered by this important and highly protected Habitat.

19. There is a remarkable Admission made by the Applicant in the **Conclusion at Page A-8 of Appendix A** beginning on the page following Page 72 of the **Natura Impact Statement** relating to Marine Mammals, all of which are protected by and Scheduled to the **EU Habitats Directive** stating:

(underlining, highlighting and bold text are ours)

#### A.3.1.4 Conclusion

The geometric spreading modelling results (Table A-4) indicate that **all cetaceans and pinnipeds species are at risk of injury or disturbance from the geophysical survey.**

Section 3.5 and Table 3-4 identified a total of 11 species that have been observed in waters within the application area. Of these, minke whale, bottlenose dolphin, Risso's dolphin, harbour porpoise, grey and harbour seals are likely to be found in the survey area during the April to October period. Short beaked dolphin may also be found in October to January, when there is a winter peak in numbers. The remaining 8 species are unlikely to be present in the application area during this period or are **rare visitor of the east coast of Ireland.**

Table A-4 above has identified that sound levels from the MBES equipment represent a worst-case impact to marine mammals. The assessment concluded:

Injury - Minke whale are the only low frequency cetacean species likely to be found in the survey area during April to October. Both the MBES and the SSS could result in injury to this species, with permanent injury (PTS) within 15m of the source and temporary injury within 40m (Table A-4).

Injury -Mid-frequency cetaceans, such as bottlenose dolphin, common dolphin and Risso's dolphin, are expected to be impacted by the MBES within up to 2.6m of the source. TTS is however likely to occur from both MBES and SSS, respectively within 7m and 2.6m.

Injury -Harbour porpoise is classified as a high frequency cetacean. All geophysical survey equipment has the capacity to produce noise capable of causing PTS, up to 110m (MBES), 60m (SSS) and 4.6m (chirp/pinger and boomer). TTS may occur up to 180m from MBES, 110m (SSS) and 11m (chirp/pinger and boomer).

Injury -Grey and harbour seal (Phocid) in water have the potential to be permanently injured by the MBES and SSS within up to 15m and 7m respectively. Temporary injury (TTS) could occur within 40m and 15m of the sound source.

Disturbance – for all species disturbance could occur within 2,600m of a chirp/pinger, 2500m of a boomer, 940m of a MBES, 720m of a SSS and 50m of a DP vessel.

20. Once again, the Information provided by the Developer and upon which the **Natura Impact Statement** is assembled for purposes of Assessment is Fundamentally Flawed insofar as the

Information provided or, at least some of it, relates to the East Coast of Ireland and NOT the South Coast of Ireland and the Celtic Sea stating:

The remaining 8 species are unlikely to be present in the application area during this period or are **rare visitor of the east coast of Ireland.**

21. The **Conclusions** reached that **Minke Whales** will suffer Permanent Injury, that **Bottlenose Dolphin, Common Dolphin and Risso's Dolphin** will suffer Temporary Threshold Shift (**TTS**) as well as Permanent Threshold Shift (**PTS**) with **PTS** representing the most common hearing effect of acute and chronic high level acoustic stimulation and **TTS** typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation, that **Harbour Porpoise** will suffer both **PTS** and **TTS**, that **Grey and Harbour Seal (Phocid)** in water have the potential to be Permanently Injured **PTS** by the **MBES** and **SSS** within up to 15m and 7m respectively with the potential for Temporary injury **TTS** occurring within 40m and 15m of the Sound Source **ALL DISCLOSE** that the Project envisaged on foot of any Grant of Foreshore License **will cause Significant Adverse Impacts to Species annexed to and protected by the EU Habitats Directive.**
22. On the basis of these Conclusions, alone, **Consent for this Foreshore License MUST be Refused** as it is crystal clear that there will be **Significant Adverse Impacts** arising from the Project as proposed and it would be patently illegal to Grant the License sought by the Applicant. In this regard I refer the Consenting Ministerial Authority to the Findings and **Judgements** of the **European Courts of Justice in Irish Cases** to which the **Minister was Party** beginning with **Sweetman -v- Bord Pleanala Ireland & AG & Minister for Environment & Galway City & County Councils** (Galway City Outer By-pass Case) followed by related **Sweetman** Cases and the Kilkenny Outer Ring-Road Case all of which make clear that any **Significant Adverse Impact** emanating from an Activity proposed to be carried out requires the **Consenting Authority to REFUSE** the Application.
23. This is a **Plan or Project** that will cause **Significant Adverse Impacts to Protected Habitats and/or Species** and accordingly, the Application **MUST be Refused.**
24. Having regard to the fact that this is a Project or Plan that has or will have significant cross-boundary Impacts insofar as Fish Stocks lying within the Waters the subject matter of the Application are under the Regulatory Control of the European Union in accordance with the EU **Common Fisheries Policy**, specifically, **Council Regulation (EU) No 1380/2013** I submit that this is a Project that additionally falls to be considered in accordance with the provisions of **EU Directive No 2014/52/EU of the European Parliament and Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the effects of certain Public and Private Projects on the Environment.** I therefore submit that the proposed License and the activities sought to be Licensed in accordance with the provisions of the **Foreshore Acts** must be assessed pursuant to the provisions of the **Environmental Impact Assessment Directive(s)** of the EU over and above and in addition to any **Assessment** to be conducted in accordance with the provisions of the **Habitats and Birds Directives** of the European Union.
25. I realize that the structure and Legal Framework of the Consent Procedure for Applications made for Foreshore Licenses in accordance with the provisions of the Foreshore Act 1933, as amended is, to say the least, chaotic and in dire and urgent need of overhaul, codification and the creation of an entirely new and modernised Legal & Statutory Framework but in the absence of any such comprehensive Legal Framework together with accompanying and appropriate Legislative Nuts

& Bolts, I suggest that the Issues raised in this Submission regarding Legal Responsibility for Fish Stocks within Irish Waters may not be capable of being dealt with by the Irish Authorities. Accordingly, the Application **MUST** be **Refused** OR **Referred** directly to the **European Court of Justice** for its **Opinion**.

### Screenshot of Foreshore Division Webpage disclosing Date of Application as 4<sup>th</sup> December 2019

The screenshot shows the website of the Department of Housing, Planning and Local Government. The header includes the department's name in Irish and English, social media icons for Twitter, YouTube, and Facebook, and a search bar. A navigation menu contains links for Home, Who We Are, What We Do, Publications, Legislation, and Statistics. The breadcrumb trail reads 'Home / DP Energy Site Investigations at Inis Ealga'. A 'Printer-friendly version' link is visible. The main content area features the title 'DP Energy Site Investigations at Inis Ealga' and details for the applicant, proposed activity, and location. A sidebar on the right contains 'APPLICATION DETAILS' with the reference number FS006859, status of Consultation, and date received of Wednesday, December 4, 2019. The main text also includes submission instructions and contact information for Garda Stations.

**DP Energy Site Investigations at Inis Ealga**

Applicant Address:  
Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House,  
Buttevant, Co Cork

**Proposed Development Activity**

Description: Site Investigations relating to a possible windfarm at Inis Ealga, Cork

Location: Off Cork Coast

**Submissions can be made (from Wednesday, 10th March) to:** Marine Planning Policy and Development, Department of Housing, Planning, and Local Government, Newtown Road, Wexford, Co. Wexford or [foreshore@housing.gov.ie](mailto:foreshore@housing.gov.ie).

Submissions received outside of the public consultation period **cannot** be considered.

The Department wishes to draw attention to its policy on defamatory material, that may be contained in submissions it receives.

**Application documents are available for viewing on request in the following Garda Stations:**

Anglesea Street, Cork  
Youghal Road, Dungarvan, Co Waterford

Category [Planning](#)

Topic [Foreshore](#)

Sub topic [Applications](#)

**APPLICATION DETAILS**

Reference Number:  
FS006859

Status:  
Consultation

Date Received:  
Wednesday, December 4, 2019

## Submission 19

### **Preliminary:**

We are a little confused as to the name, title and identity of the Applicant for this Foreshore License.

The Foreshore License Application Form dated and completed on 5<sup>th</sup> March 2020 discloses that the **“Full Name of Applicant (not Agent):”** is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as ***“Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI).”***

We respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

We note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4<sup>th</sup> 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5<sup>th</sup> March 2020. With all due respects, this simply cannot be and we strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited

**Turning to the content of the Application itself, we wish to make the following Submissions:**

1. Insofar as the Application discloses that the Area of Sea-bed sought to be licensed extends to 12 nm from Baseline and within the Exclusive Fisheries Limits of the State we note that the Applicant does not mention the fact that the Areas of Sea-bed sought to be Licensed extends landwards from the Baseline, something that the Applicant has failed to mention or to delineate and outline on any of her Charts accompanying her Application. All Waters inside of the Baseline represent the Inland Waters of the State and the Charts accompanying the Application must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.

2. Arising out of 1 above, and having regard to the content of Section 224 of the Planning & Development Act 2000, we submit that the Works in respect of which a Foreshore License is sought are “Development” in accordance with the provisions of the Planning & Development Act 2000 (as amended) and accordingly, the Applicant or (more likely) IEMEP Limited must make contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works proposed to be conducted and carried out in the Waters inside of the Baseline and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.

3. On page 7 of the Application, we notice that the Applicant discloses she will conduct her Investigation Works into **Birds & Marine Mammals** during Spring of 2020 with these Works to continue for a period of 2 years in duration, seasonal. This is simply wrong insofar as we are already well-advanced into Spring of 2020 as of today’s date being 9<sup>th</sup> April 2020. We therefore suggest that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines commencing in Spring of 2021, at earliest.

We also notice that the Applicant discloses she will conduct her **Geophysical survey (including Archaeology and Benthic)** during Summer 2020 in a 3 months window stretching from Mid-April to Mid-July in association with the benthic sampling programme. Again, this is simply wrong insofar as we are already in mid-April of 2020 and we repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines. The Application also discloses that a **Metocean Survey** with Current Resource Monitoring is to begin in Summer 2020 for a period of 3 months. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 202

4. We notice that Paragraph 1.9 of the Application requires the Applicant to disclose likely interactions with activities of the public or other Foreshore users during the investigative works including Fishing, Aquaculture, Sailing and Surfing and requires the Applicant to describe any measures proposed to minimise inconvenience to other users. NO such measures have been proposed by the Applicant to minimise inconvenience to Fishers, whether Irish Fishers or Fishers from other Member-States of the EU and none are disclosed by the Applicant in her Application. We confirm that no such consultation/notification has been made with this Organization representing Fishing Boats operating all along the South Coast of Ireland. It simply isn't good enough to say that a Fisheries Liaison Officer has been appointed when no Liaison or Consultation with Fishermen who may and who will be affected by the Development proposed by the Applicant and/or IEMEP Limited has taken place.

5. In the Document accompanying the Application dated 17<sup>th</sup> February 2020 described as and setting out the **Schedule of Survey Woks** (presumably Works) the Applicant discloses that **Geophysical survey (including Archaeology and Benthic)** will be conducted during Summer 2020 in a 3 Months window between Mid-April and Mid-July in association with the benthic sampling programme; that **Wind Resource Monitoring** would start Summer 2020 for a minimum of 12 months and a maximum of 36 months; that a **Metocean Survey** with Current Resource monitoring would Start in Summer 2020 for a period of 3 months and that **Birds & Marine Mammal** Surveys would begin in Spring of 2020 extending for 2 years duration, seasonal. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted beginning Spring 2020, that is to say NOW, nor during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021. That an updated **Schedule of Survey Works** dated 15<sup>th</sup> February 2020 would be lodged in support of this Application with Works slated to begin and to run from mid-April 2020 shows complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.

6. We are a **Fish Producer Organization** representing Fish Producers all along the south-west, south and east coast of Ireland from Dingle to Dundalk that was founded and has since operated pursuant to and in accordance with the provisions of the **Common Fisheries Policy** of the EU. We are one of four Irish Fish Producer Organizations and our Producer-Members fish in Boats ranging from smaller Inshore Fishing Boats to larger Trawlers of up to 37 Meters in length fishing for a multiplicity of Species in Fishing Grounds from the Coast of Norway to Rockall to the North

Coast of Spain throughout the year. The Waters the subject matter of this Application are some of the most intensively fished Irish Waters, both by our Members and by Members of the 3 other Fish Producer Organizations and the Fish Stocks spawned within, contiguous with and/or emanating from these Waters represent one of the most significant assets of the Irish Fishing Industry and, of necessity of the Fishing Industry of the European Union. By way of preliminary submission, we are bewildered that this Application has been made and lodged without the Applicant and/or their Agents first consulting with those who most intensively use and avail of these Waters, being Irish Fishers.

7. Our Members are extremely concerned at the Investigations proposed to be conducted by the Applicant and/or IEMEP Limited as disclosed and described in the **Application for License**, in the **Natura Impact Statement** dated 19<sup>th</sup> December 2019 and in the **Schedule of Survey Works** dated 15<sup>th</sup> February 2020.

8. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is **vested in the European Union** we believe and so submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council, EU Commission and EU Parliament**, to **ICES, the International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including in those Waters stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among **Fishers** in each of those Member States whose **Fishers** fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. These Member States include Spain, France, Netherlands, Germany and Belgium, at a minimum in addition, also to Denmark whose Fishers depend on Catches of Mackerel and Horse-Mackerel (Scad) in the North Sea whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

We believe and so submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the **EU Bodies, EU Member-States & Fish Producers** in those Member-States as outlined above, this, or any amended Application must be deemed to be inadmissible. We submit that the Application should also be Notified to all such **Fish Producers and Regulatory Bodies** by **Notice** published in the **EU Journal**.

9. We submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.

10. We further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Irelands Exclusive

Economic Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish.

11. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/or Inis Ealga Marine Energy Park (IEMEP) Limited **are some of the most important Fish Spawning and Nursery Grounds in Europe.**

12. The Natura Impact Statement completed and dated 19<sup>th</sup> December 2019 which was Revised and Finalised on 17<sup>th</sup> February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the **SOUTH** Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s) the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the **Irish Sea, NOT the Celtic Sea**. This is a **flaw** in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the **Natura Impact Statement** together with the **Application** must be **rejected** on this basis alone.

### 3.4 Fish

Offshore gravely sediments on the shelf in the Irish Sea are dominated by elasmobranchs (rays, skates and sharks), gurnards, cod, large whiting and a few flatfish species. Soft muddy sediments have higher numbers of gadoids and lower densities of plaice and dab than found in shallower sandy areas. The seasonal distributions of pelagic species such as mackerel, horse mackerel and herring are present within Irish waters largely on a seasonal basis, migrating between spawning and feeding grounds (DCCAE 2015).

Fish communities present within coastal areas include juvenile flatfish and sandeel over sandy sediments, with seasonal influxes of sprat, herring, juvenile gadoids and mullet. Rocky shore fish assemblages are diverse and dominated by small species such as wrasses, gobies and blennies, as well as juvenile pollock and saithe (DCCAE 2015).

The application area is within the spawning and nursery grounds for nine species of fish (Figure 3-3). A summary of the spawning and nursery periods for seven of these commercially important fish species is outlined in Table 3-3. The application area is a primary spawning ground for Atlantic cod (*Gadus morhua*), European hake (*Merluccius merluccius*), Herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Whiting (*Merlangius merlangus*) and Haddock (*Melanogrammus aeglefinus*) (see Table 3-3 below). As indicated by Figure 3-3, the application area is also within the nursery grounds of white belly angle monk (*Lophius* sp) and megrim (*Leidorhombus whiffiagonis*). No data on spawning and nursery period is available for these two species.

13. Further examination of the Information purported to be provided on **Sea-Fisheries** in the Waters the subject matter of the Application as contained and set forth in the **Natura Impact Statement** discloses that the Information provided is grossly deficient. The Waters of the Celtic Sea in which the Site(s) sought to be Licensed in accordance with the Foreshore Acts are situate represent not just any Spawning Ground but **one of the most important Spawning and Nursery**

**Areas for these Species in Europe.** The nine species of fish referred to and in respect of which a Summary of the **Spawning** and **Nursery** periods for seven of these commercially important fish species is outlined in Table 3-3 discloses that the Application area is a **PRIMARY Spawning Ground** for **Atlantic Cod** (*Gadus morhua*), **European Hake** (*Merluccius merluccius*), **Herring** (*Clupea harengus*), **Atlantic Mackerel** (*Scomber scombrus*), **Whiting** (*Merlangius merlangus*) and **Haddock** (*Melanogrammus aeglefinus*) with the Application Area also representing the **Nursery Grounds** of **White Belly Angle Monk** (*Lophius* sp) and **Megrim** (*Leidorhombus whiffiagonis*) although stating that no data on Spawning and Nursery period is available for these latter two species. We suggest to the Applicant that even cursory consultation with this Organization would have provided such information to the Applicant.

It is remarkable that no mention whatsoever is made of the existence of very considerable **Spawning** and **Nesting Grounds** for **Prawns** within the Area sought to be Licensed.

14. For the record, the **Fish Stocks** whose **Spawning** and **Nursery Grounds** lie within and contiguous with the **Sea Area** sought to be Licensed represent the vast bulk of Fish Stocks upon which the Irish Fishing Industry depend for their livelihoods. **Mackerel** and **Horse-Mackerel Stocks** that **Spawn** within and adjacent to the Sea-Area sought to be Licensed represent, on their own, approximately 40% of the entire of the earning of the Irish Fishing Industry. **European Hake** and **Angle Monk (Monkfish)** together with **Prawns** that **Spawn** and **Nest** within the Area sought to be Licensed and in adjoining Sea Areas represent in excess of 40% of the Earnings of the Irish Fishing Industry.

Moreover, the **Monkfish** and **Hake Catches** made and landed from **French** and **Spanish Fishers** into **Castletownbere**, alone, on more than 1,500 occasions annually are derived from and depend on the **Spawning Stocks** of Hake and Monk represented in the Sea Area sought to be Licensed. This takes no account of the activities of **Dutch** and **Belgian** Fishers dependent upon the Stocks derived from the Spawning Stocks in the Sea Area sought to be Licensed.

15. While we note that very considerable effort is made to examine the Impacts of Geophysical Surveying on the **Cetaceans and Pinnipeds species that are at risk of injury or disturbance from the Geophysical Survey** **NO such effort is made to examine or disclose the very considerable risk of injury and disturbance to Fish Stocks from Geophysical Surveying.** This is likely to derive from the fact that this Application is subject to Appropriate Assessment in accordance with the Birds Directive and Article 6 of the Habitats Directive of the EU directed towards the health and wellbeing of Cetacean and Pinniped Species but we believe and so submit that this Application should also be subjected to Environmental Impact Assessment in order to assess the Risks to, amongst other issues, the health and wellbeing of Fish Stocks and their Spawning, Nursery and Nesting Grounds within and adjacent to the Sea Area sought to be Licensed and dealing with the

Human Impacts to Fishers and Fishing Communities who depend for their livelihoods on Fish Species that are Spawned and Nursed to adulthood within the Sea Area sought to be Licensed.

16. Despite what is stated in the **Natura Impact Statement** to the affect that there will be no impact on these **Fish Stocks** from **Geophysical Surveying**, we respectfully beg to differ and strongly suggest that the Opinion of both **ICES** and **ICCAT** be sought on this issue as we are aware of the existence of a number of Studies disclosing **Significant Adverse Impacts** to both **Fish Stocks** and their **Spawning** and **Nurseries** from Geophysical Surveying.

17. Although passing mention is made of the presence of these enormously important Spawning Stocks within the Sea Area sought to be Licensed **NO** mention whatsoever is made of the fact

that both **Albacore Tuna** and **Bluefin Tuna** visit this Sea Area in enormous numbers annually. This alone requires the Opinions of both **ICES** and **ICCAT** to be sought.

18. For the Record, it is not true to say that there will be little or no impact on any of these Fish Stocks from Geophysical Surveying. To the contrary, both experience and Scientific Studies disclose very considerable damage being caused to Spawning Stocks of Fish as a direct result of Geophysical Surveying. A full **Environmental Impact Assessment** separate from **Natura Impact Assessment** is required to be conducted in order to assess this issue.

19. By the Applicant's own admission, in the Table on page 19 relating to the nature of the Rock, Muds and Sands on the Sea-floor, there is a possibility that the EC Habitats Directive Annex-listed Habitat of **Biogenic Reef** may be observed in the areas the subject matter of the Application **BUT** despite this admission, there is not the slightest attempt made to explain whether Boreholes will be drilled or are envisioned to be drilled into or adjoining Biogenic Reefs and/or whether Avoidance and/or Compensatory Measures will be taken or are envisaged to be taken to ensure that there will be NO Adverse Impacts suffered by this important and highly protected Habitat.

20. There is a remarkable Admission made by the Applicant in the **Conclusion at Page A-8 of Appendix A** beginning on the page following Page 72 of the **Natura Impact Statement** relating to Marine Mammals, all of which are protected by and Scheduled to the **EU Habitats Directive** stating:

(underlining, highlighting and bold text are ours)

#### A.3.1.4 Conclusion

The geometric spreading modelling results (Table A-4) indicate that **all cetaceans and pinnipeds species are at risk of injury or disturbance from the geophysical survey.**

Section 3.5 and Table 3-4 identified a total of 11 species that have been observed in waters within-the application area. Of these, minke whale, bottlenose dolphin, Risso's dolphin, harbour porpoise, grey and harbour seals are likely to be found in the survey area during the April to October period. Short beaked dolphin may also be found in October to January, when there is a winter peak in numbers. The remaining 8 species are unlikely to be present in the application area during this period or are **rare visitor of the east coast of Ireland.**

Table A-4 above has identified that sound levels from the MBES equipment represent a worst-case impact to marine mammals. The assessment concluded:

Injury - Minke whale are the only low frequency cetacean species likely to be found in the survey area during April to October. Both the MBES and the SSS could result in injury to this species, with permanent injury (PTS) within 15m of the source and temporary injury within 40m (Table A-4).

Injury -Mid-frequency cetaceans, such as bottlenose dolphin, common dolphin and Risso's dolphin, are expected to be impacted by the MBES within up to 2.6m of the source. TTS is however likely to occur from both MBES and SSS, respectively within 7m and 2.6m.

Injury -Harbour porpoise is classified as a high frequency cetacean. All geophysical survey equipment has the capacity to produce noise capable of causing PTS, up to 110m (MBES), 60m (SSS) and 4.6m (chirp/pinger and boomer). TTS may occur up to 180m from MBES, 110m (SSS) and 11m (chirp/pinger and boomer).

Injury -Grey and harbour seal (Phocid) in water have the potential to be permanently injured by the MBES and SSS within up to 15m and 7m respectively. Temporary injury (TTS) could occur within 40m and 15m of the sound source.

Disturbance – for all species disturbance could occur within 2,600m of a chirp/pinger, 2500m of a boomer, 940m of a MBES, 720m of a SSS and 50m of a DP vessel.

21. Once again, the Information provided by the Developer and upon which the **Natura Impact Statement** is assembled for purposes of Assessment is Fundamentally Flawed insofar as the Information provided or, at least some of it, relates to the **East Coast of Ireland** and **NOT** the **South Coast of Ireland** and the **Celtic Sea** stating:

The remaining 8 species are unlikely to be present in the application area during this period or are **rare visitor of the east coast of Ireland**.

22. The **Conclusions** reached that **Minke Whales** will suffer Permanent Injury, that **Bottlenose Dolphin, Common Dolphin** and **Risso's Dolphin** will suffer Temporary Threshold Shift (TTS) as well as Permanent Threshold Shift (PTS) with PTS representing the most common hearing effect of acute and chronic high level acoustic stimulation and TTS typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation, that **Harbour Porpoise** will suffer both PTS and TTS, that **Grey and Harbour Seal (Phocid)** in water have the potential to be Permanently Injured PTS by the MBES and SSS within up to 15m and 7m respectively with the potential for Temporary injury TTS occurring within 40m and 15m of the Sound Source **ALL DISCLOSE** that the Project envisaged on foot of any Grant of Foreshore License **will cause Significant Adverse Impacts to Species annexed to and protected by the EU Habitats Directive**.

23. On the basis of these Conclusions, alone, **Consent** for this **Foreshore License MUST be Refused** as it is crystal clear that there will be **Significant Adverse Impacts** arising from the Project as proposed and it would be patently illegal to Grant the License sought by the Applicant. In this regard we refer the Consenting Ministerial Authority to the Findings and **Judgements** of the **European Courts of Justice** in **Irish Cases** to which the **Minister was Party** beginning with **Sweetman -v- Bord Pleanala Ireland & AG & Minister for Environment & Galway City & County Councils** (Galway City Outer By-pass Case) followed by related **Sweetman** Cases and the **Kilkenny Outer Ring-Road Case** all of which make clear that any **Significant Adverse Impact** emanating from an Activity proposed to be carried out requires the **Consenting Authority** to **REFUSE** the Application.

24. This is a **Plan or Project** that will cause **Significant Adverse Impacts to Protected Habitats and/or Species** and accordingly, the Application **MUST be Refused**.

25. Having regard to the fact that this is a Project or Plan that has or will have significant cross-boundary Impacts insofar as Fish Stocks lying within the Waters the subject matter of the Application are under the Regulatory Control of the European Union in accordance with the **EU Common Fisheries Policy**, specifically, **Council Regulation (EU) No 1380/2013** we submit that this is a Project that additionally falls to be considered in accordance with the provisions of **EU Directive No 2014/52/EU of the European Parliament and Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the effects of certain Public and Private Projects on the Environment**. We therefore submit that the proposed License and the activities sought to be Licensed in accordance with the provisions of the **Foreshore Acts** must be assessed pursuant to the provisions of the **Environmental Impact Assessment Directive(s)** of the EU over

and above and in addition to any **Assessment** to be conducted in accordance with the provisions of the **Habitats and Birds Directives** of the European Union.

26. We realize that the structure and Legal Framework of the Consent Procedure for Applications made for Foreshore Licenses in accordance with the provisions of the Foreshore Act 1933, as amended is, to say the least, chaotic and in dire and urgent need of overhaul, codification and the creation of an entirely new and modernised Legal & Statutory Framework but in the absence of any such comprehensive Legal Framework together with accompanying and appropriate Legislative Nuts & Bolts, we suggest that the Issues raised by us regarding Legal Responsibility for Fish Stocks within Irish Waters in the course of this Submission may not be capable of being dealt with by the Irish Authorities. Accordingly, the Application **MUST** be **Refused OR Referred** directly to the **European Court of Justice** for its **Opinion**.

### Screenshot of Foreshore Division Webpage disclosing Date of Application as 4<sup>th</sup> December 2019

The screenshot shows the website of the Department of Housing, Planning and Local Government. The page title is "DP Energy Site Investigations at Inis Ealga". The main content area includes:

- Applicant Address:** Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House, Bultervant, Co Cork
- Proposed Development Activity:**
  - Description:** Site Investigations relating to a possible windfarm at Inis Ealga, Cork
  - Location:** Off Cork Coast
- Submission deadline:** Submissions can be made (from Wednesday, 10th March) to: Marine Planning Policy and Development, Department of Housing, Planning, and Local Government, Newtown Road, Wexford, Co. Wexford or [foreshore@mhplg.gov.ie](mailto:foreshore@mhplg.gov.ie)
- Submission rules:** Submissions received outside of the public consultation period **CANNOT** be considered.
- Defamatory material:** The Department wishes to draw attention to its policy on defamatory material that may be contained in submissions it receives.
- Application documents:** Application documents are available for viewing on request in the following **Carda Stations:**
  - Anglesea Street, Cork
  - Youghal Road, Dungarvan, Co Waterford

On the right side, there is a sidebar with the following information:

- Category:** Planning
- Topic:** [Foreshore](#)
- Sub topic:** [Applications](#)
- APPLICATION DETAILS:**
  - Reference Number:** P5006859
  - Status:** Consultation
  - Date Received:** Wednesday, December 4, 2019

## Submission 20

### **Preliminary:**

We are a little confused as to the name, title and identity of the Applicant for this Foreshore License.

The Foreshore License Application Form dated and completed on 5<sup>th</sup> March 2020 discloses that the **“Full Name of Applicant (not Agent):”** is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as **“Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI).”**

We respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

We note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4<sup>th</sup> 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5<sup>th</sup> March 2020. With all due respects, this simply cannot be and we strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited.

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**Turning to the content of the Application itself, we wish to make the following Submissions:**

1. Insofar as the Application discloses that the Area of Sea-bed sought to be licensed extends to 12 nm from Baseline and within the Exclusive Fisheries Limits of the State we note that the Applicant does not mention the fact that the Areas of Sea-bed sought to be Licensed extends landwards from the Baseline, something that the Applicant has failed to mention or to delineate and outline on any of her Charts accompanying her Application. All Waters inside of the Baseline represent the Inland Waters of the State and the Charts accompanying the Application must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.
2. Arising out of 1 above, and having regard to the content of Section 224 of the Planning & Development Act 2000, we submit that the Works in respect of which a Foreshore License

is sought are “Development” in accordance with the provisions of the Planning & Development Act 2000 (as amended) and accordingly, the Applicant or (more likely) IEMEP Limited must make contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works proposed to be conducted and carried out in the Waters inside of the Baseline and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.

3. On page 7 of the Application, we notice that the Applicant discloses she will conduct her Investigation Works into **Birds & Marine Mammals** during Spring of 2020 with these Works to continue for a period of 2 years in duration, seasonal. This is simply wrong insofar as we are already well-advanced into Spring of 2020 as of today’s date being 9<sup>th</sup> April 2020. We therefore suggest that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines commencing in Spring of 2021, at earliest.

We also notice that the Applicant discloses she will conduct her **Geophysical survey (including Archaeology and Benthic)** during Summer 2020 in a 3 months window stretching from Mid-April to Mid-July in association with the benthic sampling programme. Again, this is simply wrong insofar as we are already in mid-April of 2020 and we repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines.

The Application also discloses that a **Metocean Survey** with Current Resource Monitoring is to begin in Summer 2020 for a period of 3 months. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021.

4. We notice that Paragraph 1.9 of the Application requires the Applicant to disclose likely interactions with activities of the public or other Foreshore users during the investigative works including Fishing, Aquaculture, Sailing and Surfing and requires the Applicant to describe any measures proposed to minimise inconvenience to other users. NO such measures have been proposed by the Applicant to minimise inconvenience to Fishers, whether Irish Fishers or Fishers from other Member-States of the EU and none are disclosed by the Applicant in her Application. We confirm that no such consultation/notification has been made with this Organization representing Fishing Boats operating all along the South Coast of Ireland. It simply isn’t good enough to say that a Fisheries Liaison Officer has been appointed when no Liaison or Consultation with Fishermen who may and who will be affected by the Development proposed by the Applicant and/or IEMEP Limited has taken place.

5. In the Document accompanying the Application dated 17<sup>th</sup> February 2020 described as and setting out the **Schedule of Survey Woks** (presumably Works) the Applicant discloses that **Geophysical survey (including Archaeology and Benthic)** will be conducted during Summer 2020 in a 3 Months window between Mid-April and Mid-July in association with the benthic sampling programme; that **Wind Resource Monitoring** would start Summer 2020 for a minimum of 12 months and a maximum of 36 months; that a **Metocean Survey** with Current Resource monitoring would Start in Summer 2020 for a period of 3 months and that **Birds & Marine Mammal** Surveys would begin in Spring of 2020 extending for 2 years duration, seasonal. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted beginning Spring 2020, that is to say NOW, nor during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021. That an updated **Schedule of Survey Works** dated 15<sup>th</sup> February 2020 would be lodged in support of this Application with Works slated to begin and to run from mid-April 2020 shows complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.
6. We are members of a **Fish Producer Organization** representing Fish Producers all along the south-west, south and east coast of Ireland from Dingle to Dundalk that was founded and has since operated pursuant to and in accordance with the provisions of the **Common Fisheries Policy** of the **EU**. We are one of four Irish Fish Producer Organizations and our Producer-Members fish in Boats ranging from smaller Inshore Fishing Boats to larger Trawlers of up to 37 Meters in length fishing for a multiplicity of Species in Fishing Grounds from the Coast of Norway to Rockall to the North Coast of Spain throughout the year. The Waters the subject matter of this Application are some of the most intensively fished Irish Waters, both by our Members and by Members of the 3 other Fish Producer Organizations and the Fish Stocks spawned within, contiguous with and/or emanating from these Waters represent one of the most significant assets of the Irish Fishing Industry and, of necessity of the Fishing Industry of the European Union. By way of preliminary submission, we are bewildered that this Application has been made and lodged without the Applicant and/or their Agents first consulting with those who most intensively use and avail of these Waters, being Irish Fishers.
7. Our Members are extremely concerned at the Investigations proposed to be conducted by the Applicant and/or IEMEP Limited as disclosed and described in the **Application for License**, in the **Natura Impact Statement** dated 19<sup>th</sup> December 2019 and in the **Schedule of Survey Works** dated 15<sup>th</sup> February 2020.
8. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is vested in the **European Union** we believe and so submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council, EU Commission and EU Parliament**, to **ICES**, the **International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including in those Waters

stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among **Fishers** in each of those Member States whose **Fishers** fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. These Member States include Spain, France, Netherlands, Germany and Belgium, at a minimum in addition, also to Denmark whose Fishers depend on Catches of Mackerel and Horse-Mackerel (Scad) in the North Sea whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

We believe and so submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the **EU Bodies, EU Member-States & Fish Producers** in those Member-States as outlined above, this, or any amended Application must be deemed to be inadmissible. We submit that the Application should also be Notified to all such **Fish Producers** and **Regulatory Bodies** by **Notice** published in the **EU Journal**.

9. We submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.
10. We further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Ireland's Exclusive Economic Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish.
11. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/or Inis Ealga Marine Energy Park (IEMEP) Limited **are some of the most important Fish Spawning and Nursery Grounds in Europe.**

12. The Natura Impact Statement completed and dated 19<sup>th</sup> December 2019 which was Revised and Finalised on 17<sup>th</sup> February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the **SOUTH** Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s) the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the **Irish Sea, NOT the Celtic Sea**. This is a **flaw** in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the **Natura Impact Statement** together with the **Application** must be **rejected** on this basis alone.

### 3.4 Fish

Offshore gravelly sediments on the shelf in the Irish Sea are dominated by elasmobranchs (rays, skates and sharks), gurnards, cod, large whiting and a few flatfish species. Soft muddy sediments have higher numbers of gadoids and lower densities of plaice and dab than found in shallower sandy areas. The seasonal distributions of pelagic species such as mackerel, horse mackerel and herring are present within Irish waters largely on a seasonal basis, migrating between spawning and feeding grounds (DCCA 2015).

Fish communities present within coastal areas include juvenile flatfish and sandeel over sandy sediments, with seasonal influxes of sprat, herring, juvenile gadoids and mullet. Rocky shore fish assemblages are diverse and dominated by small species such as wrasses, gobies and blennies, as well as juvenile pollock and saithe (DCCA 2015).

The application area is within the spawning and nursery grounds for nine species of fish (Figure 3-3). A summary of the spawning and nursery periods for seven of these commercially important fish species is outlined in Table 3-3. The application area is a primary spawning ground for Atlantic cod (*Gadus morhua*), European hake (*Merluccius merluccius*), Herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Whiting (*Merlangius merlangus*) and Haddock (*Melanogrammus aeglefinus*) (see Table 3-3 below). As indicated by Figure 3-3, the application area is also within the nursery grounds of white belly angle monk (*Lophius* sp) and megrim (*Leidorhombus whiffiagonis*). No data on spawning and nursery period is available for these two species.



13. Further examination of the Information purported to be provided on **Sea-Fisheries** in the Waters the subject matter of the Application as contained and set forth in the **Natura Impact Statement** discloses that the Information provided is grossly deficient. The Waters of the Celtic Sea in which the Site(s) sought to be Licensed in accordance with the Foreshore Acts are situate represent not just any Spawning Ground but **one of the most**

**important Spawning and Nursery Areas for these Species in Europe.** The nine species of fish referred to and in respect of which a Summary of the **Spawning and Nursery** periods for seven of these commercially important fish species is outlined in Table 3-3 discloses that the Application area is a **PRIMARY Spawning Ground** for **Atlantic Cod** (*Gadus morhua*), **European Hake** (*Merluccius merluccius*), **Herring** (*Clupea harengus*), **Atlantic Mackerel** (*Scomber scombrus*), **Whiting** (*Merlangius merlangus*) and **Haddock** (*Melanogrammus aeglefinus*) with the Application Area also representing the **Nursery Grounds** of **White Belly Angle Monk** (*Lophius* sp) and **Megrim** (*Leidorhombus whiffiagonis*) although stating that no data on Spawning and Nursery period is available for these latter two species. We suggest to the Applicant that even cursory consultation with this Organization would have provided such information to the Applicant.

It is remarkable that no mention whatsoever is made of the existence of very considerable **Spawning and Nesting Grounds** for **Prawns** within the Area sought to be Licensed.

14. For the record, the **Fish Stocks** whose **Spawning and Nursery Grounds** lie within and contiguous with the **Sea Area** sought to be Licensed represent the vast bulk of Fish Stocks upon which the Irish Fishing Industry depend for their livelihoods. **Mackerel** and **Horse-Mackerel Stocks** that **Spawn** within and adjacent to the Sea-Area sought to be Licensed represent, on their own, approximately 40% of the entire of the earning of the Irish Fishing Industry. **European Hake** and **Angle Monk (Monkfish)** together with **Prawns** that **Spawn** and **Nest** within the Area sought to be Licensed and in adjoining Sea Areas represent in excess of 40% of the Earnings of the Irish Fishing Industry.

Moreover, the **Monkfish** and **Hake Catches** made and landed from **French** and **Spanish Fishers** into **Castletownbere**, alone, on more than 1,500 occasions annually are derived from and depend on the **Spawning Stocks** of Hake and Monk represented in the Sea Area sought to be Licensed. This takes no account of the activities of **Dutch** and **Belgian** Fishers dependent upon the Stocks derived from the Spawning Stocks in the Sea Area sought to be Licensed.

15. While we note that very considerable effort is made to examine the Impacts of Geophysical Surveying on the **Cetaceans and Pinnipeds species that are at risk of injury or disturbance from the Geophysical Survey** **NO such effort is made to examine or disclose the very considerable risk of injury and disturbance to Fish Stocks from Geophysical Surveying.** This is likely to derive from the fact that this Application is subject to Appropriate Assessment in accordance with the Birds Directive and Article 6 of the Habitats Directive of the EU directed towards the health and wellbeing of Cetacean and Pinniped Species but we believe and so submit that this Application should also be subjected to Environmental Impact Assessment in order to assess the Risks to, amongst other issues, the health and wellbeing of Fish Stocks and their Spawning, Nursery and Nesting Grounds within and adjacent to the Sea Area sought to be Licensed and dealing with the Human Impacts to Fishers and Fishing Communities who depend for their

livelihoods on Fish Species that are Spawned and Nursed to adulthood within the Sea Area sought to be Licensed.

16. Despite what is stated in the **Natura Impact Statement** to the affect that there will be no impact on these **Fish Stocks** from **Geophysical Surveying**, we respectfully beg to differ and strongly suggest that the Opinion of both **ICES** and **ICCAT** be sought on this issue as we are aware of the existence of a number of Studies disclosing **Significant Adverse Impacts** to both **Fish Stocks** and their **Spawning** and **Nurseries** from Geophysical Surveying.
17. Although passing mention is made of the presence of these enormously important Spawning Stocks within the Sea Area sought to be Licensed NO mention whatsoever is made of the fact that both **Albacore Tuna** and **Bluefin Tuna** visit this Sea Area in enormous numbers annually. This alone requires the Opinions of both **ICES** and **ICCAT** to be sought.
18. For the Record, it is not true to say that there will be little or no impact on any of these Fish Stocks from Geophysical Surveying. To the contrary, both experience and Scientific Studies disclose very considerable damage being caused to Spawning Stocks of Fish as a direct result of Geophysical Surveying. A full **Environmental Impact Assessment** separate from **Natura Impact Assessment** is required to be conducted in order to assess this issue.
19. By the Applicant's own admission, in the Table on page 19 relating to the nature of the Rock, Muds and Sands on the Sea-floor, there is a possibility that the EC Habitats Directive Annex-listed Habitat of **Biogenic Reef** may be observed in the areas the subject matter of the Application **BUT** despite this admission, there is not the slightest attempt made to explain whether Boreholes will be drilled or are envisioned to be drilled into or adjoining Biogenic Reefs and/or whether Avoidance and/or Compensatory Measures will be taken or are envisaged to be taken to ensure that there will be NO Adverse Impacts suffered by this important and highly protected Habitat.
20. There is a remarkable Admission made by the Applicant in the **Conclusion at Page A-8 of Appendix A** beginning on the page following Page 72 of the **Natura Impact Statement** relating to Marine Mammals, all of which are protected by and Scheduled to the **EU Habitats Directive** stating:

(underlining, highlighting and bold text are ours)

#### A.3.1.4 Conclusion

The geometric spreading modelling results (Table A-4) indicate that all cetaceans and pinnipeds species are at risk of injury or disturbance from the geophysical survey.

Section 3.5 and Table 3-4 identified a total of 11 species that have been observed in waters within-the application area. Of these, minke whale, bottlenose dolphin, Risso's dolphin, harbour porpoise, grey and harbour seals are likely to be found in the survey area during

the April to October period. Short beaked dolphin may also be found in October to January, when there is a winter peak in numbers. The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

Table A-4 above has identified that sound levels from the MBES equipment represent a worst-case impact to marine mammals. The assessment concluded:

Injury - Minke whale are the only low frequency cetacean species likely to be found in the survey area during April to October. Both the MBES and the SSS could result in injury to this species, with permanent injury (PTS) within 15m of the source and temporary injury within 40m (Table A-4).

Injury -Mid-frequency cetaceans, such as bottlenose dolphin, common dolphin and Risso's dolphin, are expected to be impacted by the MBES within up to 2.6m of the source. TTS is however likely to occur from both MBES and SSS, respectively within 7m and 2.6m.

Injury -Harbour porpoise is classified as a high frequency cetacean. All geophysical survey equipment has the capacity to produce noise capable of causing PTS, up to 110m (MBES), 60m (SSS) and 4.6m (chirp/pinger and boomer). TTS may occur up to 180m from MBES, 110m (SSS) and 11m (chirp/pinger and boomer).

Injury -Grey and harbour seal (Phocid) in water have the potential to be permanently injured by

the MBES and SSS within up to 15m and 7m respectively. Temporary injury (TTS) could occur within 40m and 15m of the sound source.

Disturbance – for all species disturbance could occur within 2,600m of a chirp/pinger, 2500m of a boomer, 940m of a MBES, 720m of a SSS and 50m of a DP vessel.

21. Once again, the Information provided by the Developer and upon which the **Natura Impact Statement** is assembled for purposes of Assessment is Fundamentally Flawed insofar as the Information provided or, at least some of it, relates to the **East Coast of Ireland** and **NOT** the **South Coast of Ireland** and the **Celtic Sea** stating:

The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

22. The **Conclusions** reached that **Minke Whales** will suffer Permanent Injury, that **Bottlenose Dolphin, Common Dolphin** and **Risso's Dolphin** will suffer Temporary Threshold Shift (TTS) as well as Permanent Threshold Shift (PTS) with PTS representing the most common hearing effect of acute and chronic high level acoustic stimulation and TTS typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation, that **Harbour Porpoise** will suffer both PTS and TTS, that **Grey** and **Harbour Seal (Phocid)** in water have the potential to be Permanently Injured

**PTS** by the **MBES** and **SSS** within up to 15m and 7m respectively with the potential for Temporary injury **TTS** occurring within 40m and 15m of the Sound Source **ALL DISCLOSE** that the Project envisaged on foot of any Grant of Foreshore License **will cause Significant Adverse Impacts to Species annexed to and protected by the EU Habitats Directive.**

23. On the basis of these Conclusions, alone, **Consent** for this **Foreshore License MUST be Refused** as it is crystal clear that there will be **Significant Adverse Impacts** arising from the Project as proposed and it would be patently Illegal to Grant the License sought by the Applicant. In this regard we refer the Consenting Ministerial Authority to the Findings and **Judgements** of the **European Courts of Justice** in **Irish Cases** to which the **Minister was Party** beginning with *Sweetman -v- Bord Pleanala Ireland & AG & Minister for Environment & Galway City & County Councils* (Galway City Outer By-pass Case) followed by related *Sweetman* Cases and the Kilkenny Outer Ring-Road Case all of which make clear that any **Significant Adverse Impact** emanating from an Activity proposed to be carried out requires the **Consenting Authority** to **REFUSE** the Application.
24. This is a **Plan or Project** that will cause **Significant Adverse Impacts to Protected Habitats and/or Species** and accordingly, the Application **MUST be Refused**.
25. Having regard to the fact that this is a Project or Plan that has or will have significant cross-boundary Impacts insofar as Fish Stocks lying within the Waters the subject matter of the Application are under the Regulatory Control of the European Union in accordance with the EU **Common Fisheries Policy**, specifically, **Council Regulation (EU) No 1380/2013** we submit that this is a Project that additionally falls to be considered in accordance with the provisions of **EU Directive No 2014/52/EU of the European Parliament and Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the effects of certain Public and Private Projects on the Environment**. We therefore submit that the proposed License and the activities sought to be Licensed in accordance with the provisions of the **Foreshore Acts** must be assessed pursuant to the provisions of the **Environmental Impact Assessment Directive(s)** of the EU over and above and in addition to any **Assessment** to be conducted in accordance with the provisions of the **Habitats and Birds Directives** of the European Union.
26. We realize that the structure and Legal Framework of the Consent Procedure for Applications made for Foreshore Licenses in accordance with the provisions of the Foreshore Act 1933, as amended is, to say the least, chaotic and in dire and urgent need of overhaul, codification and the creation of an entirely new and modernised Legal & Statutory Framework but in the absence of any such comprehensive Legal Framework together with accompanying and appropriate Legislative Nuts & Bolts, we suggest that the Issues raised by us regarding Legal Responsibility for Fish Stocks within Irish Waters in the course of this Submission may not be capable of being dealt with by the Irish Authorities. Accordingly, the Application **MUST be Refused OR Referred** directly to the **European Court of Justice** for its **Opinion**.

## Screenshot of Foreshore Division Webpage disclosing Date of Application as 4<sup>th</sup> December 2019

The screenshot shows the website of the Department of Housing, Planning and Local Government. The header includes the department's name in Irish and English, social media icons for Twitter, YouTube, and Facebook, and a search bar. A navigation menu contains links for Home, Who We Are, What We Do, Publications, Legislation, and Statistics. Below the menu, a breadcrumb trail reads 'Home / DP Energy Site Investigations at Inis Ealga' and a link to a 'Printer-friendly version' is provided.

The main content area is titled 'DP Energy Site Investigations at Inis Ealga'. It lists the applicant as Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House, Bultevant, Co Cork. The proposed development activity is described as 'Site Investigations relating to a possible windfarm at Inis Ealga, Cork'. The location is 'Off Cork Coast'. A public consultation period is announced, running from Wednesday, 10th March, with submissions to be made to the Marine Planning Policy and Development, Department of Housing, Planning, and Local Government, Newtown Road, Wexford, Co. Wexford or foreshore@housing.gov.ie. A note states that submissions received outside the public consultation period cannot be considered. The department also draws attention to its policy on defamatory material. Application documents are available for viewing on request at Anglesea Street, Cork and Youghal Road, Dungarvan, Co Waterford.

Category [Planning](#)  
Topic [Foreshore](#)  
Sub topic [Applications](#)

**APPLICATION DETAILS**

Reference Number:  
FS006859

Status:  
Consultation

Date Received:  
Wednesday, December 4, 2019

### Submission 21

From: [REDACTED] An Spidéal, Co. na Gaillimhe, and on behalf of Wild Ireland Defence CLG.

Date: 10/04/2020

The following observation strenuously objects to the granting of Foreshore (Site Investigation) Licence Application FS006859. It is submitted in good faith and the interest of proper planning, sustainable development and the protection of our environment. The objection is based on the following:

1. 'Whole' Project Assessment

The site investigation application should not be considered further in the absence of an Environmental Impact Assessment Report. No Environmental Impact Assessments have been conducted or presented to the public for consultation relating to the proposed offshore windfarm development which will also require Appropriate Assessment under the Habitats Directive and planning consent.

Without prejudice to the above, the following submission relates to the proposed site investigation and assessment works only.

## 2. Strategic Infrastructure Development (SID)

The development described in the application meets one or more of the following criteria:

- a. is for the purposes of electricity transmission;
  - b. concerns energy and/or environmental infrastructure that:
    - i. is of strategic economic importance to the State (i.e. production of renewable energy);
    - ii. makes a substantial contribution to objectives of certain national development guidelines; (e.g. production of renewable energy, reduction of carbon emissions)
- and
- iii. has a significant effect on the area of more than one local planning authority, (i.e. Cork and Waterford).

As such the proposed project falls to a category of development more correctly considered 'Strategic Infrastructure Development' as defined under the Planning and Development (Strategic Infrastructure) Acts 2000 -2006. Legislation provides that the planning consent procedure for SID applications, such as application FS006859, is to be made directly to An Bord Pleanála. It is respectfully submitted that this application has been made to the incorrect authority and any consent granted would be ultra vires.

Without prejudice to the above:

3. Biodiversity and Ecological Catastrophe The dire state of our environment is evident from the alarming findings of recent scientific reports such as:

- a. The 2019 Report published by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES<<http://ipbes.net>>), which highlights that "Nature is declining globally at rates unprecedented in human history — and the rate of species extinctions is accelerating, with grave impacts on people around the world now likely, ..." (available at: <https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/>)
- b. 'The Status of EU Protected Habitats and Species in Ireland' 2019 Report which indicates that the status of "our most valuable habitats and species paints a dire picture for biodiversity in Ireland and once again stresses the depth of the extinction crisis here ." ...

“The report, presented to the European Commission, shows that 85% of our habitats are in ‘unfavourable’ condition and that there have effectively been no improvements since the last report was published in 2013. It shows that our native woodlands, sand dunes, bogs, uplands, lakes, rivers and marine habitats continue to be in poor condition while a massive 45% are considered to be deteriorating – something which is unacceptable and in contravention of EU law. While the picture is somewhat better for species, with 57% of those assessed at ‘favourable’ status, there continues to be no improvement in status for species such as Atlantic Salmon, the Freshwater Pearl Mussel or the White-clawed Crayfish which are all threatened with extinction.

(Available at: <https://iwt.ie/press-release-new-report-highlights-the-extent-of-the-irish-extinction-crisis/> ) Considering the unfolding ecological catastrophes and shocking effects of environmental degradation at both national and global levels, it is imperative that authorities appropriately respond to their onerous responsibility, ensuring that planning consents reflect the Precautionary Principle, and fully comply with all relevant legislation aimed at protecting the human and non-human species and habitats living in our dying environment. It is respectfully submitted that the process and application FS006859 fail to assure the public that the Precautionary Principle has been applied in this instance.

#### 4. Public Participation and Access to Environmental information

On the basis of the requirements of the Aarhus Convention application FS006859 has been presented to the public prematurely since information regarding the competent authority’s environmental screening determinations is absent. This exclusion restricts public access to environmental information required to fully and meaningfully participate in an informed manner in the decision making process. The public is now prohibited, during this process of consultation, from making any observations relating to statutory environmental screening processes, since it is unknown what screening assessments, if any, the competent authority applied to the application at issue. Effectively it is impossible during this consultation for the public to determine if the environmental screening assessments conducted by the competent authority in this instance fully comply with the criteria set out by the provisions of the relevant legislation and case law. The public have been denied access to expert environmental information regarding the opinions and considerations of environmental bodies, including those with statutory environmental protection responsibilities, in respect to this foreshore application. The observations of wildlife experts, e.g. the NPWS, BirdWatch Ireland, have not been made available to the public during this consultation process.

#### 5. Statutory Environmental Protection Assessments

Foreshore application FS006859 is incomplete. The developer’s description of the proposed survey clearly identifies potential significant negative effects on the environment, particularly marine and coastal environments, (further discussed later). Of particular concern is the unassessed impact of the proposed project on our national fishing resource, e.g. the impact on primary spawning and the nursing grounds for fish species, which include commercially important fish species, identified on page 22 of the NIS. It is surprising that the competent authority failed to deem the application incomplete since no Environmental Impact Assessment accompanies the information presented to the public for consultation. It is assumed that during the pre-application process the competent authority conducted a scoping process and advised the applicant on what information and relevant assessments of the effects on the environment was required to be submitted with this application in order to enable the authority to make determinations fully compliant with the provisions of all relevant legislation. Since this information has not been made available to the general public during consultation, it is impossible to make an informed observation on this matter. However, it is submitted that foreshore application FS006859 requires assessment and conclusions in relation to the effects of the proposed project under the provisions of all relevant EU Directives, enacted to

ensure a high level of environmental and human health protection, for example Directives 2014/52/EU, 2009/147/EC, 2001/42, 92/43/EEC, 2008/56/EC, This list is not exhaustive.

#### 6. Habitats Directive

The assessment submitted under the provisions of the Habitats Directive is flawed and incomplete. The submitted Natura Impact Statement (NIS) is incapable of meeting the requirements of Article 6(3) as set out in CJEU case law. In brief it is submitted that the NIS:

- a. fails to identify, in the light of the up to date and in the light of the best scientific knowledge, all aspects of the development project which can, by itself or in combination with other plans or projects, affect the European site in light of its conservation objectives;
- b. contains lacunae, incomplete and unprecise findings in light of the best scientific knowledge in the field;
- c. is insufficiently detailed to provide clear evidence that no reasonable scientific doubt remains as to the absence of the identified potential effects of the proposed project.

Examples of the NIS inadequacies supporting the above submission include the following, not exhaustive, deficiencies. The NIS:

- Fails to include environmental assessments of the effects of the proposed Windfarm to which the survey relates;
- Fails to include an assessment of the effects of the proposed project in relation to other plans and projects in areas such as: aquaculture, offshore renewable energy and other energy sectors, fisheries, ports, harbours and shipping, safety at sea, telecommunications, tourism, sport and recreation, and environmental conservation. For example, the Offshore Renewable Energy Development Plan; Harnessing Our Ocean Wealth; the Marine Special Plan, the National Marine Planning Framework draft plan, Project Ireland 2040, the National Planning Framework, all aimed at providing strategic, long-term, integrated, effective and sustainable development of our national resources are absent from assessment.
- Fails to include an assessment the effects of the proposed project on the ongoing National Marine Planning Framework public consultations in relation to the government's key decision-making tool regarding marine activates, as required under Directive 2008/56/EC, in particular its effects on the designation of Marine Protected Areas;
- Relies on environmental assessment relating to the incorrect project area, the Irish Sea, the correct area being environment of the Celtic Sea on the South Coast of Ireland;
- Contains numerous uncertainties the effects of which remain unassessed, e.g. uncertainties relating to what survey vessels/equipment is to be used, where exactly Boreholes are to be drilled;
- Contains evidence within the document noting significant adverse effects to protected mammal species, e.g. Minke Whales will suffer Permanent Injury; Bottlenose Dolphin, Common Dolphin and Risso's Dolphin will suffer Temporary Threshold Shift (TTS) as well as Permanent Threshold Shift (PTS) with PTS representing the most common hearing effect of acute and chronic high level acoustic stimulation and TTS typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation; Harbour Porpoise will suffer both PTS and TTS; Grey and Harbour Seal in water have the potential to be Permanently Injured PTS by

the MBES and SSS within up to 15m and 7m respectively with the potential for Temporary injury TTS occurring within 40m and 15m.

- The potential remains for significant adverse effect to protected “rare visitor” mammal and other migrating species.
- The zone of influence is too narrow since qualifying interests from other protected sites, e.g. West Connacht Coast SAC, and including sites beyond the Irish boundary, have a marine and air pathway to the proposed project site.

The AA report submitted with the Foreshore Licence Application FS006859 is flawed and incapable of informing the competent authority in the AA process in a manner that would be fully compliant with legislation and case law, (e.g. C-258/11, C-164/17, C-127/02, C-243/15, C-387/15, C-388/15, C-157/96, C-127/02, C-441/17, C-323/17, C-461/17).

Please keep us informed of the development and outcome of this Foreshore Site Investigation Licence application. For your ease contact may be kept by email.

Finally, please confirm receipt of this submission.

## Submission 22

### **Preliminary:**

I am confused as to the name, title and identity of the Applicant for this Foreshore License. The Foreshore License Application Form dated and completed on 5<sup>th</sup> March 2020 discloses that the **“Full Name of Applicant (not Agent):”** is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as **“Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI).”**

I respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

I note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4<sup>th</sup> 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5<sup>th</sup> March 2020. With all due respects, this simply cannot be and we strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited

### **Turning to the content of the Application itself, we wish to make the following Submissions:**

1. Insofar as the Application discloses that the Area of Sea-bed sought to be licensed extends to 12 nm from Baseline and within the Exclusive Fisheries Limits of the State we note that the

Applicant does not mention the fact that the Areas of Sea-bed sought to be Licensed extends landwards from the Baseline, something that the Applicant has failed to mention or to delineate and outline on any of her Charts accompanying her Application. All Waters inside of the Baseline represent the Inland Waters of the State and the Charts accompanying the Application must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.

2. Arising out of 1 above, and having regard to the content of Section 224 of the Planning & Development Act 2000, we submit that the Works in respect of which a Foreshore License is sought are "Development" in accordance with the provisions of the Planning & Development Act 2000 (as amended) and accordingly, the Applicant or (more likely) IEMEP Limited must make contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works proposed to be conducted and carried out in the Waters inside of the Baseline and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.

3. On page 7 of the Application, we notice that the Applicant discloses she will conduct her Investigation Works into **Birds & Marine Mammals** during Spring of 2020 with these Works to continue for a period of 2 years in duration, seasonal. This is simply wrong insofar as we are already well-advanced into Spring of 2020 as of today's date being 9<sup>th</sup> April 2020. We therefore suggest that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines commencing in Spring of 2021, at earliest.

I also notice that the Applicant discloses she will conduct her **Geophysical survey (including Archaeology and Benthic)** during Summer 2020 in a 3 months window stretching from Mid-April to Mid-July in association with the benthic sampling programme. Again, this is simply wrong insofar as we are already in mid-April of 2020 and we repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines. The Application also discloses that a **Metocean Survey** with Current Resource Monitoring is to begin in Summer 2020 for a period of 3 months. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021.

4. I notice that Paragraph 1.9 of the Application requires the Applicant to disclose likely interactions with activities of the public or other Foreshore users during the investigative works including Fishing, Aquaculture, Sailing and Surfing and requires the Applicant to describe any measures proposed to minimise inconvenience to other users. NO such measures have been proposed by the Applicant to minimise inconvenience to Fishers, whether Irish Fishers or Fishers from other Member-States of the EU and none are disclosed by the Applicant in her Application. We confirm that no such consultation/notification has been made with this Organization representing Fishing Boats operating all along the South Coast of Ireland. It simply isn't good enough to say that a Fisheries Liaison Officer has been appointed when no Liaison or

Consultation with Fishermen who may and who will be affected by the Development proposed by the Applicant and/or IEMEP Limited has taken place.

5. In the Document accompanying the Application dated 17<sup>th</sup> February 2020 described as and setting out the **Schedule of Survey Works** (presumably Works) the Applicant discloses that **Geophysical survey (including Archaeology and Benthic)** will be conducted during Summer 2020 in a 3 Months window between Mid-April and Mid-July in association with the benthic sampling programme; that **Wind Resource Monitoring** would start Summer 2020 for a minimum of 12 months and a maximum of 36 months; that a **Metocean Survey** with Current Resource monitoring would Start in Summer 2020 for a period of 3 months and that **Birds & Marine Mammal** Surveys would begin in Spring of 2020 extending for 2 years duration, seasonal. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted beginning Spring 2020, that is to say NOW, nor during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021. That an updated **Schedule of Survey Works** dated 15<sup>th</sup> February 2020 would be lodged in support of this Application with Works slated to begin and to run from mid-April 2020 shows complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.

6. The Waters the subject matter of this Application are some of the most intensively fished Irish Waters, by Members of the 4 Fish Producer Organizations and the Fish Stocks spawned within, contiguous with and/or emanating from these Waters represent one of the most significant assets of the Irish Fishing Industry and, of necessity of the Fishing Industry of the European Union. By way of preliminary submission, I am bewildered that this Application has been made and lodged without the Applicant and/or their Agents first consulting with those who most intensively use and avail of these Waters, being Irish Fishers.

7. I am extremely concerned at the Investigations proposed to be conducted by the Applicant and/or IEMEP Limited as disclosed and described in the **Application for License**, in the **Natura Impact Statement** dated 19<sup>th</sup> December 2019 and in the **Schedule of Survey Works** dated 15<sup>th</sup> February 202

8. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is **vested in the European Union** we believe and so submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council, EU Commission** and **EU Parliament**, to **ICES**, the **International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including in those Waters stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among **Fishers** in each of those Member States whose **Fishers** fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. These Member States include Spain, France, Netherlands, Germany and Belgium, at a minimum in addition, also to Denmark whose Fishers depend on Catches of Mackerel and Horse-Mackerel (Scad) in the North Sea whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

I believe and so submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the **EU Bodies, EU Member-States & Fish Producers** in those Member-States as outlined above, this, or any amended Application must be

deemed to be inadmissible. We submit that the Application should also be Notified to all such **Fish Producers** and **Regulatory Bodies** by **Notice** published in the **EU Journal**.

9. I submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.

10. I further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Ireland's Exclusive Economic Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish

11. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/or Inis Ealga Marine Energy Park (IEMEP) Limited **are some of the most important Fish Spawning and Nursery Grounds in Europe.**

12. The Natura Impact Statement completed and dated 19<sup>th</sup> December 2019 which was Revised and Finalised on 17<sup>th</sup> February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the **SOUTH** Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s) the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the **Irish Sea, NOT the Celtic Sea**. This is a **flaw** in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the **Natura Impact Statement** together with the **Application** must be **rejected** on this basis alone.

### 3.4 Fish

Offshore gravelly sediments on the shelf in the Irish Sea are dominated by elasmobranchs (rays, skates and sharks), gurnards, cod, large whiting and a few flatfish species. Soft muddy sediments have higher numbers of gadoids and lower densities of plaice and dab than found in shallower sandy areas. The seasonal distributions of pelagic species such as mackerel, horse mackerel and herring are present within Irish waters largely on a seasonal basis, migrating between spawning and feeding grounds (DCCA 2015).

Fish communities present within coastal areas include juvenile flatfish and sandeel over sandy sediments, with seasonal influxes of sprat, herring, juvenile gadoids and mullet. Rocky shore fish assemblages are diverse and dominated by small species such as wrasses, gobies and blennies, as well as juvenile pollock and saithe (DCCA 2015).

The application area is within the spawning and nursery grounds for nine species of fish (Figure 3-3). A summary of the spawning and nursery periods for seven of these commercially important fish species is outlined in Table 3-3. The application area is a primary spawning ground for Atlantic cod (*Gadus morhua*), European hake (*Merluccius merluccius*), Herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Whiting (*Merlangius merlangus*) and Haddock (*Melanogrammus aeglefinus*) (see Table 3-3 below). As indicated by Figure 3-3, the application area is also within the nursery grounds of white belly angle monk (*Lophius* sp) and megrim (*Leidorhombus whiffiagonis*). No data on spawning and nursery period is available for these two species.



13. Further examination of the Information purported to be provided on **Sea-Fisheries** in the Waters the subject matter of the Application as contained and set forth in the **Natura Impact State** discloses that the Information provided is grossly deficient. The Waters of the Celtic Sea in which the Site(s) sought to be Licensed in accordance with the Foreshore Acts are situated represent not just any Spawning Ground but **one of the most important Spawning and Nursery Areas for these Species in Europe**. The nine species of fish referred to and in respect of which a Summary of the **Spawning and Nursery** periods for seven of these commercially important fish species is outlined in Table 3-3 discloses that the Application area is a **PRIMARY Spawning Ground** for **Atlantic Cod** (*Gadus morhua*), **European Hake** (*Merluccius merluccius*), **Herring** (*Clupea harengus*), **Atlantic Mackerel** (*Scomber scombrus*), **Whiting** (*Merlangius merlangus*) and **Haddock** (*Melanogrammus aeglefinus*) with the Application Area also representing the **Nursery Grounds** of **White Belly Angle Monk** (*Lophius* sp) and **Megrim** (*Leidorhombus whiffiagonis*) although stating that no data on Spawning and Nursery period is available for these latter two species. We suggest to the Applicant that even cursory consultation with this Organization would have provided such information to the Applicant.

It is remarkable that no mention whatsoever is made of the existence of very considerable **Spawning and Nesting Grounds** for **Prawns** within the Area sought to be Licensed.

14. For the record, the **Fish Stocks** whose **Spawning and Nursery Grounds** lie within and contiguous with the **Sea Area** sought to be Licensed represent the vast bulk of Fish Stocks upon which the Irish Fishing Industry depend for their livelihoods. **Mackerel** and **Horse-Mackerel Stocks** that **Spawn** within and adjacent to the Sea-Area sought to be Licensed represent, on their own, approximately 40% of the entire of the earning of the Irish Fishing Industry. **European Hake** and **Angle Monk (Monkfish)** together with **Prawns** that **Spawn** and **Nest** within the Area sought to be Licensed and in adjoining Sea Areas represent in excess of 40% of the Earnings of the Irish Fishing Industry.

Moreover, the **Monkfish** and **Hake Catches** made and landed from **French** and **Spanish Fishers** into **Castletownbere**, alone, on more than 1,500 occasions annually are derived from and depend on the **Spawning Stocks** of Hake and Monk represented in the Sea Area sought to be Licensed. This takes no account of the activities of **Dutch** and **Belgian** Fishers dependent upon the Stocks derived from the Spawning Stocks in the Sea Area sought to be Licensed.

15. While I note that very considerable effort is made to examine the Impacts of Geophysical Surveying on the **Cetaceans and Pinnipeds species that are at risk of injury or disturbance from the Geophysical Survey** **NO such effort is made to examine or disclose the very considerable risk of injury and disturbance to Fish Stocks from Geophysical Surveying**. This is likely to derive from the fact that this Application is subject to Appropriate Assessment in accordance with the Birds Directive and Article 6 of the Habitats Directive of the EU directed towards the health and wellbeing of Cetacean and Pinniped Species but we believe and so submit that this Application should also be subjected to Environmental Impact Assessment in order to assess the Risks to, amongst other issues, the health and wellbeing of Fish Stocks and their Spawning, Nursery and Nesting Grounds within and adjacent to the Sea Area sought to be Licensed and dealing with the Human Impacts to Fishers and Fishing Communities who depend for their livelihoods on Fish Species that are Spawned and Nursed to adulthood within the Sea Area sought to be Licen

16. Despite what is stated in the **Natura Impact Statement** to the affect that there will be no impact on these **Fish Stocks** from **Geophysical Surveying**, we respectfully beg to differ and strongly suggest that the Opinion of both **ICES** and **ICCAT** be sought on this issue as we are aware of the existence of a number of Studies disclosing **Significant Adverse Impacts** to both **Fish Stocks** and their **Spawning** and **Nurseries** from Geophysical Surveying.

17. Although passing mention is made of the presence of these enormously important Spawning Stocks within the Sea Area sought to be Licensed **NO** mention whatsoever is made of the fact that both **Albacore Tuna** and **Bluefin Tuna** visit this Sea Area in enormous numbers annually. This alone requires the Opinions of both **ICES** and **ICCAT** to be sought.

18. For the Record, it is not true to say that there will be little or no impact on any of these Fish Stocks from Geophysical Surveying. To the contrary, both experience and Scientific Studies disclose very considerable damage being caused to Spawning Stocks of Fish as a direct result of Geophysical Surveying. A full **Environmental Impact Assessment** separate from **Natura Impact Assessment** is required to be conducted in order to assess this issue.

19. By the Applicant's own admission, in the Table on page 19 relating to the nature of the Rock, Muds and Sands on the Sea-floor, there is a possibility that the EC Habitats Directive Annex-listed Habitat of **Biogenic Reef** may be observed in the areas the subject matter of the Application **BUT** despite this admission, there is not the slightest attempt made to explain whether Boreholes will be drilled or are envisioned to be drilled into or adjoining Biogenic Reefs and/or whether Avoidance and/or Compensatory Measures will be taken or are envisaged to be taken to ensure that there will be **NO** Adverse Impacts suffered by this important and highly protected Habitat.

20. There is a remarkable Admission made by the Applicant in the **Conclusion at Page A-8 of Appendix A** beginning on the page following Page 72 of the **Natura Impact Statement** relating

to Marine Mammals, all of which are protected by and Scheduled to the **EU Habitats Directive** stating:  
(underlining, highlighting and bold text are ours)

#### A.3.1.4 Conclusion

The geometric spreading modelling results (Table A-4) indicate that all cetaceans and pinnipeds species are at risk of injury or disturbance from the geophysical survey.

Section 3.5 and Table 3-4 identified a total of 11 species that have been observed in waters within the application area. Of these, minke whale, bottlenose dolphin, Risso's dolphin, harbour porpoise, grey and harbour seals are likely to be found in the survey area during the April to October period. Short beaked dolphin may also be found in October to January, when there is a winter peak in numbers. The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

Table A-4 above has identified that sound levels from the MBES equipment represent a worst-case impact to marine mammals. The assessment concluded:

Injury - Minke whale are the only low frequency cetacean species likely to be found in the survey area during April to October. Both the MBES and the SSS could result in injury to this species, with permanent injury (PTS) within 15m of the source and temporary injury within 40m (Table A-4).

Injury -Mid-frequency cetaceans, such as bottlenose dolphin, common dolphin and Risso's dolphin, are expected to be impacted by the MBES within up to 2.6m of the source. TTS is however likely to occur from both MBES and SSS, respectively within 7m and 2.6m.

Injury -Harbour porpoise is classified as a high frequency cetacean. All geophysical survey equipment has the capacity to produce noise capable of causing PTS, up to 110m (MBES), 60m (SSS) and 4.6m (chirp/pinger and boomer). TTS may occur up to 180m from MBES, 110m (SSS) and 11m (chirp/pinger and boomer).

Injury -Grey and harbour seal (Phocid) in water have the potential to be permanently injured by the MBES and SSS within up to 15m and 7m respectively. Temporary injury (TTS) could occur within 40m and 15m of the sound source.

Disturbance – for all species disturbance could occur within 2,600m of a chirp/pinger, 2500m of a boomer, 940m of a MBES, 720m of a SSS and 50m of a DP vessel.

21. Once again, the Information provided by the Developer and upon which the **Natura Impact Statement** is assembled for purposes of Assessment is Fundamentally Flawed insofar as the Information provided or, at least some of it, relates to the **East Coast of Ireland** and **NOT** the **South Coast of Ireland** and the **Celtic Sea** stating:

The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

22. The **Conclusions** reached that **Minke Whales** will suffer Permanent Injury, that **Bottlenose Dolphin, Common Dolphin and Risso's Dolphin** will suffer Temporary Threshold Shift (TTS) as well as Permanent Threshold Shift (PTS) with **PTS** representing the most common hearing effect of acute and chronic high level acoustic stimulation and **TTS** typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation, that **Harbour Porpoise** will suffer both **PTS** and **TTS**, that **Grey and Harbour Seal (Phocid)** in water

have the potential to be Permanently Injured **PTS** by the **MBES** and **SSS** within up to 15m and 7m respectively with the potential for Temporary injury **TTS** occurring within 40m and 15m of the Sound Source **ALL DISCLOSE** that the Project envisaged on foot of any Grant of Foreshore License **will cause Significant Adverse Impacts to Species annexed to and protected by the EU Habitats Directive.**

23. On the basis of these Conclusions, alone, I believe **Consent** for this **Foreshore License MUST be Refused** as it is crystal clear that there will be **Significant Adverse Impacts** arising from the Project as proposed and it would be patently illegal to Grant the License sought by the Applicant. In this regard we refer the Consenting Ministerial Authority to the Findings and **Judgements** of the **European Courts of Justice in Irish Cases** to which the **Minister was Party** beginning with ***Sweetman -v- Bord Pleanala Ireland & AG & Minister for Environment & Galway City & County Councils*** (Galway City Outer By-pass Case) followed by related ***Sweetman*** Cases and the Kilkenny Outer Ring-Road Case all of which make clear that any **Significant Adverse Impact** emanating from an Activity proposed to be carried out requires the **Consenting Authority** to **REFUSE** the Application.

24. This is a **Plan or Project** that will cause **Significant Adverse Impacts to Protected Habitats and/or Species** and accordingly, the Application **MUST be Refused.**

25. Having regard to the fact that this is a Project or Plan that has or will have significant cross-boundary Impacts insofar as Fish Stocks lying within the Waters the subject matter of the Application are under the Regulatory Control of the European Union in accordance with the EU **Common Fisheries Policy**, specifically, **Council Regulation (EU) No 1380/2013** we submit that this is a Project that additionally falls to be considered in accordance with the provisions of **EU Directive No 2014/52/EU of the European Parliament and Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the effects of certain Public and Private Projects on the Environment.** I therefore submit that the proposed License and the activities sought to be Licensed in accordance with the provisions of the **Foreshore Acts** must be assessed pursuant to the provisions of the **Environmental Impact Assessment Directive(s)** of the EU over and above and in addition to any **Assessment** to be conducted in accordance with the provisions of the **Habitats and Birds Directives** of the European Union.

26. I realize that the structure and Legal Framework of the Consent Procedure for Applications made for Foreshore Licenses in accordance with the provisions of the Foreshore Act 1933, as amended is, to say the least, chaotic and in dire and urgent need of overhaul, codification and the creation of an entirely new and modernised Legal & Statutory Framework but in the absence of any such comprehensive Legal Framework together with accompanying and appropriate Legislative Nuts & Bolts, we suggest that the Issues raised by us regarding Legal Responsibility for Fish Stocks within Irish Waters in the course of this Submission may not be capable of being dealt with by the Irish Authorities. Accordingly, the Application **MUST be Refused OR Referred** directly to the **European Court of Justice** for its **Opinion.**

## Submission 23

### Preliminary:

We are a little confused as to the name, title and identity of the Applicant for this Foreshore License.

The Foreshore License Application Form dated and completed on 5<sup>th</sup> March 2020 discloses that the **“Full Name of Applicant (not Agent):”** is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as **“Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI).”**

We respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

We note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4<sup>th</sup> 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5<sup>th</sup> March 2020. With all due respects, this simply cannot be and we strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited.

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1. Insofar as the Application discloses that the Area of Sea-bed sought to be licensed extends to 12 nm from Baseline and within the Exclusive Fisheries Limits of the State we note that the Applicant does not mention the fact that the Areas of Sea-bed sought to be Licensed extends landwards from the Baseline, something that the Applicant has failed to mention or to delineate and outline on any of her Charts accompanying her Application. All Waters inside of the Baseline represent the Inland Waters of the State and the Charts accompanying the Application must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.
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The Application also discloses that a **Metocean Survey** with Current Resource Monitoring is to begin in Summer 2020 for a period of 3 months. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021.

4. We notice that Paragraph 1.9 of the Application requires the Applicant to disclose likely interactions with activities of the public or other Foreshore users during the investigative works including Fishing, Aquaculture, Sailing and Surfing and requires the Applicant to describe any measures proposed to minimise inconvenience to other users. NO such measures have been proposed by the Applicant to minimise inconvenience to Fishers, whether Irish Fishers or Fishers from other Member-States of the EU and none are disclosed by the Applicant in her Application. We confirm that no such consultation/notification has been made with this Organization representing Fishing Boats operating all along the South Coast of Ireland. It simply isn’t good enough to say that a Fisheries Liaison Officer has been appointed when no Liaison or Consultation with Fishermen who may and who will be affected by the Development proposed by the Applicant and/or IEMEP Limited has taken place.

5. In the Document accompanying the Application dated 17<sup>th</sup> February 2020 described as and setting out the **Schedule of Survey Woks** (presumably Works) the Applicant discloses that **Geophysical survey (including Archaeology and Benthic)** will be conducted during Summer 2020 in a 3 Months window between Mid-April and Mid-July in association with the benthic sampling programme; that **Wind Resource Monitoring** would start Summer 2020 for a minimum of 12 months and a maximum of 36 months; that a **Metocean Survey** with Current Resource monitoring would Start in Summer 2020 for a period of 3 months and that **Birds & Marine Mammal** Surveys would begin in Spring of 2020 extending for 2 years duration, seasonal. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted beginning Spring 2020, that is to say NOW, nor during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021. That an updated **Schedule of Survey Works** dated 15<sup>th</sup> February 2020 would be lodged in support of this Application with Works slated to begin and to run from mid-April 2020 shows complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.
6. We are a **Fish Producer Organization** representing Fish Producers all along the south-west, south and east coast of Ireland from Dingle to Dundalk that was founded and has since operated pursuant to and in accordance with the provisions of the **Common Fisheries Policy** of the **EU**. We are one of four Irish Fish Producer Organizations and our Producer-Members fish in Boats ranging from smaller Inshore Fishing Boats to larger Trawlers of up to 37 Meters in length fishing for a multiplicity of Species in Fishing Grounds from the Coast of Norway to Rockall to the North Coast of Spain throughout the year. The Waters the subject matter of this Application are some of the most intensively fished Irish Waters, both by our Members and by Members of the 3 other Fish Producer Organizations and the Fish Stocks spawned within, contiguous with and/or emanating from these Waters represent one of the most significant assets of the Irish Fishing Industry and, of necessity of the Fishing Industry of the European Union. By way of preliminary submission, we are bewildered that this Application has been made and lodged without the Applicant and/or their Agents first consulting with those who most intensively use and avail of these Waters, being Irish Fishers.
7. Our Members are extremely concerned at the Investigations proposed to be conducted by the Applicant and/or IEMEP Limited as disclosed and described in the **Application for License**, in the **Natura Impact Statement** dated 19<sup>th</sup> December 2019 and in the **Schedule of Survey Works** dated 15<sup>th</sup> February 2020.
8. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is vested in the **European Union** we believe and so submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council**, **EU Commission** and **EU Parliament**, to **ICES**, the **International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including in those Waters

stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among **Fishers** in each of those Member States whose **Fishers** fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. These Member States include Spain, France, Netherlands, Germany and Belgium, at a minimum in addition, also to Denmark whose Fishers depend on Catches of Mackerel and Horse-Mackerel (Scad) in the North Sea whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

We believe and so submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the **EU Bodies, EU Member-States & Fish Producers** in those Member-States as outlined above, this, or any amended Application must be deemed to be inadmissible. We submit that the Application should also be Notified to all such **Fish Producers** and **Regulatory Bodies** by **Notice** published in the **EU Journal**.

9. We submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.
10. We further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Ireland's Exclusive Economic Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish.
11. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/or Inis Ealga Marine Energy Park (IEMEP) Limited **are some of the most important Fish Spawning and Nursery Grounds in Europe.**

12. The Natura Impact Statement completed and dated 19<sup>th</sup> December 2019 which was Revised and Finalised on 17<sup>th</sup> February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the **SOUTH** Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s) the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the **Irish Sea, NOT the Celtic Sea**. This is a **flaw** in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the **Natura Impact Statement** together with the **Application** must be **rejected** on this basis alone.

### 3.4 Fish

Offshore gravelly sediments on the shelf in the Irish Sea are dominated by elasmobranchs (rays, skates and sharks), gurnards, cod, large whiting and a few flatfish species. Soft muddy sediments have higher numbers of gadoids and lower densities of plaice and dab than found in shallower sandy areas. The seasonal distributions of pelagic species such as mackerel, horse mackerel and herring are present within Irish waters largely on a seasonal basis, migrating between spawning and feeding grounds (DCCA 2015).

Fish communities present within coastal areas include juvenile flatfish and sandeel over sandy sediments, with seasonal influxes of sprat, herring, juvenile gadoids and mullet. Rocky shore fish assemblages are diverse and dominated by small species such as wrasses, gobies and blennies, as well as juvenile pollock and saithe (DCCA 2015).

The application area is within the spawning and nursery grounds for nine species of fish (Figure 3-3). A summary of the spawning and nursery periods for seven of these commercially important fish species is outlined in Table 3-3. The application area is a primary spawning ground for Atlantic cod (*Gadus morhua*), European hake (*Merluccius merluccius*), Herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Whiting (*Merlangius merlangus*) and Haddock (*Melanogrammus aeglefinus*) (see Table 3-3 below). As indicated by Figure 3-3, the application area is also within the nursery grounds of white belly angle monk (*Lophius* sp) and megrim (*Leidorhombus whiffiagonis*). No data on spawning and nursery period is available for these two species.



13. Further examination of the Information purported to be provided on **Sea-Fisheries** in the Waters the subject matter of the Application as contained and set forth in the **Natura Impact Statement** discloses that the Information provided is grossly deficient. The Waters of the Celtic Sea in which the Site(s) sought to be Licensed in accordance with the Foreshore Acts are situate represent not just any Spawning Ground but **one of the most**

**important Spawning and Nursery Areas for these Species in Europe.** The nine species of fish referred to and in respect of which a Summary of the **Spawning and Nursery** periods for seven of these commercially important fish species is outlined in Table 3-3 discloses that the Application area is a **PRIMARY Spawning Ground** for **Atlantic Cod** (*Gadus morhua*), **European Hake** (*Merluccius merluccius*), **Herring** (*Clupea harengus*), **Atlantic Mackerel** (*Scomber scombrus*), **Whiting** (*Merlangius merlangus*) and **Haddock** (*Melanogrammus aeglefinus*) with the Application Area also representing the **Nursery Grounds** of **White Belly Angle Monk** (*Lophius* sp) and **Megrim** (*Leidorhombus whiffiagonis*) although stating that no data on Spawning and Nursery period is available for these latter two species. We suggest to the Applicant that even cursory consultation with this Organization would have provided such information to the Applicant.

It is remarkable that no mention whatsoever is made of the existence of very considerable **Spawning and Nesting Grounds** for **Prawns** within the Area sought to be Licensed.

14. For the record, the **Fish Stocks** whose **Spawning and Nursery Grounds** lie within and contiguous with the **Sea Area** sought to be Licensed represent the vast bulk of Fish Stocks upon which the Irish Fishing Industry depend for their livelihoods. **Mackerel** and **Horse-Mackerel Stocks** that **Spawn** within and adjacent to the Sea-Area sought to be Licensed represent, on their own, approximately 40% of the entire of the earning of the Irish Fishing Industry. **European Hake** and **Angle Monk (Monkfish)** together with **Prawns** that **Spawn** and **Nest** within the Area sought to be Licensed and in adjoining Sea Areas represent in excess of 40% of the Earnings of the Irish Fishing Industry.

Moreover, the **Monkfish** and **Hake Catches** made and landed from **French** and **Spanish Fishers** into **Castletownbere**, alone, on more than 1,500 occasions annually are derived from and depend on the **Spawning Stocks** of Hake and Monk represented in the Sea Area sought to be Licensed. This takes no account of the activities of **Dutch** and **Belgian** Fishers dependent upon the Stocks derived from the Spawning Stocks in the Sea Area sought to be Licensed.

15. While we note that very considerable effort is made to examine the Impacts of Geophysical Surveying on the **Cetaceans and Pinnipeds species that are at risk of injury or disturbance from the Geophysical Survey** **NO such effort is made to examine or disclose the very considerable risk of injury and disturbance to Fish Stocks from Geophysical Surveying.** This is likely to derive from the fact that this Application is subject to Appropriate Assessment in accordance with the Birds Directive and Article 6 of the Habitats Directive of the EU directed towards the health and wellbeing of Cetacean and Pinniped Species but we believe and so submit that this Application should also be subjected to Environmental Impact Assessment in order to assess the Risks to, amongst other issues, the health and wellbeing of Fish Stocks and their Spawning, Nursery and Nesting Grounds within and adjacent to the Sea Area sought to be Licensed and dealing with the Human Impacts to Fishers and Fishing Communities who depend for their

livelihoods on Fish Species that are Spawned and Nursed to adulthood within the Sea Area sought to be Licensed.

16. Despite what is stated in the **Natura Impact Statement** to the affect that there will be no impact on these **Fish Stocks** from **Geophysical Surveying**, we respectfully beg to differ and strongly suggest that the Opinion of both **ICES** and **ICCAT** be sought on this issue as we are aware of the existence of a number of Studies disclosing **Significant Adverse Impacts** to both **Fish Stocks** and their **Spawning** and **Nurseries** from Geophysical Surveying.
17. Although passing mention is made of the presence of these enormously important Spawning Stocks within the Sea Area sought to be Licensed NO mention whatsoever is made of the fact that both **Albacore Tuna** and **Bluefin Tuna** visit this Sea Area in enormous numbers annually. This alone requires the Opinions of both **ICES** and **ICCAT** to be sought.
18. For the Record, it is not true to say that there will be little or no impact on any of these Fish Stocks from Geophysical Surveying. To the contrary, both experience and Scientific Studies disclose very considerable damage being caused to Spawning Stocks of Fish as a direct result of Geophysical Surveying. A full **Environmental Impact Assessment** separate from **Natura Impact Assessment** is required to be conducted in order to assess this issue.
19. By the Applicant's own admission, in the Table on page 19 relating to the nature of the Rock, Muds and Sands on the Sea-floor, there is a possibility that the EC Habitats Directive Annex-listed Habitat of **Biogenic Reef** may be observed in the areas the subject matter of the Application **BUT** despite this admission, there is not the slightest attempt made to explain whether Boreholes will be drilled or are envisioned to be drilled into or adjoining Biogenic Reefs and/or whether Avoidance and/or Compensatory Measures will be taken or are envisaged to be taken to ensure that there will be NO Adverse Impacts suffered by this important and highly protected Habitat.
20. There is a remarkable Admission made by the Applicant in the **Conclusion at Page A-8 of Appendix A** beginning on the page following Page 72 of the **Natura Impact Statement** relating to Marine Mammals, all of which are protected by and Scheduled to the **EU Habitats Directive** stating:

(underlining, highlighting and bold text are ours)

#### A.3.1.4 Conclusion

The geometric spreading modelling results (Table A-4) indicate that all cetaceans and pinnipeds species are at risk of injury or disturbance from the geophysical survey.

Section 3.5 and Table 3-4 identified a total of 11 species that have been observed in waters within-the application area. Of these, minke whale, bottlenose dolphin, Risso's dolphin, harbour porpoise, grey and harbour seals are likely to be found in the survey area during

the April to October period. Short beaked dolphin may also be found in October to January, when there is a winter peak in numbers. The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

Table A-4 above has identified that sound levels from the MBES equipment represent a worst-case impact to marine mammals. The assessment concluded:

Injury - Minke whale are the only low frequency cetacean species likely to be found in the survey area during April to October. Both the MBES and the SSS could result in injury to this species, with permanent injury (PTS) within 15m of the source and temporary injury within 40m (Table A-4).

Injury -Mid-frequency cetaceans, such as bottlenose dolphin, common dolphin and Risso's dolphin, are expected to be impacted by the MBES within up to 2.6m of the source. TTS is however likely to occur from both MBES and SSS, respectively within 7m and 2.6m.

Injury -Harbour porpoise is classified as a high frequency cetacean. All geophysical survey equipment has the capacity to produce noise capable of causing PTS, up to 110m (MBES), 60m (SSS) and 4.6m (chirp/pinger and boomer). TTS may occur up to 180m from MBES, 110m (SSS) and 11m (chirp/pinger and boomer).

Injury -Grey and harbour seal (Phocid) in water have the potential to be permanently injured by

the MBES and SSS within up to 15m and 7m respectively. Temporary injury (TTS) could occur within 40m and 15m of the sound source.

Disturbance – for all species disturbance could occur within 2,600m of a chirp/pinger, 2500m of a boomer, 940m of a MBES, 720m of a SSS and 50m of a DP vessel.

21. Once again, the Information provided by the Developer and upon which the **Natura Impact Statement** is assembled for purposes of Assessment is Fundamentally Flawed insofar as the Information provided or, at least some of it, relates to the **East Coast of Ireland** and **NOT** the **South Coast of Ireland** and the **Celtic Sea** stating:

The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

22. The **Conclusions** reached that **Minke Whales** will suffer Permanent Injury, that **Bottlenose Dolphin, Common Dolphin** and **Risso's Dolphin** will suffer Temporary Threshold Shift (TTS) as well as Permanent Threshold Shift (PTS) with PTS representing the most common hearing effect of acute and chronic high level acoustic stimulation and TTS typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation, that **Harbour Porpoise** will suffer both PTS and TTS, that **Grey** and **Harbour Seal (Phocid)** in water have the potential to be Permanently Injured

**PTS** by the **MBES** and **SSS** within up to 15m and 7m respectively with the potential for Temporary injury **TTS** occurring within 40m and 15m of the Sound Source **ALL DISCLOSE** that the Project envisaged on foot of any Grant of Foreshore License **will cause Significant Adverse Impacts to Species annexed to and protected by the EU Habitats Directive.**

23. On the basis of these Conclusions, alone, **Consent** for this **Foreshore License MUST be Refused** as it is crystal clear that there will be **Significant Adverse Impacts** arising from the Project as proposed and it would be patently Illegal to Grant the License sought by the Applicant. In this regard we refer the Consenting Ministerial Authority to the Findings and **Judgements** of the **European Courts of Justice** in **Irish Cases** to which the **Minister was Party** beginning with *Sweetman -v- Bord Pleanala Ireland & AG & Minister for Environment & Galway City & County Councils* (Galway City Outer By-pass Case) followed by related *Sweetman* Cases and the Kilkenny Outer Ring-Road Case all of which make clear that any **Significant Adverse Impact** emanating from an Activity proposed to be carried out requires the **Consenting Authority** to **REFUSE** the Application.
24. This is a **Plan or Project** that will cause **Significant Adverse Impacts to Protected Habitats and/or Species** and accordingly, the Application **MUST be Refused**.
25. Having regard to the fact that this is a Project or Plan that has or will have significant cross-boundary Impacts insofar as Fish Stocks lying within the Waters the subject matter of the Application are under the Regulatory Control of the European Union in accordance with the EU **Common Fisheries Policy**, specifically, **Council Regulation (EU) No 1380/2013** we submit that this is a Project that additionally falls to be considered in accordance with the provisions of **EU Directive No 2014/52/EU of the European Parliament and Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the effects of certain Public and Private Projects on the Environment**. We therefore submit that the proposed License and the activities sought to be Licensed in accordance with the provisions of the **Foreshore Acts** must be assessed pursuant to the provisions of the **Environmental Impact Assessment Directive(s)** of the EU over and above and in addition to any **Assessment** to be conducted in accordance with the provisions of the **Habitats and Birds Directives** of the European Union.
26. We realize that the structure and Legal Framework of the Consent Procedure for Applications made for Foreshore Licenses in accordance with the provisions of the Foreshore Act 1933, as amended is, to say the least, chaotic and in dire and urgent need of overhaul, codification and the creation of an entirely new and modernised Legal & Statutory Framework but in the absence of any such comprehensive Legal Framework together with accompanying and appropriate Legislative Nuts & Bolts, we suggest that the Issues raised by us regarding Legal Responsibility for Fish Stocks within Irish Waters in the course of this Submission may not be capable of being dealt with by the Irish Authorities. Accordingly, the Application **MUST be Refused OR Referred** directly to the **European Court of Justice** for its **Opinion**.

## Screenshot of Foreshore Division Webpage disclosing Date of Application as 4<sup>th</sup> December 2019

The screenshot shows the website of the Department of Housing, Planning and Local Government. The header includes the department's name in Irish and English, social media icons for Twitter, YouTube, and Facebook, and a search bar. A navigation menu contains links for Home, Who We Are, What We Do, Publications, Legislation, and Statistics. The breadcrumb trail reads 'Home / DP Energy Site Investigations at Inis Ealga'. A link for 'Printer-friendly version' is also present.

**DP Energy Site Investigations at Inis Ealga**

Applicant Address:  
Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House,  
Buttevant, Co Cork

**Proposed Development Activity**

Description: Site Investigations relating to a possible windfarm  
at Inis Ealga, Cork

Location: Off Cork Coast

**Submissions can be made (from Wednesday, 10th March) to:** Marine  
Planning Policy and Development, Department of Housing, Planning, and Local  
Government, Newtown Road, Wexford, Co. Wexford or [foreshore@housing.gov.ie](mailto:foreshore@housing.gov.ie).

Submissions received outside of the public consultation period **cannot** be  
considered.

The Department wishes to draw attention to its policy on defamatory material that  
may be contained in submissions it receives.

**Application documents are available for viewing on request in the following  
Garda Stations:**

Anglesea Street, Cork  
Youghal Road, Dunganvan, Co Waterford

**Category** [Planning](#)

**Topic** [Foreshore](#)

**Sub topic** [Applications](#)

**APPLICATION DETAILS**

Reference Number:  
FS006859

Status:  
Consultation

Date Received:  
Wednesday, December 4, 2019

### Submission 24

#### **Preliminary:**

We are a little confused as to the name, title and identity of the Applicant for this Foreshore License.

The Foreshore License Application Form dated and completed on 5<sup>th</sup> March 2020 discloses that the **“Full Name of Applicant (not Agent):”** is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as ***“Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI).”***

We respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

We note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4<sup>th</sup> 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5<sup>th</sup> March 2020. With all due respects, this simply cannot be and we strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited.

---

**Turning to the content of the Application itself, we wish to make the following Submissions:**

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**Turning to the content of the Application itself, we wish to make the following Submissions:**

1. Insofar as the Application discloses that the Area of Sea-bed sought to be licensed extends to 12 nm from Baseline and within the Exclusive Fisheries Limits of the State we note that the Applicant does not mention the fact that the Areas of Sea-bed sought to be Licensed extends landwards from the Baseline, something that the Applicant has failed to mention or to delineate and outline on any of her Charts accompanying her Application. All Waters inside of the Baseline represent the Inland Waters of the State and the Charts accompanying the Application must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.
2. Arising out of 1 above, and having regard to the content of Section 224 of the Planning & Development Act 2000, we submit that the Works in respect of which a Foreshore License is sought are “Development” in accordance with the provisions of the Planning & Development Act 2000 (as amended) and accordingly, the Applicant or (more likely) IEMEP Limited must make contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works proposed to be conducted and carried out in the Waters inside of the Baseline and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.
3. On page 7 of the Application, we notice that the Applicant discloses she will conduct her Investigation Works into **Birds & Marine Mammals** during Spring of 2020 with these Works to continue for a period of 2 years in duration, seasonal. This is simply wrong insofar as we are already well-advanced into Spring of 2020 as of today’s date being 9<sup>th</sup> April 2020. We therefore suggest that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines commencing in Spring of 2021, at earliest.

We also notice that the Applicant discloses she will conduct her **Geophysical survey (including Archaeology and Benthic)** during Summer 2020 in a 3 months window stretching from Mid-April to Mid-July in association with the benthic sampling programme. Again, this is simply wrong insofar as we are already in mid-April of 2020 and we repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines.

The Application also discloses that a **Metocean Survey** with Current Resource Monitoring is to begin in Summer 2020 for a period of 3 months. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021.

4. We notice that Paragraph 1.9 of the Application requires the Applicant to disclose likely interactions with activities of the public or other Foreshore users during the investigative works including Fishing, Aquaculture, Sailing and Surfing and requires the Applicant to describe any measures proposed to minimise inconvenience to other users. NO such measures have been proposed by the Applicant to minimise inconvenience to Fishers, whether Irish Fishers or Fishers from other Member-States of the EU and none are disclosed by the Applicant in her Application. We confirm that no such consultation/notification has been made with this Organization representing Fishing Boats operating all along the South Coast of Ireland. It simply isn't good enough to say that a Fisheries Liaison Officer has been appointed when no Liaison or Consultation with Fishermen who may and who will be affected by the Development proposed by the Applicant and/or IEMEP Limited has taken place.
5. In the Document accompanying the Application dated 17<sup>th</sup> February 2020 described as and setting out the **Schedule of Survey Woks** (presumably Works) the Applicant discloses that **Geophysical survey (including Archaeology and Benthic)** will be conducted during Summer 2020 in a 3 Months window between Mid-April and Mid-July in association with the benthic sampling programme; that **Wind Resource Monitoring** would start Summer 2020 for a minimum of 12 months and a maximum of 36 months; that a **Metocean Survey** with Current Resource monitoring would Start in Summer 2020 for a period of 3 months and that **Birds & Marine Mammal** Surveys would begin in Spring of 2020 extending for 2 years duration, seasonal. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted beginning Spring 2020, that is to say NOW, nor during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021. That an updated **Schedule of Survey Works** dated 15<sup>th</sup> February 2020 would be lodged in support of this Application with Works slated to begin and to run from

mid-April 2020 shows complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.

6. We are members of a **Fish Producer Organization** representing Fish Producers all along the south-west, south and east coast of Ireland from Dingle to Dundalk that was founded and has since operated pursuant to and in accordance with the provisions of the **Common Fisheries Policy** of the **EU**. We are one of four Irish Fish Producer Organizations and our Producer-Members fish in Boats ranging from smaller Inshore Fishing Boats to larger Trawlers of up to 37 Meters in length fishing for a multiplicity of Species in Fishing Grounds from the Coast of Norway to Rockall to the North Coast of Spain throughout the year. The Waters the subject matter of this Application are some of the most intensively fished Irish Waters, both by our Members and by Members of the 3 other Fish Producer Organizations and the Fish Stocks spawned within, contiguous with and/or emanating from these Waters represent one of the most significant assets of the Irish Fishing Industry and, of necessity of the Fishing Industry of the European Union. By way of preliminary submission, we are bewildered that this Application has been made and lodged without the Applicant and/or their Agents first consulting with those who most intensively use and avail of these Waters, being Irish Fishers.
7. Our Members are extremely concerned at the Investigations proposed to be conducted by the Applicant and/or IEMEP Limited as disclosed and described in the **Application for License**, in the **Natura Impact Statement** dated 19<sup>th</sup> December 2019 and in the **Schedule of Survey Works** dated 15<sup>th</sup> February 2020.
8. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is vested in the **European Union** we believe and so submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council**, **EU Commission** and **EU Parliament**, to **ICES**, the **International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including in those Waters stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among **Fishers** in each of those Member States whose **Fishers** fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. These Member States include Spain, France, Netherlands, Germany and Belgium, at a minimum in addition, also to Denmark whose Fishers depend on Catches of Mackerel and Horse-Mackerel (Scad) in the North Sea whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

We believe and so submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the **EU Bodies**, **EU Member-States & Fish Producers** in those Member-States as outlined above, this, or any amended Application must be deemed to be inadmissible. We submit that the Application should also be Notified to all such **Fish Producers** and **Regulatory Bodies** by **Notice** published in the **EU Journal**.

9. We submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.
10. We further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Ireland's Exclusive Economic Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish.
11. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/or Inis Ealga Marine Energy Park (IEMEP) Limited **are some of the most important Fish Spawning and Nursery Grounds in Europe.**
12. The Natura Impact Statement completed and dated 19<sup>th</sup> December 2019 which was Revised and Finalised on 17<sup>th</sup> February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the **SOUTH** Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s) the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the **Irish Sea, NOT the Celtic Sea**. This is a **flaw** in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the **Natura Impact Statement** together with the **Application** must be **rejected** on this basis alone.

### 3.4 Fish

Offshore gravelly sediments on the shelf in the Irish Sea are dominated by elasmobranchs (rays, skates and sharks), gurnards, cod, large whiting and a few flatfish species. Soft muddy sediments have higher numbers of gadoids and lower densities of plaice and dab than found in shallower sandy areas. The seasonal distributions of pelagic species such as mackerel, horse mackerel and herring are present within Irish waters largely on a seasonal basis, migrating between spawning and feeding grounds (DCCA 2015).

Fish communities present within coastal areas include juvenile flatfish and sandeel over sandy sediments, with seasonal influxes of sprat, herring, juvenile gadoids and mullet. Rocky shore fish assemblages are diverse and dominated by small species such as wrasses, gobies and blennies, as well as juvenile pollock and saithe (DCCA 2015).

The application area is within the spawning and nursery grounds for nine species of fish (Figure 3-3). A summary of the spawning and nursery periods for seven of these commercially important fish species is outlined in Table 3-3. The application area is a primary spawning ground for Atlantic cod (*Gadus morhua*), European hake (*Merluccius merluccius*), Herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Whiting (*Merlangius merlangus*) and Haddock (*Melanogrammus aeglefinus*) (see Table 3-3 below). As indicated by Figure 3-3, the application area is also within the nursery grounds of white belly angle monk (*Lophius* sp) and megrim (*Leidorhombus whiffiagonis*). No data on spawning and nursery period is available for these two species.



13. Further examination of the Information purported to be provided on **Sea-Fisheries** in the Waters the subject matter of the Application as contained and set forth in the **Natura Impact Statement** discloses that the Information provided is grossly deficient. The Waters of the Celtic Sea in which the Site(s) sought to be Licensed in accordance with the Foreshore Acts are situated represent not just any Spawning Ground but **one of the most important Spawning and Nursery Areas for these Species in Europe**. The nine species of fish referred to and in respect of which a Summary of the **Spawning and Nursery** periods for seven of these commercially important fish species is outlined in Table 3-3 discloses that the Application area is a **PRIMARY Spawning Ground** for **Atlantic Cod** (*Gadus morhua*), **European Hake** (*Merluccius merluccius*), **Herring** (*Clupea harengus*), **Atlantic Mackerel** (*Scomber scombrus*), **Whiting** (*Merlangius merlangus*) and **Haddock** (*Melanogrammus aeglefinus*) with the Application Area also representing the **Nursery Grounds** of **White Belly Angle Monk** (*Lophius* sp) and **Megrim** (*Leidorhombus whiffiagonis*) although stating that no data on Spawning and Nursery period is available for these latter two species. We suggest to the Applicant that even cursory consultation with this Organization would have provided such information to the Applicant.

It is remarkable that no mention whatsoever is made of the existence of very considerable **Spawning** and **Nesting Grounds** for **Prawns** within the Area sought to be Licensed.

14. For the record, the **Fish Stocks** whose **Spawning** and **Nursery Grounds** lie within and contiguous with the **Sea Area** sought to be Licensed represent the vast bulk of Fish Stocks upon which the Irish Fishing Industry depend for their livelihoods. **Mackerel** and **Horse-Mackerel Stocks** that **Spawn** within and adjacent to the Sea-Area sought to be Licensed represent, on their own, approximately 40% of the entire of the earning of the Irish Fishing Industry. **European Hake** and **Angle Monk (Monkfish)** together with **Prawns** that **Spawn** and **Nest** within the Area sought to be Licensed and in adjoining Sea Areas represent in excess of 40% of the Earnings of the Irish Fishing Industry.

Moreover, the **Monkfish** and **Hake Catches** made and landed from **French** and **Spanish Fishers** into **Castletownbere**, alone, on more than 1,500 occasions annually are derived from and depend on the **Spawning Stocks** of Hake and Monk represented in the Sea Area sought to be Licensed. This takes no account of the activities of **Dutch** and **Belgian** Fishers dependent upon the Stocks derived from the Spawning Stocks in the Sea Area sought to be Licensed.

15. While we note that very considerable effort is made to examine the Impacts of Geophysical Surveying on the **Cetaceans and Pinnipeds species that are at risk of injury or disturbance from the Geophysical Survey** **NO such effort is made to examine or disclose the very considerable risk of injury and disturbance to Fish Stocks from Geophysical Surveying.** This is likely to derive from the fact that this Application is subject to Appropriate Assessment in accordance with the Birds Directive and Article 6 of the Habitats Directive of the EU directed towards the health and wellbeing of Cetacean and Pinniped Species but we believe and so submit that this Application should also be subjected to Environmental Impact Assessment in order to assess the Risks to, amongst other issues, the health and wellbeing of Fish Stocks and their Spawning, Nursery and Nesting Grounds within and adjacent to the Sea Area sought to be Licensed and dealing with the Human Impacts to Fishers and Fishing Communities who depend for their livelihoods on Fish Species that are Spawned and Nursed to adulthood within the Sea Area sought to be Licensed.
16. Despite what is stated in the **Natura Impact Statement** to the affect that there will be no impact on these **Fish Stocks** from **Geophysical Surveying**, we respectfully beg to differ and strongly suggest that the Opinion of both **ICES** and **ICCAT** be sought on this issue as we are aware of the existence of a number of Studies disclosing **Significant Adverse Impacts** to both **Fish Stocks** and their **Spawning** and **Nurseries** from Geophysical Surveying.
17. Although passing mention is made of the presence of these enormously important Spawning Stocks within the Sea Area sought to be Licensed NO mention whatsoever is made of the fact that both **Albacore Tuna** and **Bluefin Tuna** visit this Sea Area in enormous numbers annually. This alone requires the Opinions of both **ICES** and **ICCAT** to be sought.

18. For the Record, it is not true to say that there will be little or no impact on any of these Fish Stocks from Geophysical Surveying. To the contrary, both experience and Scientific Studies disclose very considerable damage being caused to Spawning Stocks of Fish as a direct result of Geophysical Surveying. A full **Environmental Impact Assessment** separate from **Natura Impact Assessment** is required to be conducted in order to assess this issue.
19. By the Applicant's own admission, in the Table on page 19 relating to the nature of the Rock, Muds and Sands on the Sea-floor, there is a possibility that the EC Habitats Directive Annex-listed Habitat of **Biogenic Reef** may be observed in the areas the subject matter of the Application **BUT** despite this admission, there is not the slightest attempt made to explain whether Boreholes will be drilled or are envisioned to be drilled into or adjoining Biogenic Reefs and/or whether Avoidance and/or Compensatory Measures will be taken or are envisaged to be taken to ensure that there will be NO Adverse Impacts suffered by this important and highly protected Habitat.
20. There is a remarkable Admission made by the Applicant in the **Conclusion at Page A-8 of Appendix A** beginning on the page following Page 72 of the **Natura Impact Statement** relating to Marine Mammals, all of which are protected by and Scheduled to the **EU Habitats Directive** stating:

(underlining, highlighting and bold text are ours)

#### A.3.1.4 Conclusion

The geometric spreading modelling results (Table A-4) indicate that all cetaceans and pinnipeds species are at risk of injury or disturbance from the geophysical survey.

Section 3.5 and Table 3-4 identified a total of 11 species that have been observed in waters within-the application area. Of these, minke whale, bottlenose dolphin, Risso's dolphin, harbour porpoise, grey and harbour seals are likely to be found in the survey area during the April to October period. Short beaked dolphin may also be found in October to January, when there is a winter peak in numbers. The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

Table A-4 above has identified that sound levels from the MBES equipment represent a worst-case impact to marine mammals. The assessment concluded:

Injury - Minke whale are the only low frequency cetacean species likely to be found in the survey area during April to October. Both the MBES and the SSS could result in injury to this species, with permanent injury (PTS) within 15m of the source and temporary injury within 40m (Table A-4).

Injury -Mid-frequency cetaceans, such as bottlenose dolphin, common dolphin and Risso's dolphin, are expected to be impacted by the MBES within up to 2.6m of the source. TTS is however likely to occur from both MBES and SSS, respectively within 7m and 2.6m.

Injury -Harbour porpoise is classified as a high frequency cetacean. All geophysical survey equipment has the capacity to produce noise capable of causing PTS, up to 110m (MBES), 60m (SSS) and 4.6m (chirp/pinger and boomer). TTS may occur up to 180m from MBES, 110m (SSS) and 11m (chirp/pinger and boomer).

Injury -Grey and harbour seal (Phocid) in water have the potential to be permanently injured by

the MBES and SSS within up to 15m and 7m respectively. Temporary injury (TTS) could occur within 40m and 15m of the sound source.

Disturbance – for all species disturbance could occur within 2,600m of a chirp/pinger, 2500m of a boomer, 940m of a MBES, 720m of a SSS and 50m of a DP vessel.

21. Once again, the Information provided by the Developer and upon which the **Natura Impact Statement** is assembled for purposes of Assessment is Fundamentally Flawed insofar as the Information provided or, at least some of it, relates to the **East Coast of Ireland** and **NOT the South Coast of Ireland** and the **Celtic Sea** stating:

The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the **east coast of Ireland**.

22. The **Conclusions** reached that **Minke Whales** will suffer Permanent Injury, that **Bottlenose Dolphin, Common Dolphin** and **Risso's Dolphin** will suffer Temporary Threshold Shift (**TTS**) as well as Permanent Threshold Shift (**PTS**) with **PTS** representing the most common hearing effect of acute and chronic high level acoustic stimulation and **TTS** typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation, that **Harbour Porpoise** will suffer both **PTS** and **TTS**, that **Grey** and **Harbour Seal (Phocid)** in water have the potential to be Permanently Injured **PTS** by the **MBES** and **SSS** within up to 15m and 7m respectively with the potential for Temporary injury **TTS** occurring within 40m and 15m of the Sound Source **ALL DISCLOSE** that the Project envisaged on foot of any Grant of Foreshore License **will cause Significant Adverse Impacts to Species annexed to and protected by the EU Habitats Directive**.

23. On the basis of these Conclusions, alone, **Consent** for this **Foreshore License MUST be Refused** as it is crystal clear that there will be **Significant Adverse Impacts** arising from the Project as proposed and it would be patently Illegal to Grant the License sought by the Applicant. In this regard we refer the Consenting Ministerial Authority to the Findings and **Judgements** of the **European Courts of Justice** in **Irish Cases** to which the **Minister was**

Party beginning with *Sweetman -v- Bord Pleanala Ireland & AG & Minister for Environment & Galway City & County Councils* (Galway City Outer By-pass Case) followed by related *Sweetman* Cases and the Kilkenny Outer Ring-Road Case all of which make clear that any **Significant Adverse Impact** emanating from an Activity proposed to be carried out requires the **Consenting Authority** to **REFUSE** the Application.

24. This is a **Plan or Project** that will cause **Significant Adverse Impacts to Protected Habitats and/or Species** and accordingly, the Application **MUST be Refused**.
25. Having regard to the fact that this is a Project or Plan that has or will have significant cross-boundary Impacts insofar as Fish Stocks lying within the Waters the subject matter of the Application are under the Regulatory Control of the European Union in accordance with the EU **Common Fisheries Policy**, specifically, **Council Regulation (EU) No 1380/2013** we submit that this is a Project that additionally falls to be considered in accordance with the provisions of **EU Directive No 2014/52/EU of the European Parliament and Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the effects of certain Public and Private Projects on the Environment**. We therefore submit that the proposed License and the activities sought to be Licensed in accordance with the provisions of the **Foreshore Acts** must be assessed pursuant to the provisions of the **Environmental Impact Assessment Directive(s)** of the EU over and above and in addition to any **Assessment** to be conducted in accordance with the provisions of the **Habitats and Birds Directives** of the European Union.
26. We realize that the structure and Legal Framework of the Consent Procedure for Applications made for Foreshore Licenses in accordance with the provisions of the Foreshore Act 1933, as amended is, to say the least, chaotic and in dire and urgent need of overhaul, codification and the creation of an entirely new and modernised Legal & Statutory Framework but in the absence of any such comprehensive Legal Framework together with accompanying and appropriate Legislative Nuts & Bolts, we suggest that the Issues raised by us regarding Legal Responsibility for Fish Stocks within Irish Waters in the course of this Submission may not be capable of being dealt with by the Irish Authorities. Accordingly, the Application **MUST be Refused OR Referred** directly to the **European Court of Justice** for its **Opinion**.

Dated the 9<sup>th</sup> April 2020

## Screenshot of Foreshore Division Webpage disclosing Date of Application as 4<sup>th</sup> December 2019

The screenshot shows the website of the Department of Housing, Planning and Local Government. The header includes the department's name in Irish and English, social media icons for Twitter, YouTube, and Facebook, and a search bar. A navigation menu contains links for Home, Who We Are, What We Do, Publications, Legislation, and Statistics. The breadcrumb trail reads "Home / DP Energy Site Investigations at Inis Ealga". A link for "Printer-friendly version" is visible.

### DP Energy Site Investigations at Inis Ealga

**Applicant Address:**  
Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House, Bultevant, Co Cork

#### Proposed Development Activity

**Description:** Site Investigations relating to a possible windfarm at Inis Ealga, Cork

**Location:** Off Cork Coast

**Submissions can be made (from Wednesday, 10th March) to:** Marine Planning Policy and Development, Department of Housing, Planning, and Local Government, Newtown Road, Wexford, Co. Wexford or [foreshore@housing.gov.ie](mailto:foreshore@housing.gov.ie).

Submissions received outside of the public consultation period **cannot** be considered.

The Department wishes to draw attention to its policy on defamatory material that may be contained in submissions it receives.

**Application documents are available for viewing on request in the following Garda Stations:**

Anglesea Street, Cork  
Youghal Road, Dungarvan, Co Waterford

**Category:** [Planning](#)

**Topic:** [Foreshore](#)

**Sub topic:** [Applications](#)

#### APPLICATION DETAILS

**Reference Number:**  
FS006859

**Status:**  
Consultation

**Date Received:**  
Wednesday, December 4, 2019

## Submission 25

### Preliminary:

We are a little confused as to the name, title and identity of the Applicant for this Foreshore License.

The Foreshore License Application Form dated and completed on 5<sup>th</sup> March 2020 discloses that the **“Full Name of Applicant (not Agent):”** is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as ***“Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI).”***

We respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

We note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4<sup>th</sup> 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5<sup>th</sup> March 2020. With all due respects, this simply cannot be and we strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited.

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**Turning to the content of the Application itself, we wish to make the following Submissions:**

1. Insofar as the Application discloses that the Area of Sea-bed sought to be licensed extends to 12 nm from Baseline and within the Exclusive Fisheries Limits of the State we note that the Applicant does not mention the fact that the Areas of Sea-bed sought to be Licensed extends landwards from the Baseline, something that the Applicant has failed to mention or to delineate and outline on any of her Charts accompanying her Application. All Waters inside of the Baseline represent the Inland Waters of the State and the Charts accompanying the Application must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.
2. Arising out of 1 above, and having regard to the content of Section 224 of the Planning & Development Act 2000, we submit that the Works in respect of which a Foreshore License is sought are “Development” in accordance with the provisions of the Planning & Development Act 2000 (as amended) and accordingly, the Applicant or (more likely) IEMEP Limited must make contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works proposed to be conducted and carried out in the Waters inside of the Baseline

and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.

3. On page 7 of the Application, we notice that the Applicant discloses she will conduct her Investigation Works into **Birds & Marine Mammals** during Spring of 2020 with these Works to continue for a period of 2 years in duration, seasonal. This is simply wrong insofar as we are already well-advanced into Spring of 2020 as of today's date being 9<sup>th</sup> April 2020. We therefore suggest that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines commencing in Spring of 2021, at earliest.

We also notice that the Applicant discloses she will conduct her **Geophysical survey (including Archaeology and Benthic)** during Summer 2020 in a 3 months window stretching from Mid-April to Mid-July in association with the benthic sampling programme. Again, this is simply wrong insofar as we are already in mid-April of 2020 and we repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines.

The Application also discloses that a **Metocean Survey** with Current Resource Monitoring is to begin in Summer 2020 for a period of 3 months. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021.

4. We notice that Paragraph 1.9 of the Application requires the Applicant to disclose likely interactions with activities of the public or other Foreshore users during the investigative works including Fishing, Aquaculture, Sailing and Surfing and requires the Applicant to describe any measures proposed to minimise inconvenience to other users. NO such measures have been proposed by the Applicant to minimise inconvenience to Fishers, whether Irish Fishers or Fishers from other Member-States of the EU and none are disclosed by the Applicant in her Application. We confirm that no such consultation/notification has been made with this Organization representing Fishing Boats operating all along the South Coast of Ireland. It simply isn't good enough to say that a Fisheries Liaison Officer has been appointed when no Liaison or Consultation with Fishermen who may and who will be affected by the Development proposed by the Applicant and/or IEMEP Limited has taken place.
5. In the Document accompanying the Application dated 17<sup>th</sup> February 2020 described as and setting out the **Schedule of Survey Woks** (presumably Works) the Applicant discloses that **Geophysical survey (including Archaeology and Benthic)** will be conducted during Summer 2020 in a 3 Months window between Mid-April and Mid-July in association with the benthic sampling programme; that **Wind Resource Monitoring** would start Summer

2020 for a minimum of 12 months and a maximum of 36 months; that a **Metocean Survey** with Current Resource monitoring would Start in Summer 2020 for a period of 3 months and that **Birds & Marine Mammal** Surveys would begin in Spring of 2020 extending for 2 years duration, seasonal. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted beginning Spring 2020, that is to say NOW, nor during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021. That an updated **Schedule of Survey Works** dated 15<sup>th</sup> February 2020 would be lodged in support of this Application with Works slated to begin and to run from mid-April 2020 shows complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.

6. We are members of a **Fish Producer Organization** representing Fish Producers all along the south-west, south and east coast of Ireland from Dingle to Dundalk that was founded and has since operated pursuant to and in accordance with the provisions of the **Common Fisheries Policy** of the **EU**. We are one of four Irish Fish Producer Organizations and our Producer-Members fish in Boats ranging from smaller Inshore Fishing Boats to larger Trawlers of up to 37 Meters in length fishing for a multiplicity of Species in Fishing Grounds from the Coast of Norway to Rockall to the North Coast of Spain throughout the year. The Waters the subject matter of this Application are some of the most intensively fished Irish Waters, both by our Members and by Members of the 3 other Fish Producer Organizations and the Fish Stocks spawned within, contiguous with and/or emanating from these Waters represent one of the most significant assets of the Irish Fishing Industry and, of necessity of the Fishing Industry of the European Union. By way of preliminary submission, we are bewildered that this Application has been made and lodged without the Applicant and/or their Agents first consulting with those who most intensively use and avail of these Waters, being Irish Fishers.
7. Our Members are extremely concerned at the Investigations proposed to be conducted by the Applicant and/or IEMEP Limited as disclosed and described in the **Application for License**, in the **Natura Impact Statement** dated 19<sup>th</sup> December 2019 and in the **Schedule of Survey Works** dated 15<sup>th</sup> February 2020.
8. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is vested in the **European Union** we believe and so submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council, EU Commission and EU Parliament**, to **ICES, the International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including in those Waters stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among **Fishers** in each of those Member States whose **Fishers** fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. These Member States include Spain, France, Netherlands, Germany and

Belgium, at a minimum in addition, also to Denmark whose Fishers depend on Catches of Mackerel and Horse-Mackerel (Scad) in the North Sea whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

We believe and so submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the **EU Bodies, EU Member-States & Fish Producers** in those Member-States as outlined above, this, or any amended Application must be deemed to be inadmissible. We submit that the Application should also be Notified to all such **Fish Producers** and **Regulatory Bodies** by **Notice** published in the **EU Journal**.

9. We submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.
10. We further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Ireland's Exclusive Economic Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish.
11. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/or Inis Ealga Marine Energy Park (IEMEP) Limited **are some of the most important Fish Spawning and Nursery Grounds in Europe.**
12. The Natura Impact Statement completed and dated 19<sup>th</sup> December 2019 which was Revised and Finalised on 17<sup>th</sup> February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the **SOUTH** Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s) the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-

making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the **Irish Sea, NOT the Celtic Sea**. This is a **flaw** in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the **Natura Impact Statement** together with the **Application** must be **rejected** on this basis alone.

### 3.4 Fish

Offshore gravelly sediments on the shelf in the Irish Sea are dominated by elasmobranchs (rays, skates and sharks), gurnards, cod, large whiting and a few flatfish species. Soft muddy sediments have higher numbers of gadoids and lower densities of plaice and dab than found in shallower sandy areas. The seasonal distributions of pelagic species such as mackerel, horse mackerel and herring are present within Irish waters largely on a seasonal basis, migrating between spawning and feeding grounds (DCCA 2015).

Fish communities present within coastal areas include juvenile flatfish and sandeel over sandy sediments, with seasonal influxes of sprat, herring, juvenile gadoids and mullet. Rocky shore fish assemblages are diverse and dominated by small species such as wrasses, gobies and blennies, as well as juvenile pollock and saithe (DCCA 2015).

The application area is within the spawning and nursery grounds for nine species of fish (Figure 3-3). A summary of the spawning and nursery periods for seven of these commercially important fish species is outlined in Table 3-3. The application area is a primary spawning ground for Atlantic cod (*Gadus morhua*), European hake (*Merluccius merluccius*), Herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Whiting (*Merlangius merlangus*) and Haddock (*Melanogrammus aeglefinus*) (see Table 3-3 below). As indicated by Figure 3-3, the application area is also within the nursery grounds of white belly angle monk (*Lophius* sp) and megrim (*Leidorhombus whiffiagonis*). No data on spawning and nursery period is available for these two species.



13. Further examination of the Information purported to be provided on **Sea-Fisheries** in the Waters the subject matter of the Application as contained and set forth in the **Natura Impact Statement** discloses that the Information provided is grossly deficient. The Waters of the Celtic Sea in which the Site(s) sought to be Licensed in accordance with the Foreshore Acts are situate represent not just any Spawning Ground but **one of the most important Spawning and Nursery Areas for these Species in Europe**. The nine species of fish referred to and in respect of which a Summary of the **Spawning** and **Nursery** periods for seven of these commercially important fish species is outlined in Table 3-3 discloses that the Application area is a **PRIMARY Spawning Ground** for **Atlantic Cod** (*Gadus morhua*), **European Hake** (*Merluccius merluccius*), **Herring** (*Clupea harengus*), **Atlantic Mackerel** (*Scomber scombrus*), **Whiting** (*Merlangius merlangus*) and **Haddock**

(*Melanogrammus aeglefinus*) with the Application Area also representing the **Nursery Grounds of White Belly Angle Monk** (*Lophius* sp) and **Megrim** (*Leidorhombus whiffiagonis*) although stating that no data on Spawning and Nursery period is available for these latter two species. We suggest to the Applicant that even cursory consultation with this Organization would have provided such information to the Applicant.

It is remarkable that no mention whatsoever is made of the existence of very considerable **Spawning and Nesting Grounds for Prawns** within the Area sought to be Licensed.

14. For the record, the **Fish Stocks** whose **Spawning and Nursery Grounds** lie within and contiguous with the **Sea Area** sought to be Licensed represent the vast bulk of Fish Stocks upon which the Irish Fishing Industry depend for their livelihoods. **Mackerel and Horse-Mackerel Stocks** that **Spawn** within and adjacent to the Sea-Area sought to be Licensed represent, on their own, approximately 40% of the entire of the earning of the Irish Fishing Industry. **European Hake and Angle Monk (Monkfish)** together with **Prawns** that **Spawn and Nest** within the Area sought to be Licensed and in adjoining Sea Areas represent in excess of 40% of the Earnings of the Irish Fishing Industry.

Moreover, the **Monkfish and Hake Catches** made and landed from **French and Spanish Fishers** into **Castletownbere**, alone, on more than 1,500 occasions annually are derived from and depend on the **Spawning Stocks** of Hake and Monk represented in the Sea Area sought to be Licensed. This takes no account of the activities of **Dutch and Belgian Fishers** dependent upon the Stocks derived from the Spawning Stocks in the Sea Area sought to be Licensed.

15. While we note that very considerable effort is made to examine the Impacts of Geophysical Surveying on the **Cetaceans and Pinnipeds species that are at risk of injury or disturbance from the Geophysical Survey** **NO such effort is made to examine or disclose the very considerable risk of injury and disturbance to Fish Stocks from Geophysical Surveying.** This is likely to derive from the fact that this Application is subject to Appropriate Assessment in accordance with the Birds Directive and Article 6 of the Habitats Directive of the EU directed towards the health and wellbeing of Cetacean and Pinniped Species but we believe and so submit that this Application should also be subjected to Environmental Impact Assessment in order to assess the Risks to, amongst other issues, the health and wellbeing of Fish Stocks and their Spawning, Nursery and Nesting Grounds within and adjacent to the Sea Area sought to be Licensed and dealing with the Human Impacts to Fishers and Fishing Communities who depend for their livelihoods on Fish Species that are Spawned and Nursed to adulthood within the Sea Area sought to be Licensed.
16. Despite what is stated in the **Natura Impact Statement** to the affect that there will be no impact on these **Fish Stocks from Geophysical Surveying**, we respectfully beg to differ and strongly suggest that the Opinion of both **ICES** and **ICCAT** be sought on this issue as we

are aware of the existence of a number of Studies disclosing **Significant Adverse Impacts** to both **Fish Stocks** and their **Spawning** and **Nurseries** from Geophysical Surveying.

17. Although passing mention is made of the presence of these enormously important Spawning Stocks within the Sea Area sought to be Licensed NO mention whatsoever is made of the fact that both **Albacore Tuna** and **Bluefin Tuna** visit this Sea Area in enormous numbers annually. This alone requires the Opinions of both **ICES** and **ICCAT** to be sought.
18. For the Record, it is not true to say that there will be little or no impact on any of these Fish Stocks from Geophysical Surveying. To the contrary, both experience and Scientific Studies disclose very considerable damage being caused to Spawning Stocks of Fish as a direct result of Geophysical Surveying. A full **Environmental Impact Assessment** separate from **Natura Impact Assessment** is required to be conducted in order to assess this issue.
19. By the Applicant's own admission, in the Table on page 19 relating to the nature of the Rock, Muds and Sands on the Sea-floor, there is a possibility that the EC Habitats Directive Annex-listed Habitat of **Biogenic Reef** may be observed in the areas the subject matter of the Application **BUT** despite this admission, there is not the slightest attempt made to explain whether Boreholes will be drilled or are envisioned to be drilled into or adjoining Biogenic Reefs and/or whether Avoidance and/or Compensatory Measures will be taken or are envisaged to be taken to ensure that there will be NO Adverse Impacts suffered by this important and highly protected Habitat.
20. There is a remarkable Admission made by the Applicant in the **Conclusion at Page A-8 of Appendix A** beginning on the page following Page 72 of the **Natura Impact Statement** relating to Marine Mammals, all of which are protected by and Scheduled to the **EU Habitats Directive** stating:

(underlining, highlighting and bold text are ours)

#### A.3.1.4 Conclusion

The geometric spreading modelling results (Table A-4) indicate that all cetaceans and pinnipeds species are at risk of injury or disturbance from the geophysical survey.

Section 3.5 and Table 3-4 identified a total of 11 species that have been observed in waters within-the application area. Of these, minke whale, bottlenose dolphin, Risso's dolphin, harbour porpoise, grey and harbour seals are likely to be found in the survey area during the April to October period. Short beaked dolphin may also be found in October to January, when there is a winter peak in numbers. The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

Table A-4 above has identified that sound levels from the MBES equipment represent a worst-case impact to marine mammals. The assessment concluded:

Injury - Minke whale are the only low frequency cetacean species likely to be found in the survey area during April to October. Both the MBES and the SSS could result in injury to this species, with permanent injury (PTS) within 15m of the source and temporary injury within 40m (Table A-4).

Injury -Mid-frequency cetaceans, such as bottlenose dolphin, common dolphin and Risso's dolphin, are expected to be impacted by the MBES within up to 2.6m of the source. TTS is however likely to occur from both MBES and SSS, respectively within 7m and 2.6m.

Injury -Harbour porpoise is classified as a high frequency cetacean. All geophysical survey equipment has the capacity to produce noise capable of causing PTS, up to 110m (MBES), 60m (SSS) and 4.6m (chirp/pinger and boomer). TTS may occur up to 180m from MBES, 110m (SSS) and 11m (chirp/pinger and boomer).

Injury -Grey and harbour seal (Phocid) in water have the potential to be permanently injured by

the MBES and SSS within up to 15m and 7m respectively. Temporary injury (TTS) could occur within 40m and 15m of the sound source.

Disturbance – for all species disturbance could occur within 2,600m of a chirp/pinger, 2500m of a boomer, 940m of a MBES, 720m of a SSS and 50m of a DP vessel.

21. Once again, the Information provided by the Developer and upon which the **Natura Impact Statement** is assembled for purposes of Assessment is Fundamentally Flawed insofar as the Information provided or, at least some of it, relates to the **East Coast of Ireland** and **NOT the South Coast of Ireland** and the **Celtic Sea** stating:

The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the **east coast of Ireland**.

22. The **Conclusions** reached that **Minke Whales** will suffer Permanent Injury, that **Bottlenose Dolphin, Common Dolphin** and **Risso's Dolphin** will suffer Temporary Threshold Shift (TTS) as well as Permanent Threshold Shift (PTS) with PTS representing the most common hearing effect of acute and chronic high level acoustic stimulation and TTS typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation, that **Harbour Porpoise** will suffer both PTS and TTS, that **Grey** and **Harbour Seal (Phocid)** in water have the potential to be Permanently Injured PTS by the MBES and SSS within up to 15m and 7m respectively with the potential for Temporary injury TTS occurring within 40m and 15m of the Sound Source **ALL DISCLOSE** that the Project envisaged on foot of any Grant of Foreshore License **will cause Significant Adverse Impacts to Species annexed to and protected by the EU Habitats Directive.**

23. On the basis of these Conclusions, alone, **Consent** for this **Foreshore License MUST be Refused** as it is crystal clear that there will be **Significant Adverse Impacts** arising from

the Project as proposed and it would be patently Illegal to Grant the License sought by the Applicant. In this regard we refer the Consenting Ministerial Authority to the Findings and **Judgements of the European Courts of Justice in Irish Cases** to which the **Minister was Party** beginning with ***Sweetman -v- Bord Pleanala Ireland & AG & Minister for Environment & Galway City & County Councils*** (Galway City Outer By-pass Case) followed by related ***Sweetman*** Cases and the Kilkenny Outer Ring-Road Case all of which make clear that any **Significant Adverse Impact** emanating from an Activity proposed to be carried out requires the **Consenting Authority** to **REFUSE** the Application.

24. This is a **Plan or Project** that will cause **Significant Adverse Impacts to Protected Habitats and/or Species** and accordingly, the Application **MUST be Refused**.
25. Having regard to the fact that this is a Project or Plan that has or will have significant cross-boundary Impacts insofar as Fish Stocks lying within the Waters the subject matter of the Application are under the Regulatory Control of the European Union in accordance with the EU **Common Fisheries Policy**, specifically, **Council Regulation (EU) No 1380/2013** we submit that this is a Project that additionally falls to be considered in accordance with the provisions of **EU Directive No 2014/52/EU of the European Parliament and Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the effects of certain Public and Private Projects on the Environment**. We therefore submit that the proposed License and the activities sought to be Licensed in accordance with the provisions of the **Foreshore Acts** must be assessed pursuant to the provisions of the **Environmental Impact Assessment Directive(s)** of the EU over and above and in addition to any **Assessment** to be conducted in accordance with the provisions of the **Habitats and Birds Directives** of the European Union.
26. We realize that the structure and Legal Framework of the Consent Procedure for Applications made for Foreshore Licenses in accordance with the provisions of the Foreshore Act 1933, as amended is, to say the least, chaotic and in dire and urgent need of overhaul, codification and the creation of an entirely new and modernised Legal & Statutory Framework but in the absence of any such comprehensive Legal Framework together with accompanying and appropriate Legislative Nuts & Bolts, we suggest that the Issues raised by us regarding Legal Responsibility for Fish Stocks within Irish Waters in the course of this Submission may not be capable of being dealt with by the Irish Authorities. Accordingly, the Application **MUST be Refused OR Referred** directly to the **European Court of Justice** for its **Opinion**.

Dated the 9<sup>th</sup> April 2020

## Screenshot of Foreshore Division Webpage disclosing Date of Application as 4<sup>th</sup> December 2019

The screenshot shows the website of the Department of Housing, Planning and Local Government. The header includes the department's name in Irish and English, social media icons for Twitter, YouTube, and Facebook, and a search bar. A navigation menu contains links for Home, Who We Are, What We Do, Publications, Legislation, and Statistics. The breadcrumb trail reads 'Home / DP Energy Site Investigations at Inis Ealga'. A 'Printer-friendly version' link is also present.

### DP Energy Site Investigations at Inis Ealga

**Applicant Address:**  
Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House, Bultevant, Co Cork

#### Proposed Development Activity

**Description:** Site Investigations relating to a possible windfarm at Inis Ealga, Cork

**Location:** Off Cork Coast

**Submissions can be made (from Wednesday, 10th March) to:** Marine Planning Policy and Development, Department of Housing, Planning, and Local Government, Newtown Road, Wexford, Co. Wexford or [foreshore@housing.gov.ie](mailto:foreshore@housing.gov.ie).

Submissions received outside of the public consultation period **cannot** be considered.

The Department wishes to draw attention to its policy on defamatory material that may be contained in submissions it receives.

**Application documents are available for viewing on request in the following Garda Stations:**

Anglesea Street, Cork  
Youghal Road, Dungarvan, Co Waterford

**Category:** [Planning](#)

**Topic:** [Foreshore](#)

**Sub topic:** [Applications](#)

#### APPLICATION DETAILS

**Reference Number:**  
FS006859

**Status:**  
Consultation

**Date Received:**  
Wednesday, December 4, 2019

## Submission 26

### Preliminary:

**I am** confused as to the name, title and identity of the Applicant for this Foreshore License.

The Foreshore License Application Form dated and completed on 5<sup>th</sup> March 2020 discloses that the **“Full Name of Applicant (not Agent):”** is Clodagh McGrath described as an Environment & Consents Manager, presumably of Inis Ealga Marine Energy Park (IEMEP) Limited.

The name of the Company/Organization is disclosed as ***“Company/Organisation: Inis Ealga Marine Energy Park (IEMEP) Ltd, a wholly owned subsidiary project company of DP Energy Ireland (DPEI).”***

I respectfully suggest that the Application and the Application Form are both fundamentally flawed insofar as the name of the Applicant cannot be Clodagh McGrath. It is clear from a reading of the Application Form and accompanying documentation that the identity of the Applicant is, clearly, Inis Ealga Marine Energy Park (IEMEP) Limited and we suggest, therefore that the Application must be rejected and re-lodged and re-made in the Full Name of the Applicant (not Agent) being Inis Ealga Marine Energy Park (IEMEP) Limited and signed, necessarily, by a Director, by the Company Secretary or by a duly authorized Officer of the Company, not by the Environment & Consents Manager nor in her name.

I note from examination of the Webpage for the Foreshore Division of the Department of Housing, Planning & Local Government (screenshot below) that the date upon which the Application was received is given as Wednesday December 4<sup>th</sup> 2019 while the Foreshore Application Form completed by Clodagh McGrath is clearly dated and made on 5<sup>th</sup> March 2020. With all due respects, this simply cannot be and we strongly suggest that this Application must be withdrawn and re-applied for by IEMEP Limited.

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**Turning to the content of the Application itself, we wish to make the following Submissions:**

1. Insofar as the Application discloses that the Area of Sea-bed sought to be licensed extends to 12 nm from Baseline and within the Exclusive Fisheries Limits of the State we note that the Applicant does not mention the fact that the Areas of Sea-bed sought to be Licensed extends landwards from the Baseline, something that the Applicant has failed to mention or to delineate and outline on any of her Charts accompanying her Application. All Waters inside of the Baseline represent the Inland Waters of the State and the Charts accompanying the Application must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.
2. Arising out of 1 above, and having regard to the content of Section 224 of the Planning & Development Act 2000, we submit that the Works in respect of which a Foreshore License is sought are “Development” in accordance with the provisions of the Planning & Development Act 2000 (as amended) and accordingly, the Applicant or (more likely) IEMEP Limited must make contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works proposed to be conducted and carried out in the Waters inside of the Baseline

and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.

3. On page 7 of the Application, we notice that the Applicant discloses she will conduct her Investigation Works into **Birds & Marine Mammals** during Spring of 2020 with these Works to continue for a period of 2 years in duration, seasonal. This is simply wrong insofar as we are already well-advanced into Spring of 2020 as of today's date being 9<sup>th</sup> April 2020. We therefore suggest that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines commencing in Spring of 2021, at earliest.

I also notice that the Applicant discloses she will conduct her **Geophysical survey (including Archaeology and Benthic)** during Summer 2020 in a 3 months window stretching from Mid-April to Mid-July in association with the benthic sampling programme. Again, this is simply wrong insofar as we are already in mid-April of 2020 and we repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines.

The Application also discloses that a **Metocean Survey** with Current Resource Monitoring is to begin in Summer 2020 for a period of 3 months. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021.

4. I notice that Paragraph 1.9 of the Application requires the Applicant to disclose likely interactions with activities of the public or other Foreshore users during the investigative works including Fishing, Aquaculture, Sailing and Surfing and requires the Applicant to describe any measures proposed to minimise inconvenience to other users. NO such measures have been proposed by the Applicant to minimise inconvenience to Fishers, whether Irish Fishers or Fishers from other Member-States of the EU and none are disclosed by the Applicant in her Application. We confirm that no such consultation/notification has been made with this Organization representing Fishing Boats operating all along the South Coast of Ireland. It simply isn't good enough to say that a Fisheries Liaison Officer has been appointed when no Liaison or Consultation with Fishermen who may and who will be affected by the Development proposed by the Applicant and/or IEMEP Limited has taken place.
5. In the Document accompanying the Application dated 17<sup>th</sup> February 2020 described as and setting out the **Schedule of Survey Woks** (presumably Works) the Applicant discloses that **Geophysical survey (including Archaeology and Benthic)** will be conducted during Summer 2020 in a 3 Months window between Mid-April and Mid-July in association with the benthic sampling programme; that **Wind Resource Monitoring** would start Summer

2020 for a minimum of 12 months and a maximum of 36 months; that a **Metocean Survey** with Current Resource monitoring would Start in Summer 2020 for a period of 3 months and that **Birds & Marine Mammal** Surveys would begin in Spring of 2020 extending for 2 years duration, seasonal. With all due respects to both Applicant and the Minister, we believe that no License can issue on foot of this Application enabling or empowering such Surveys to be conducted beginning Spring 2020, that is to say NOW, nor during Summer 2020 and we again repeat our suggestion that the Applicant withdraw her Application and re-lodge an Application with amended and updated timelines, commencing, at earliest, Spring of 2021. That an updated **Schedule of Survey Works** dated 15<sup>th</sup> February 2020 would be lodged in support of this Application with Works slated to begin and to run from mid-April 2020 shows complete disregard for the Regulatory Process and for the Rights of the Public to participate in the Statutory Consent Process.

6. The Waters the subject matter of this Application are some of the most intensively fished Irish Waters, by Members of the 4 Fish Producer Organizations and the Fish Stocks spawned within, contiguous with and/or emanating from these Waters represent one of the most significant assets of the Irish Fishing Industry and, of necessity of the Fishing Industry of the European Union. By way of preliminary submission, I am bewildered that this Application has been made and lodged without the Applicant and/or their Agents first consulting with those who most intensively use and avail of these Waters, being Irish Fishers.
7. I am extremely concerned at the Investigations proposed to be conducted by the Applicant and/or IEMEP Limited as disclosed and described in the **Application for License**, in the **Natura Impact Statement** dated 19<sup>th</sup> December 2019 and in the **Schedule of Survey Works** dated 15<sup>th</sup> February 2020.
8. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is vested in the **European Union** we believe and so submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council, EU Commission and EU Parliament**, to **ICES, the International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including in those Waters stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among **Fishers** in each of those Member States whose **Fishers** fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods. These Member States include Spain, France, Netherlands, Germany and Belgium, at a minimum in addition, also to Denmark whose Fishers depend on Catches of Mackerel and Horse-Mackerel (Scad) in the North Sea whose Spawning Grounds lie within the Sea-Area the subject matter of this Application.

I believe and so submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the **EU Bodies, EU Member-States & Fish Producers** in those Member-States as outlined above, this, or any amended Application

must be deemed to be inadmissible. We submit that the Application should also be Notified to all such **Fish Producers** and **Regulatory Bodies** by **Notice** published in the **EU Journal**.

9. I submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with a Review announced at end-October 2019 by Minister Eoin Murphy when he announced that Professor Tasman Crowe of UCD had accepted his invitation to Chair an Advisory Group on the expansion of Ireland's existing Marine Protected Areas and that the other members of the Advisory Group would shortly be selected from across a range of sectors consisting of members with appropriate national and international expertise.
10. I further note that during the course of a Seanad Debate on the Second Stage of the Microbeads (Prohibition) Bill 2019 Minister Murphy advised the Members of Seanad Eireann that he had requested Professor Crowe to put together a Committee to advise the Government on how best Ireland might exceed the minimum 10% threshold for designation of Waters within Ireland's Exclusive Economic Zone as Marine Protected Areas. This process of Designation of a very considerable extent of Ireland's Territorial Seas and Seas lying within Ireland's Exclusive Economic Zone may well be the most significant challenge faced by all engaged in and interested in the conservation of our Irish Maritime Environment and the extraordinary range of flora and fauna living within Irish Waters including, and specifically, the very extensive breeding stocks of fish and the areas within which they spawn, together with shellfish and a quite extraordinary range of migratory species of fish.
11. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be Licensed by Clodagh McGrath and/or Inis Ealga Marine Energy Park (IEMEP) Limited **are some of the most important Fish Spawning and Nursery Grounds in Europe.**
12. The Natura Impact Statement completed and dated 19<sup>th</sup> December 2019 which was Revised and Finalised on 17<sup>th</sup> February 2020 is remarkably deficient. The Area of Foreshore the subject matter of this Application is all situate in the Celtic Sea on the **SOUTH** Coast of Ireland adjoining Counties Cork and Waterford yet, on Page 22, where the Applicant seeks to describe the Site(s) the subject matter of the Application and to provide the Information required to be so provided to the Public and to the Decision-making Authority in accordance with the Birds Directive (2009/147/EC) and the Habitats Directive (92/42/EEC) of the EU, the Area of Foreshore and of Sea described and relied on is the **Irish Sea, NOT the Celtic Sea**. This is a **flaw** in the Information provided so fundamental to this Application as to render the entire of the Information purportedly communicated to the Public and to the Decision-making Authority as wholly unreliable and the **Natura Impact Statement** together with the **Application** must be **rejected** on this basis alone.

### 3.4 Fish

Offshore gravelly sediments on the shelf in the Irish Sea are dominated by elasmobranchs (rays, skates and sharks), gurnards, cod, large whiting and a few flatfish species. Soft muddy sediments have higher numbers of gadoids and lower densities of plaice and dab than found in shallower sandy areas. The seasonal distributions of pelagic species such as mackerel, horse mackerel and herring are present within Irish waters largely on a seasonal basis, migrating between spawning and feeding grounds (DCCA 2015).

Fish communities present within coastal areas include juvenile flatfish and sandeel over sandy sediments, with seasonal influxes of sprat, herring, juvenile gadoids and mullet. Rocky shore fish assemblages are diverse and dominated by small species such as wrasses, gobies and blennies, as well as juvenile pollock and saithe (DCCA 2015).

The application area is within the spawning and nursery grounds for nine species of fish (Figure 3-3). A summary of the spawning and nursery periods for seven of these commercially important fish species is outlined in Table 3-3. The application area is a primary spawning ground for Atlantic cod (*Gadus morhua*), European hake (*Merluccius merluccius*), Herring (*Clupea harengus*), Atlantic mackerel (*Scomber scombrus*), Whiting (*Merlangius merlangus*) and Haddock (*Melanogrammus aeglefinus*) (see Table 3-3 below). As indicated by Figure 3-3, the application area is also within the nursery grounds of white belly angle monk (*Lophius* sp) and megrim (*Leidorhombus whiffiagonis*). No data on spawning and nursery period is available for these two species.



13. Further examination of the Information purported to be provided on **Sea-Fisheries** in the Waters the subject matter of the Application as contained and set forth in the **Natura Impact Statement** discloses that the Information provided is grossly deficient. The Waters of the Celtic Sea in which the Site(s) sought to be Licensed in accordance with the Foreshore Acts are situated represent not just any Spawning Ground but **one of the most important Spawning and Nursery Areas for these Species in Europe**. The nine species of fish referred to and in respect of which a Summary of the **Spawning** and **Nursery** periods for seven of these commercially important fish species is outlined in Table 3-3 discloses that the Application area is a **PRIMARY Spawning Ground** for **Atlantic Cod** (*Gadus morhua*), **European Hake** (*Merluccius merluccius*), **Herring** (*Clupea harengus*), **Atlantic Mackerel** (*Scomber scombrus*), **Whiting** (*Merlangius merlangus*) and **Haddock** (*Melanogrammus aeglefinus*) with the Application Area also representing the **Nursery Grounds** of **White Belly Angle Monk** (*Lophius* sp) and **Megrim** (*Leidorhombus whiffiagonis*) although stating that no data on Spawning and Nursery period is available for these latter two species. We suggest to the Applicant that even cursory consultation with this Organization would have provided such information to the Applicant.

It is remarkable that no mention whatsoever is made of the existence of very considerable **Spawning** and **Nesting Grounds** for **Prawns** within the Area sought to be Licensed.

14. For the record, the **Fish Stocks** whose **Spawning** and **Nursery Grounds** lie within and contiguous with the **Sea Area** sought to be Licensed represent the vast bulk of Fish Stocks

upon which the Irish Fishing Industry depend for their livelihoods. **Mackerel** and **Horse-Mackerel Stocks** that **Spawn** within and adjacent to the Sea-Area sought to be Licensed represent, on their own, approximately 40% of the entire of the earning of the Irish Fishing Industry. **European Hake** and **Angle Monk (Monkfish)** together with **Prawns** that **Spawn** and **Nest** within the Area sought to be Licensed and in adjoining Sea Areas represent in excess of 40% of the Earnings of the Irish Fishing Industry.

Moreover, the **Monkfish** and **Hake Catches** made and landed from **French** and **Spanish Fishers** into **Castletownbere**, alone, on more than 1,500 occasions annually are derived from and depend on the **Spawning Stocks** of Hake and Monk represented in the Sea Area sought to be Licensed. This takes no account of the activities of **Dutch** and **Belgian** Fishers dependent upon the Stocks derived from the Spawning Stocks in the Sea Area sought to be Licensed.

15. While I note that very considerable effort is made to examine the Impacts of Geophysical Surveying on the **Cetaceans and Pinnipeds species that are at risk of injury or disturbance from the Geophysical Survey** **NO such effort is made to examine or disclose the very considerable risk of injury and disturbance to Fish Stocks from Geophysical Surveying.** This is likely to derive from the fact that this Application is subject to Appropriate Assessment in accordance with the Birds Directive and Article 6 of the Habitats Directive of the EU directed towards the health and wellbeing of Cetacean and Pinniped Species but we believe and so submit that this Application should also be subjected to Environmental Impact Assessment in order to assess the Risks to, amongst other issues, the health and wellbeing of Fish Stocks and their Spawning, Nursery and Nesting Grounds within and adjacent to the Sea Area sought to be Licensed and dealing with the Human Impacts to Fishers and Fishing Communities who depend for their livelihoods on Fish Species that are Spawned and Nursed to adulthood within the Sea Area sought to be Licensed.
16. Despite what is stated in the **Natura Impact Statement** to the affect that there will be no impact on these **Fish Stocks** from **Geophysical Surveying**, we respectfully beg to differ and strongly suggest that the Opinion of both **ICES** and **ICCAT** be sought on this issue as we are aware of the existence of a number of Studies disclosing **Significant Adverse Impacts** to both **Fish Stocks** and their **Spawning** and **Nurseries** from Geophysical Surveying.
17. Although passing mention is made of the presence of these enormously important Spawning Stocks within the Sea Area sought to be Licensed NO mention whatsoever is made of the fact that both **Albacore Tuna** and **Bluefin Tuna** visit this Sea Area in enormous numbers annually. This alone requires the Opinions of both **ICES** and **ICCAT** to be sought.
18. For the Record, it is not true to say that there will be little or no impact on any of these Fish Stocks from Geophysical Surveying. To the contrary, both experience and Scientific Studies disclose very considerable damage being caused to Spawning Stocks of Fish as a

direct result of Geophysical Surveying. A full **Environmental Impact Assessment** separate from **Natura Impact Assessment** is required to be conducted in order to assess this issue.

19. By the Applicant's own admission, in the Table on page 19 relating to the nature of the Rock, Muds and Sands on the Sea-floor, there is a possibility that the EC Habitats Directive Annex-listed Habitat of **Biogenic Reef** may be observed in the areas the subject matter of the Application **BUT** despite this admission, there is not the slightest attempt made to explain whether Boreholes will be drilled or are envisioned to be drilled into or adjoining Biogenic Reefs and/or whether Avoidance and/or Compensatory Measures will be taken or are envisaged to be taken to ensure that there will be NO Adverse Impacts suffered by this important and highly protected Habitat.
20. There is a remarkable Admission made by the Applicant in the **Conclusion at Page A-8 of Appendix A** beginning on the page following Page 72 of the **Natura Impact Statement** relating to Marine Mammals, all of which are protected by and Scheduled to the **EU Habitats Directive** stating:

(underlining, highlighting and bold text are ours)

#### A.3.1.4 Conclusion

The geometric spreading modelling results (Table A-4) indicate that all cetaceans and pinnipeds species are at risk of injury or disturbance from the geophysical survey.

Section 3.5 and Table 3-4 identified a total of 11 species that have been observed in waters within-the application area. Of these, minke whale, bottlenose dolphin, Risso's dolphin, harbour porpoise, grey and harbour seals are likely to be found in the survey area during the April to October period. Short beaked dolphin may also be found in October to January, when there is a winter peak in numbers. The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the east coast of Ireland.

Table A-4 above has identified that sound levels from the MBES equipment represent a worst-case impact to marine mammals. The assessment concluded:

Injury - Minke whale are the only low frequency cetacean species likely to be found in the survey area during April to October. Both the MBES and the SSS could result in injury to this species, with permanent injury (PTS) within 15m of the source and temporary injury within 40m (Table A-4).

Injury -Mid-frequency cetaceans, such as bottlenose dolphin, common dolphin and Risso's dolphin, are expected to be impacted by the MBES within up to 2.6m of the source. TTS is however likely to occur from both MBES and SSS, respectively within 7m and 2.6m.

Injury -Harbour porpoise is classified as a high frequency cetacean. All geophysical survey equipment has the capacity to produce noise capable of causing PTS, up to 110m (MBES),

60m (SSS) and 4.6m (chirp/pinger and boomer). TTS may occur up to 180m from MBES, 110m (SSS) and 11m (chirp/pinger and boomer).

Injury -Grey and harbour seal (Phocid) in water have the potential to be permanently injured by

the MBES and SSS within up to 15m and 7m respectively. Temporary injury (TTS) could occur within 40m and 15m of the sound source.

Disturbance – for all species disturbance could occur within 2,600m of a chirp/pinger, 2500m of a boomer, 940m of a MBES, 720m of a SSS and 50m of a DP vessel.

21. Once again, the Information provided by the Developer and upon which the **Natura Impact Statement** is assembled for purposes of Assessment is Fundamentally Flawed insofar as the Information provided or, at least some of it, relates to the **East Coast of Ireland** and **NOT the South Coast of Ireland** and the **Celtic Sea** stating:

The remaining 8 species are unlikely to be present in the application area during this period or are rare visitor of the **east coast of Ireland**.

22. The **Conclusions** reached that **Minke Whales** will suffer Permanent Injury, that **Bottlenose Dolphin, Common Dolphin** and **Risso's Dolphin** will suffer Temporary Threshold Shift (**TTS**) as well as Permanent Threshold Shift (**PTS**) with **PTS** representing the most common hearing effect of acute and chronic high level acoustic stimulation and **TTS** typically related to the traumatizing stimulus spectrum and to the exposure level and duration of high level acoustic stimulation, that **Harbour Porpoise** will suffer both **PTS** and **TTS**, that **Grey and Harbour Seal (Phocid)** in water have the potential to be Permanently Injured **PTS** by the **MBES** and **SSS** within up to 15m and 7m respectively with the potential for Temporary injury **TTS** occurring within 40m and 15m of the Sound Source **ALL DISCLOSE** that the Project envisaged on foot of any Grant of Foreshore License **will cause Significant Adverse Impacts to Species annexed to and protected by the EU Habitats Directive.**

23. On the basis of these Conclusions, alone, I believe **Consent** for this **Foreshore License MUST be Refused** as it is crystal clear that there will be **Significant Adverse Impacts** arising from the Project as proposed and it would be patently Illegal to Grant the License sought by the Applicant. In this regard we refer the Consenting Ministerial Authority to the Findings and **Judgements** of the **European Courts of Justice in Irish Cases** to which the **Minister was Party** beginning with ***Sweetman -v- Bord Pleanala Ireland & AG & Minister for Environment & Galway City & County Councils*** (Galway City Outer By-pass Case) followed by related ***Sweetman*** Cases and the Kilkenny Outer Ring-Road Case all of which make clear that any **Significant Adverse Impact** emanating from an Activity proposed to be carried out requires the **Consenting Authority** to **REFUSE** the Application.

24. This is a **Plan or Project** that will cause **Significant Adverse Impacts to Protected Habitats and/or Species** and accordingly, the Application **MUST be Refused**.
25. Having regard to the fact that this is a Project or Plan that has or will have significant cross-boundary Impacts insofar as Fish Stocks lying within the Waters the subject matter of the Application are under the Regulatory Control of the European Union in accordance with the EU **Common Fisheries Policy**, specifically, **Council Regulation (EU) No 1380/2013** we submit that this is a Project that additionally falls to be considered in accordance with the provisions of **EU Directive No 2014/52/EU of the European Parliament and Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of the effects of certain Public and Private Projects on the Environment**. I therefore submit that the proposed License and the activities sought to be Licensed in accordance with the provisions of the **Foreshore Acts** must be assessed pursuant to the provisions of the **Environmental Impact Assessment Directive(s)** of the EU over and above and in addition to any **Assessment** to be conducted in accordance with the provisions of the **Habitats and Birds Directives** of the European Union.
26. I realize that the structure and Legal Framework of the Consent Procedure for Applications made for Foreshore Licenses in accordance with the provisions of the Foreshore Act 1933, as amended is, to say the least, chaotic and in dire and urgent need of overhaul, codification and the creation of an entirely new and modernised Legal & Statutory Framework but in the absence of any such comprehensive Legal Framework together with accompanying and appropriate Legislative Nuts & Bolts, we suggest that the Issues raised by us regarding Legal Responsibility for Fish Stocks within Irish Waters in the course of this Submission may not be capable of being dealt with by the Irish Authorities. Accordingly, the Application **MUST** be **Refused OR Referred** directly to the **European Court of Justice** for its **Opinion**.

Screenshot of Foreshore Division Webpage disclosing Date of Application as 4<sup>th</sup> December 2019



## DP Energy Site Investigations at Inis Ealga

### Applicant Address:

Inis Ealga Marine Energy Park (IEMEP) Ltd, c/o DP Energy Ireland, Mill House, Buttevant, Co Cork

### Proposed Development Activity

Description: Site Investigations relating to a possible windfarm at Inis Ealga, Cork

Location: Off Cork Coast

**Submissions can be made (from Wednesday, 10th March) to:** Marine Planning Policy and Development, Department of Housing, Planning, and Local Government, Newtown Road, Wexford, Co. Wexford or [foreshore@housing.gov.ie](mailto:foreshore@housing.gov.ie).

Submissions received outside of the public consultation period **cannot** be considered.

The Department wishes to draw attention to its policy on [defamatory material](#) that may be contained in submissions it receives.

**Application documents are available for viewing on request in the following Garda Stations:**

Anglesea Street, Cork

Youghal Road, Dungarvan, Co Waterford

Category [Planning](#)

Topic [Foreshore](#)

Sub topic [Applications](#)

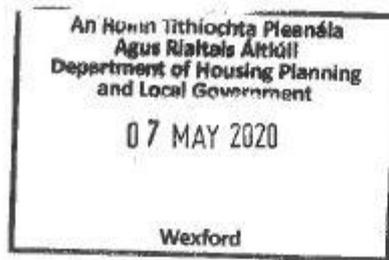
### APPLICATION DETAILS

Reference Number:  
FS006859

Status:  
Consultation

Date Received:  
Wednesday, December 4, 2019

## Submission 27



DAVID TUBIN  
BALLINACOLL  
RING  
DUNGARVAN  
CO. WATERFOKD

Phone number: 087904707  
Email address: [dtubin@bt.com](mailto:dtubin@bt.com)

5/5/2020. DATE.

Marine Planning and Foreshore Section,  
Department of Housing,  
Planning and Local Government,  
Newtown Road,  
Wexford,  
Co. Wexford.

Planning Application Reference Number: FS006859.  
Applicant: INIS FAIGA MARINE ENERGY PARK (IEMEP) Ltd.  
Description of Development: SITE INVESTIGATIONS RELATING  
to a possible windfarm at INIS FAIGA, CORK.

Location: OFF CORK COAST.

A Chara,

I refer to the above planning application & wish to make the following submission /  
objection in relation to the proposed development.

I wish to object to the proposed development based on the points outlined below:

1. CABLE ROUTE to CLONEA (HELVICK) would impact on the inshore  
grounds for crab, prawns, whelks and straight through the middle  
of shrimp and juvenile Lobster spawning grounds from HELVICK to  
CLONEA BEACH AND HAS 2 Natura 2000 protected sites 004030 00066  
and 004192. 3 Straight through the middle of the ground for BAY BESIDE HELVICK  
4 it would impact on my FISHING BUSINESS and other small inshore boats in the  
area.

On the basis of the above, I trust my concerns will be taken into consideration prior to a  
decision being reached on this planning application.

Is Mise le Meas.

## Submission 28

I want to object to the wind farms for cork harbour to hook Head because I make my living  
for hook head to cork harbour I have a under 10m trawler and work in that Area that the  
wind farms are proposed to go if they go head I will lose my Lively hood my boat is to small  
to work off out side in the deep water [REDACTED] Bally hack Arthurstown New Ross Co  
Wexford

## Submission 29

A chara,

Ba mhian liom m'aighneas a chuir in iúl i leith forbairt tuirbíní gaoithe amuigh ón chósta uainn i nGaeltacht na nDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Ar an gcéad dul síos tá áilleacht agus suaimhneas faoi leith i gceist le bheith i mo chónaí sa cheantair seo. Dhéanfadh cad a bhfuil i gceist scrios ar na radharcanna a bhfuil clú agus cáil orthu ó cheann ceann na tíre.

Tá traidisiún iascaireachta sa cheantar agus tá go leor clainn ag braith go huile is go hiomlán ar an slí beatha seo. Is báid beaga go mórmhór atá i gceist agus chuirfeadh na tuirbíní isteach go mór ar an saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An Greenway (Rian Glas na nDéise) agus na bialanna nua go léir a bhfuil ar fáil i nDúngarbhán. Bheadh laghdú millteach ar turasóirí go dtí an cheantair maguard de dheasca na structúr seo san fharraige.

Ach é sin go léir ráite an príomh chúis gearáin a bheadh agam faoin forbairt seo ná an díomháil a dhéanfadh na tuirbíní ar stádas Gaeltachta an cheantair. Tá éileamh mór ar Cholaiste na Rinne gach bliain. Bíonn an Choláiste lán go doras le páistí ó gach contae sa tír. Bíonn tithe an cheantair lán lena páistí seo i rith an t-Samhraidh. Bíonn líon mór daoine, idir óg agus críonna, fostaithe ag an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear sa cheantar i mbliana, de bharr an víreas, Covid19, an difríocht a dhéanfadh saol sa Rinn gan páistí a bheith ag freastal ar Choláiste na Rinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agus teanga é. Is léir go bhfuil áilleacht an cheantair an-tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach go ndéanfadh tuirbíní gaoithe, lonnaithe chomh lárnach in áilleacht na háite, scrios ar seo. Ní féidir dul sa seans stádas an Ghaeilge, agus ar ndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.

## Submission 30

Dear Sirs,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries, to families in the area (especially those close to the sea) and to our local natural heritage.

There seems to be no consideration given to the negative effect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the effects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

There is also a SAC and SPA area running along the coastline locally. There are endangered birds that live along the cliffs that will be threatened by a wind farm so close to shore. The current proposal is putting those birds at risk.

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

I would also be hugely concerned about the noise from any such wind turbines being carried along the sea to shore and affecting houses close to the sea. The World Health Organisation has now officially confirmed that there can be negative health impacts from wind turbines and noise carries much further on water than it does on land.

The proposed wind farm is far too close to shore and is likely to have a very big negative impact on those living close to sea if it is constructed as outlined in the proposal.

Kindly acknowledge receipt of this submission.

I look forward to hearing from you.

## Submission 31

**Ref: Inis Ealga Application for Site Investigation  
– Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore.

Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions? I consider this development wholly inappropriate to this area.

## Submission 32

Dear Sirs,

Re: Inis Ealga Application for Site Investigation (FS006859)

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

### Submission 33

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Dear Sirs,

**Re: Inis Ealga Application for Site Investigation  
(FS006859)**

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

Sincerely,



**Ref: Inis Ealga Application for Site Investigation  
– Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions? I consider this development wholly inappropriate to this area.

Regards,



### Submission 35

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

### Submission 36

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

### Submission 37

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An RinnGaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

### Submission 38

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An RinnGaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

### Submission 39

-----Original Message-----

From: Cathal O cuirrin [<mailto:cathaloc@icloud.com>]

Sent: Thursday 7 May 2020 10:15

To: foreshore <[foreshore@housing.gov.ie](mailto:foreshore@housing.gov.ie)>

Subject: Windmill

Hi

I'm not happy about this and completely against i would like to object it see attached my submission towards it

Aighneas. Stádas Teanga

A chara,

Ba mhian liom m'aighneas a chuir in iúl i leith forbairt tuirbíní gaoithe amuigh ón chósta uainn i nGaeltacht na nDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Ar an gcéad dul síos tá áilleacht agus suaimhneas faoi leith i gceist le bheith i mo chónaí sa cheantair seo. Dhéanfadh cad a bhfuil i gceist scríos ar na radharcanna a bhfuil clú agus cáil orthu ó cheann ceann na tíre.

Tá traidisiún iascaireachta sa cheantar agus tá go leor clainn ag braith go huile is go hiomlán ar an slí beatha seo. Is báid beaga go mórmhór atá i gceist agus chuirfeadh na tuirbíní isteach go mór ar an saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An Greenway (Rian Glas na nDéise) agus na bialanna nua go léir a bhfuil ar fáil i nDúngarbhán. Bheadh laghdú millteach ar turasóirí go dtí an cheantair maguard de dheasca na structúr seo san fharraige.

Ach é sin go léir ráite an príomh chúis gearáin a bheadh agam faoin forbairt seo ná an díomháil a dhéanfadh na tuirbíní ar stádas Gaeltachta an cheantair. Tá éileamh mór ar Cholaiste na Rinne gach bliain. Bíonn an Choláiste lán go doras le páistí ó gach contae sa tír. Bíonn tithe an cheantair lán lena páistí seo i rith an t-Samhraidh. Bíonn líon mór daoine, idir óg agus críonna, fostaithe ag an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear sa cheantar i mbliana, de bharr an víreas, Covid19, an difríocht a dhéanfadh saol sa Rinn gan páistí a bheith ag freastal ar Choláiste na Rinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agus teanga é. Is léir go bhfuil áilleacht an cheantair an-tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach go ndéanfadh tuirbíní gaoithe, lonnaithe chomh lárnach in áilleacht na háite, scríos ar seo. Ní féidir dul sa seans stádas an Ghaeilge, agus ar ndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.

## Tourist Industry

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 40

### Economy

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 41

I would like to register my objection to the proposed application relating to an offshore wind farm off the south coast. I consider the proposal to be detrimental eye sore on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

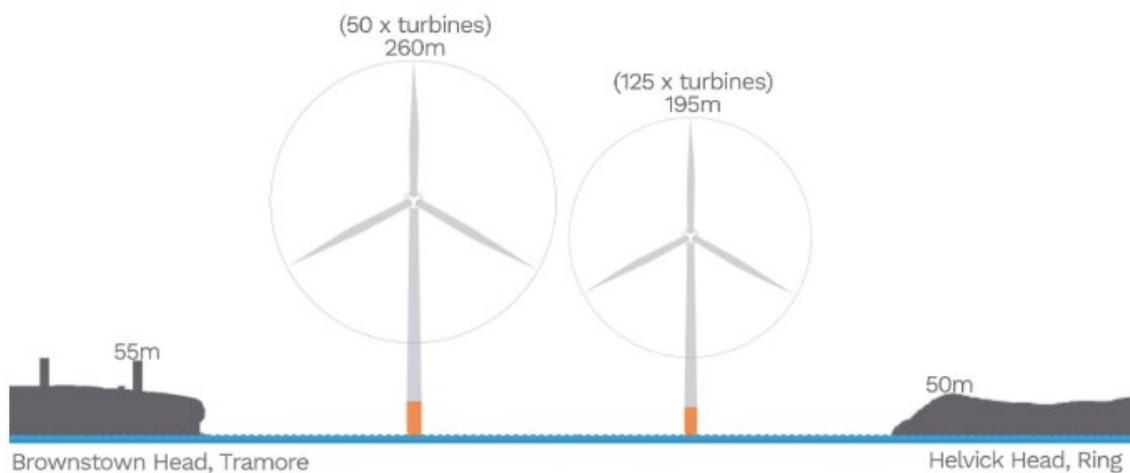
There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to shore.

Offshore wind farms of this scale must be located much further from our coastline as is standard in Other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast? What will the effects of destroying our natural scenery have on the Gaeltacht and beyond? How many business in the region will shut down or be negatively impacted as tourists will no longer choose the region and opt for countries that are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.



Energia Proposal: 50 x 260m turbines or 125 x 195m turbines

## Submission 42

I love where i live! It was to be my forever after. I fought hard to get planning permission and had to follow so many specifications. I cannot understand how turbines can go in such a beautiful tourist area, completely ruining our skyline. The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I am not against wind turbines BUT I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 43

I would like to register my objection to the proposed application relating to an offshore wind farm off the south coast. I consider the proposal to be detrimental eye sore on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

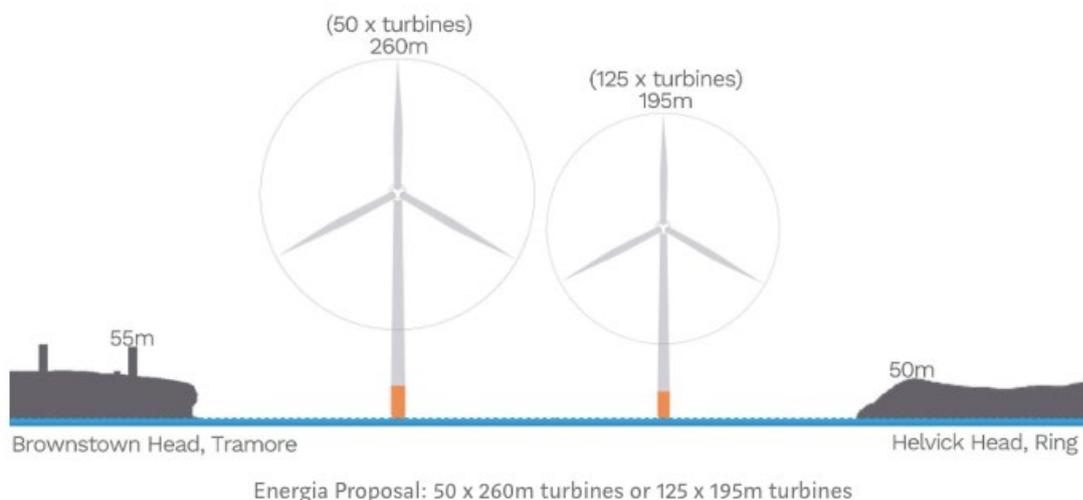
There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to shore.

Offshore wind farms of this scale must be located much further from our coastline as is standard in Other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast? What will the effects of destroying our natural scenery have on the Gaeltacht and beyond? How many business in the region will shut down or be negatively impacted as tourists will no longer choose the region and opt for countries that are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.



## Submission 44

A chara,

Ba mhian liom m'aighneas a chuir in iúl i leith forbairt tuirbíní gaoithe amuigh ón chósta uainn i nGaeltacht na nDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Ar an gcéad dul síos tá áilleacht agus suaimhneas faoi leith i gceist le bheith i mo chónaí sa cheantair seo. Dhéanfadh cad a bhfuil i gceist scríos ar na radharcanna a bhfuil clú agus cáil orthu ó cheann ceann na tíre.

Tá traidisiún iascaireachta sa cheantar agus tá go leor clainn ag braith go huile is go hiomlán ar an slí beatha seo. Is báid beaga go mórmhór atá i gceist agus chuirfeadh na tuirbíní isteach go mór ar an saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An Greenway (Rian Glas na nDéise) agus na bialanna nua go léir a bhfuil ar fáil i nDúngarbhán. Bheadh laghdú millteach ar turasóirí go dtí an cheantair maguard de dheasca na structúr seo san fharraige.

Ach é sin go léir ráite an príomh chúis gearáin a bheadh agam faoin forbairt seo ná an díomháil a dhéanfadh na tuirbíní ar stádas Gaeltachta an cheantair. Tá éileamh mór ar Cholaiste na Rinne gach bliain. Bíonn an Choláiste lán go doras le páistí ó gach contae sa tír. Bíonn tithe an cheantair lán lena páistí seo i rith an t-Samhraidh. Bíonn líon mór daoine, idir óg agus críonna, fostaithe ag an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear sa cheantar i mbliana, de bharr an víreas, Covid19, an difríocht a dhéanfadh saol sa Rinn gan páistí a bheith ag freastal ar Choláiste na Rinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agus teanga é. Is léir go bhfuil áilleacht an cheantair an-tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach go ndéanfadh tuirbíní gaoithe, lonnaithe chomh lárnach in áilleacht na háite, scríos ar seo. Ní féidir dul sa seans stádas an Ghaeilge, agus ar ndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.

## Submission 45

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 46

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 47

### **IASC SLILOGAGH DUNGHARBAIN TEO.**

*Hillcrest, Gortnadiha, Ring, Dungarvan, Co. Waterford, Ireland.*

Telephone: 058 – 46120

Email: [dsf-oysters@hotmail.com](mailto:dsf-oysters@hotmail.com) (General)

Re: FS006859

To whom it Concerns,

We are writing to you to object to Inis Ealga Marine Energy Park (IEMEP) Ltd, DP Energy Ireland, Mill House, Buttevant, CO. Cork.

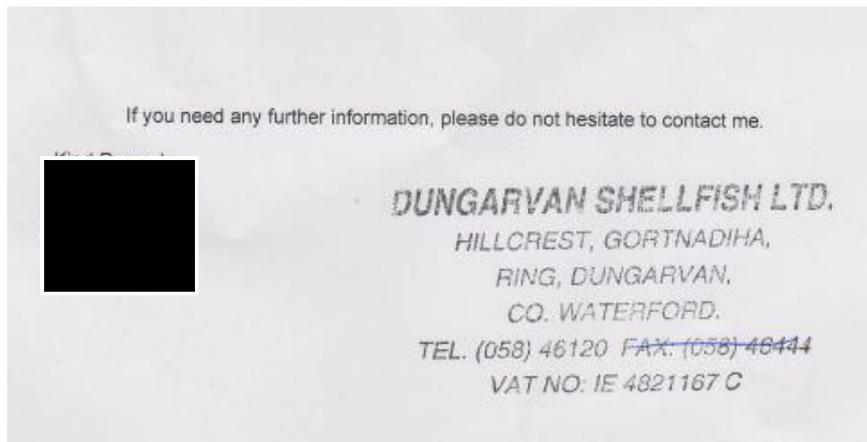
Here in Dungarvan Bay it is a SPA and SAC and protected by the EU Shellfish and Water Directives.

Our main Objections are as follows:

1. No Pollution of any sort can take place in or in the vicinity of this area as it would cause significant losses to the whole bay area of over 600 Ha of oyster producers commercially producing here for over 40 years.
2. We also have a state-of-the-art nursery production site for our oyster seed and any wate pollution in the bay would cause significant losse3s to our production going forward.
3. Analysis of sediments will have to be taken to ensure that sediment disturbance will not release anything that would act as a predator to the oyster industry in the bay and surrounding areas.
4. All drilling and all other associated works would need to adhere to low water tide times so as no sonar damage would occur to the oysters.
5. Sediment would always have to be released out on an ebbing tide and monitored and recorded.
6. There can be under no circumstances any release, spillages of any hazardous material that would cause detrimental effect to the oyster industry.
7. All aspects would have to be carried out under a severe safety assessment and environmental assessment to be carried out first and all results made known to the oyster industry, all activities and findings would have to be made public.
8. Any losses to the oyster industry caused by the research, development, construction, running of the industry or any ongoing activities would be unacceptable.
9. Prohibit all access to all areas surrounding the location of all oyster beds in the bay.
10. This area is also renowned for the Brent F=Geese feeding here for the winter period on the grassland area, if these structures and associated works were in interfere with this it would be of great environmental loss to the bird population of the area.

The oyster bay here in Dungarvan Bay is one of the biggest areas in Ireland and that oyster that are produced here are classified as 'Specialé Oysters'.

Any investigation, constructions and all follow on activity that would interfere or cause damage and losses to the industry be it by the means of testing, cable laying and all associated works cannot be allowed or tolerated anywhere near this area.  
All the above points are to be seriously considered as the livelihood of the bay and surrounding areas is at risk by the applicant.



## Submission 48

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An RinnGaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 49

I would like to make my opinion of this strategy known to the department, as I am directly affected by wind turbines every day and night and would like to prevent further detrimental wind farm developments that are incorrectly positioned in our beautiful countryside in county Waterford.

As a resident and member of "Ring against Wind Turbines", I am living 630m away from two wind

turbines at a total height of 120m at Ballycurreen Wind Farm in Ring, Co. Waterford. I am constantly calling for the removal of the wind turbines to a more suitable location away from homes.

The wind turbines have impacted greatly on my life and health and causes me huge stress and anxiety. No one understands the distressing, nauseating, roaring noise coming from

these wind turbines except the unfortunate victims living in the shadow of these unsightly monstrosities. There is no escape from this never-ending torment.

The only peace I have is that I can look out on the beautiful sea in Muggorts Bay near Minehead and try to forget about the wind farm beside my once peaceful home, it would make my physically sick to see a windfarm out on our beautiful unspoilt sea.

The wind farm developers have destroyed the basic right to live in the peaceful enjoyment of your own home. We are forced to live beside these industrial machines for the next 20 years without any consultation of any kind, the developers were not obliged to do this at the time. There are other wind turbines operational in Co. Waterford such as Kereen and Portlaw and the residents in close proximity are experiencing noise pollution similar to Ballycurreen Wind Farm.

As time goes on, the risk to people's health is increased due to the pulsating sound which affects the inner ear and the central nervous system.

Why are these wind turbines not permitted in our towns and villages? There are noise limits enforced for night-time in built-up areas but nothing for the rural areas. Are we not all entitled to be treated equally?

I believe the visual impact of a windfarm on the coastline of county Waterford would be devastating for tourism and business in the area, due to the popularity of the South East coastal drive, on which I live on, as well as the negative impact on the recently opened greenway cycle route.

With this in mind, I would like the Department to take the following into consideration as regards wind farms:

1. Moratorium on any further wind development pending assessment of actual landscape impact of development constructed and permitted to date. Including an investigation into the effects of health impacts of the residents living beside wind farms.
2. Review of actual impact on residential amenity in terms of noise, shadow flicker and visual impact.
3. Review of impact on agriculture.
4. Need for Conservation energy strategy .
5. Review of wind energy strategy in County plan to include for a ban on any windfarm development within the Southeast coastal drive.
6. Review of the role of wind in the energy plan.
7. Review on cumulative impact of solar farms as opposed to domestic units on farm buildings and domestic dwellings.

8. Further research required into the potential of tidal renewable energy which is more sympathetic to the environment.

## Submission 50

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 51

I would like to make my opinion of this strategy known to the department, as I am directly affected by wind turbines every day and would like to prevent further detrimental wind farm developments that are incorrectly positioned in our beautiful countryside in county Waterford.

My family is directly affected by the negative affects of the Ballycurreen Wind Farm every day, I feel sick at the thought of not being able to look out at our beautiful Muggorts bay near Minehead without having to look at these inefficient means of "renewable energy".

I believe money would be much better spent on researching tidal energy in the area, so as not to upset residents.

I believe the visual impact of a windfarm on the coastline of county Waterford would be devastating for tourism and business in the area, due to the popularity of the South East coastal drive, on which I live on, as well as the negative impact on the recently opened greenway cycle route.

I work in an Architectural Design office in Dungarvan, where much of our housing projects are designed around views of the beautiful Waterford coastline, a windfarm in the area would have detrimental affects to our Architecture business also.

With this in mind, I would like the Department to take the following into consideration as regards wind farms:

1. Moratorium on any further wind development pending assessment of actual landscape impact of development constructed and permitted to date. Including an investigation into the effects of health impacts of the residents living beside wind farms.

2. Review of actual impact on residential amenity in terms of noise, shadow flicker and visual impact.
3. Review of impact on agriculture.
4. Need for Conservation energy strategy .
5. Review of wind energy strategy in County plan to include for a ban on any windfarm development within the Southeast coastal drive.
6. Review of the role of wind in the energy plan.
7. Review on cumulative impact of solar farms as opposed to domestic units on farm buildings and domestic dwellings.
8. Further research required into the potential of tidal renewable energy which is more sympathetic to the environment.

## Submission 52

**Ref: Inis Ealga Application for Site Investigation  
– Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions? I consider this development wholly inappropriate to this area.

Rega



**Ref: Inis Ealga Application for Site Investigation  
– Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore.

Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions? I consider this development wholly inappropriate to this area.

Regards



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## Submission 53

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An RinnGaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 54

Ba mhian liom m'aighneas a chuir in iúl i leith forbairt tuirbíní gaoithe amuigh ón chósta uainn i nGaeltacht na nDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Ar an gcéad dul síos tá áilleacht agus suaimhneas faoi leith i gceist le bheith i mo chónaí sa cheantair seo. Dhéanfadh cad a bhfuil i gceist scrios ar na radharcanna a bhfuil clú agus cáil orthu ó cheann ceann na tíre.

Tá traidisiún iascaireachta sa cheantar agus tá go leor clainn ag braith go huile is go hiomlán ar an slí beatha seo. Is báid beaga go mórmhór atá i gceist agus chuirfeadh na tuirbíní isteach go mór ar an saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An Greenway (Rian Glas na nDéise) agus na bialanna nua go léir a bhfuil ar fáil i nDúngarbhán. Bheadh laghdú millteach ar turasóirí go dtí an cheantair maguard de dheasca na structúr seo san fharraige.

Ach é sin go léir ráite an príomh chúis gearáin a bheadh agam faoin forbairt seo ná an díomháil a dhéanfadh na tuirbíní ar stádas Gaeltachta an cheantair. Tá éileamh mór ar Choláiste na Rinne gach bliain. Bíonn an Choláiste lán go doras le páistí ó gach contae sa tír. Bíonn tithe an cheantair lán lena páistí seo i rith an t-Samhraidh. Bíonn líon mór daoine, idir óg agus críonna, fostaithe ag an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear sa cheantar i mbliana, de bharr an víreas, Covid19, an difríocht a dhéanfadh saol sa Rinn gan páistí a bheith ag freastal ar Choláiste na Rinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agus teanga é. Is léir go bhfuil áilleacht an cheantair an-tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach go ndéanfadh tuirbíní gaoithe, lonnaithe chomh lárnach in áilleacht na háite, scrios ar seo. Ní féidir dul sa seans stádas an Ghaeilge, agus ar ndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.

## Submission 55

Ba mhian liom m'aighneas a chuir in iúl i leith forbairt tuirbíní gaoithe amuigh ón chósta uainn i nGaeltacht na nDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Ar an gcéad dul síos tá áilleacht agus suaimhneas faoi leith i gceist le bheith i mo chónaí sa cheantair seo. Dhéanfadh cad a bhfuil i gceist scrios ar na radharcanna a bhfuil clú agus cáil orthu ó cheann ceann na tíre.

Tá traidisiún iascaireachta sa cheantar agus tá go leor clainn ag braith go huile is go hiomlán ar an slí beatha seo. Is báid beaga go mórmhór atá i gceist agus chuirfeadh na tuirbíní isteach go mór ar an saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An Greenway (Rian Glas na nDéise) agus na bialanna nua go léir a bhfuil ar fáil i nDúngarbhán. Bheadh laghdú millteach ar turasóirí go dtí an cheantair maguard de dheasca na structúr seo san fharraige.

Ach é sin go léir ráite an príomh chúis gearáin a bheadh agam faoin forbairt seo ná an díomháil a dhéanfaidh na tuirbíní ar stádas Gaeltachta an cheantair. Tá éileamh mór ar Cholaiste na Rinne gach bliain. Bíonn an Choláiste lán go doras le páistí ó gach contae sa tír. Bíonn tithe an cheantair lán lena páistí seo i rith an t-Samhraidh. Bíonn líon mór daoine, idir óg agus críonna, fostaithe ag an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear sa cheantar i mbliana, de bharr an víreas, Covid19, an difríocht a dhéanfaidh saol sa Rinn gan páistí a bheith ag freastal ar Choláiste na Rinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agus teanga é. Is léir go bhfuil áilleacht an cheantair an-tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach go ndéanfaidh tuirbíní gaoithe, lonnaithe chomh lárnach in áilleacht na háite, scrios ar seo. Ní féidir dul sa seans stádas an Ghaeilge, agus ar ndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.

## Submission 56

Ba mhian liom m'aighneas a chuir in iúl i leith forbairttuirbíní gaoithe amuigh ón chósta uainn i nGaeltacht nanDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Aran gcéad dul síos tá áilleacht agus suaimhneas faoi leith igceist le bheith i mo chónaí sa cheantair seo. Dhéanfaidh cad a bhfuil i gceist scrios ar na radharcanna a bhfuil clú agus cáilorthu ó cheann ceann na tíre.

Tá traidisiún iascaireachta sa cheantar agus tá go leor clainn ag braith go huile is go hiomlán ar an slí beatha seo. Is báidbeaga go mórmhór atá i gceist agus chuirfeadh na tuirbíní isteach go mór ar an saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An Greenway (Rian Glas na nDéise) agus na bialannanua go léir a bhfuil ar fáil i nDúngarbhán. Bheadh laghdúmillteach ar turasóirí go dtí an cheantair maguard de dheascana structúr seo san fharraige.

Ach é sin go léir ráite an príomh chúis gearáin a bheadh agamfaoin forbairt seo ná an díomháil a dhéanfaidh na tuirbíní arstádas Gaeltachta an cheantair. Tá éileamh mór ar Cholaistena Rinne gach bliain. Bíonn an Choláiste lán go doras le páistíó gach contae sa tír. Bíonn tithe an cheantair lán lena páistíseo i rith an t-Samhraidh. Bíonn líon mór daoine, idir óg aguscríonna, fostaithe ag an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear sa cheantar imbliana, de bharr an víreas, Covid19, an difríocht a dhéanfaidhsaol sa Rinn gan páistí a bheith ag freastal ar Choláiste naRinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agusteanga é. Is léir go bhfuil áilleacht an cheantair an-tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach go ndéanfaidh tuirbínígaoithe, lonnaithe chomh lárnach in áilleacht na háite, scriosar seo. Ní féidir dul sa seans stádas an Ghaeilge, agus arndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.

## Submission 57

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 58

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 59

I would like to register my objection to the proposed application relating to an off shore windfarm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependent on our natural heritage.

I am deeply concerned that such a proposal could even be considered so close to the shore. Off shore windfarms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns on our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will be shut down or be negatively impacted as tourists will surely choose other countries which are unspoiled by these massive visual obstructions.

I consider this development wholly inappropriate in this area.

## Submission 60

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 61

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our cultural heritage, our amenities and our unspoilt stunning coastline.

Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit with a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 62

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

### Submission 63

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

### Submission 64

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 65

Dear Sirs,

**Re: Inis Ealga Application for Site Investigation (FS006859)**

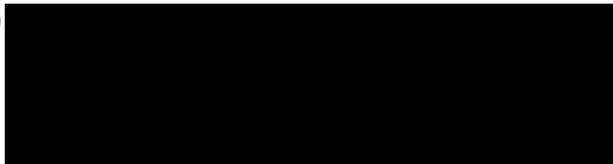
The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

Sincerely,



## Submission 66

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

### Submission 67

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

### Submission 68

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

Sincerely,



## Submission 69

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on this natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on the shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area to which I am deeply connected as it is the homeland of my mother.

## Submission 70

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 71

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 72

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 73

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to thenegative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An RinnGaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 74

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions? I consider this development wholly inappropriate to this area.

## Submission 75

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 76

please see attached

### **Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,

A chara,

Ba mhian liom m'aighneas a chuir in iúl i leith forbairt tuirbíní gaoithe amuigh ón chósta uainn i nGaeltacht na nDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Ar an gcéad dul síos tá áilleacht agus suaimhneas faoi leith i gceist le bheith i mo chónaí sa cheantair seo. Dhéanfadh cad a bhfuil i gceist scrios ar na radharcanna a bhfuil clú agus cáil orthu ó cheann ceann na tíre. Tá traidisiún iascaireachta sa cheantar agus tá go leor clainn ag braith go huile is go hiomlán ar an slí beatha seo. Is báid beaga go mórmhór atá i gceist agus chuirfeadh na tuirbíní isteach go mór ar an saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An Greenway (Rian Glas na nDéise) agus na bialanna nua go léir a bhfuil ar fáil i nDúngarbhán. Bheadh laghdú millteach ar turasóirí go dtí an cheantair maguard de dheasca na structúr seo san fharrage.

Ach é sin go léir ráite an príomh chúis gearáin a bheadh agam faoin forbairt seo ná an díomháil a dhéanadh na tuirbíní ar stádas Gaeltachta an cheantair. Tá éileamh mór ar Cholaiste na Rinne gach bliain. Bíonn an Choláiste lán go doras le páistí ó gach contae sa tír. Bíonn tithe an cheantair lán lena páistí seo i rith an t-Samhraidh. Bíonn líon mór daoine, idir óg agus críonna, fostaithe ag an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear sa cheantar i mbliana, de bharr an víreas, Covid19, an difríocht a dhéanadh saol sa Rinn gan páistí a bheith ag freastal ar Choláiste na Rinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agus teanga é. Is léir go bhfuil áilleacht an cheantair an-tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach go ndéanadh tuirbíní gaoithe, lonnaithe chomh lánach in áilleacht na háite, scrios ar seo. Ní féidir dul sa seans stádas an Ghaeilge, agus ar ndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.  
Is mise le meas,

Dear Sirs,

**Re: Inis Ealga Application for Site Investigation (FS006859)**

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

Sincerely,

[Submission 77](#)

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks**

## **Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,

[Submission 78](#)

Dear Sirs,

**Re: Inis Ealga Application for Site Investigation (FS006859)**

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

Sincerely,

[REDACTED]

### Submission 79

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,

## Submission 80

A chara,

Ba mhian liom aighneacht a chur fé bhúr mbráid maidir le forbairt Fheirm Ghaoithe Inis Ealga (Ref FS006859). Ba mhaith liom cur i gcoinne na forbartha ar na cúiseanna seo a leanas ach, níos mó ná san, réiteach a mholadh.

### 1. An Timpeallacht.

Ní fios cén díobháil a dhéanadh oibreacha ar an scála seo don timpeallacht fén bhfarraige. Tá gnáthóg choimpléasach, ná tuigeann na heolaithe mara is clúití fiú, fénár bhfarraigí.

Feidhmíonn leithéidí na míolta móra & deilpheanna ar chóras fógairt fuaim. Méadaíonn doimhneacht na farraige an fhuaim agus taistíonn se na céadta mílte. Sin an chúis gur féidir míolta móra a fheiscint amach ó Cheann na hAirde Móire agus iad ar síobadh ón Muir Cheilteach go dtí an tAtlantach Thuaidh nó Theas.

Chuirfeadh réabadh fén uisce isteach ar an gcóras fuaim atá ag leithéidí na míolta móra, roinnt acu atá ina speiceas fé chosaint ag an Aontas Eorpach & na Náisiúin Aontaithe. Go deimhin féin tá an t-uafás fianaise crua eolaíochta ann le taispeáint go gcuireann cleachtaí cosúil le Pléascadh Seismeach chomh fada siar le Stát Aontaithe Mheireceá isteach ar thurasanna na míolta móra suas & síos farraigí na hÉireann.

Chomh maith leis na míolta móra tá córas coimpléasach sceir coiréal fuaruisce amach ó chóstaí na hÉireann, roinnt ná fuil faighte amach nó taiscéalaithe ag eolaithe go fóill. Tacaíonn sceir coiréal leis an mbithéagsúlacht atá fén bhfarraige.

Cén bhaint atá ag an méid thuas linne? Tá sé cruthaithe gan aon dabht ar domhan gur scriosfar an cine daonna má scriosfar iomarca córais bhithéagsúlachta. Caithfidh go bhfuil sé seo ag teacht salach ar réimse leathan treoracha & dlíthe an Aontais Eorpaigh?

Réiteach na Faidhbe? Feirmeacha beaga amach níos faide sa bhfarraige (cosúil le tíotha an Aontais Eorpaigh eile) agus iad scaipthe amach.

### 2. Turasóireacht

Sa bhliain 2014 sheol an tAire Stáit don Turasóireacht & Spórt, Michael Ring TD, Slí an Atlantaigh Fhiáin. Tá sé tar éis borradh a thabhairt do mhórán pobal imeallach timpeall na tíre. Tosnaíonn an tSlí i gCeann tSáile, cé ná fuil Ceann tSáile & cuid mhaith de chósta Chorcaí ar chósta an Atlantach in aon chor. Dhein eagraíochtaí turasóireachta & ionadaithe pobail i bPort Láirge iarratas ar a bheith san áirimh i Slí an Atlantaigh Fhiáin ach diúltaíodh dóibh.

Buille tubaisteach ab ea é sin do thurasóireacht Phort Láirge. In ainneoin sin tá borradh de shórt tar éis teacht ar thurasóireacht sa chontae le Rian Glas na nDéise. Thabhrfaí bata is bóthar do thurasóirí dá mbeadh orthu a bheith ag féachaint ar fhathaigh mhóra miotail agus iad ag gabháil na slí.

Feictear dom ná fuil pleananna ag DP Energy an fheirm a shíneadh chomh fada le Cionn tSáile in aon chor. Dé chúis nó cén fáth é sin?

Réiteach na faidhbe? Tá cumacht gaoithe i bhfad níos láidre ar chósta an Atlantach. Bhead feirm ghaoithe i bhfad níos éifeachtaí amach ó chósta an Iarthair.

### 3. Tionslaíocht & Eacnamaíocht

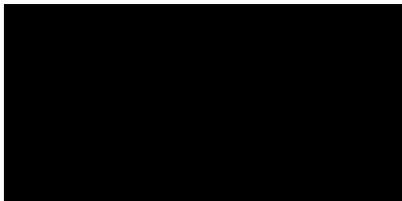
Ag leanúint ón bpointe thuas, caitheann turasóirí i bhfad níos mó airgid ná mar a chaithfeadh oibrithe gaoithe. Chomh maith leis sin braitheann lear mór de phobal na Gaeltachta sna Déise & ar chósta sna Déise, go díreach nó go hindíreach, ar thionscal na hiascaireachta, na n-oisirí agus na seoltóireachta. Ní fios cén damáiste a dhéanfaidh scriosadh na ngáthóg le todhcaí na n-oisirí & na hiascaireachta sa Rinn. Gach samradh bíonn Cé Heilbhic & Céanna eile timpeall na nDéise lán le slatiascairí. Ní bheidh aon slatiascaire ann mura bhfuil éisc san fharráige. Maidir leis an iascaireacht traléara, tá buille i ndiaidh buille fulaingthe ag iascairí Heilbhic, mar aon le hiascairí na hÉireann, de dheasca rialacha & cuóta an Aontas Eorpaigh. Gan dabht ar domhan, buille maraithe na muice a bheadh sa "forbairt" seo.

Réiteach na faidhbe? Mar atá thuas

#### 4. An Ghaeilge

Mhair an Gheilge sa Rinn & sa Seana-Phobal tríd an nGorta Mór, trí Chogadh na Saoirse, Cogadh na gCarad, trí thréimhse na hÉigeandála, trí eisimirce na 1950dí, trí chúlú eacnamaíochta na 1980dí, trí ghlóbalú agus anall. Más rud é go bhfuil postanna & slite beatha á gcailliúint de dheasca an méid atá luaithe thuas is deacair le feiscint conas a mhairfidh sí mura bhfuil slite beatha le saothrú ag muintir na háite. Is sinne an ceantar Gaeltachta is lú sa tír agus tá sé de dhualgas dlíthiúil ar an Stát sinn a chosaint. De réir bunreacht na hÉireann 'sí an Ghaeilge teanga oifigiúil na tíre agus ní mór don rialtas & craobhacha éagsúla an rialtais an fód a sheasamh ar a son. Dá bhrí sin, ní mór diúltú don iarrtas seo.

Is mise le meas,



## Submission 81

Foreshore Licence Ref FS006859

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,



Sent from my iPhone

## Submission 82

> Foreshore Licence Ref FS006859 To whom it may concern,

>

>

> I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

>

> There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

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>

> What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

>

> How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

>

> I consider this development wholly inappropriate to this area.

>

>

>

> Regards, [REDACTED]

>

> Sent from my iPhone

### Submission 83

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

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What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,

[REDACTED]

Resident of

[REDACTED]

### Submission 84

Hello. My name is [REDACTED] I have nothing against green energy. The problem is if you put them too close to people's homes the homes become worthless. For most people the home is the biggest investment of their life and something they hope to pass down to their offspring. They can not be too close to homes. Thank you. [REDACTED]

### Submission 85

Foreshore Licence Ref FS006859

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative effect these turbines will have on so many industries dependant on our natural landscape.

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What will the effects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,

[REDACTED]

[Submission 86](#)

Dear Sirs,

**Re: Inis Ealga Application for Site Investigation (FS006859)**

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

Sincerely,

[REDACTED]

## Submission 87

A chara,

Ba mhian liom m'aighneas a chuir in iúl i leith forbairttuirbíní gaoithe amuigh ón c hósta uainn i nGaeltacht nanDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Aran gcéad dul síos tá áill eacht agus suaimhneas faoi leith igceist le bheith i mo chónaí sa cheantair seo. Dh éanfadh cad

a bhfuil i gceist scrios ar na radharcanna a bhfuil clú agus cáilorthu ó cheann ceann na tíre.

Tá traidisiún iascaireachta sa cheantar agus tá go leor clainnag braith go huile is go hiomlán ar an slí beatha seo.

Is báidbeaga go mórmhór atá i gceist agus chuirfeadh na tuirbínísteach go mór ar a n saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An Greenway (Rian Glas na nDéise) agus na bialannanua go léir a bhfuil ar fáil i nDún garbhán. Bheadh laghdúmillteach ar turasóirí go dtí an cheantair maguard de dheas cana structúr seo san fharraige.

Ach é sin

go léir ráite an príomh chúis gearáin a bheadh agamfaoin forbairt seo ná an díomhá il a dhéanfadh na tuirbíní arstádas Gaeltachta an cheantair. Tá éileamh mór ar Chol aistena Rinne gach bliain. Bíonn an Choláiste lán go doras le páistíó gach contae sa tír. Bíonn tithe an cheantair lán lena páistíseo i rith an t-

Samhraidh. Bíonn líon mór daoine, idir óg aguscríonna, fostaithe ag an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear s a cheantar imbliana, de bharr an víreas,

Covid19, an difríocht a dhéanfadhhsaol sa Rinn gan páistí a bheith ag freastal ar Ch oláiste naRinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agusteanga é.

Is léir go bhfuil áilleacht an cheantair an-tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach

go ndéanfadh tuirbínígaoithe, lonnaithe chomh lárnach in áilleacht na háite, scriosa r seo.

Ní féidir dul sa seans stádas an Ghaeilge, agus arndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.

Is mise le meas,

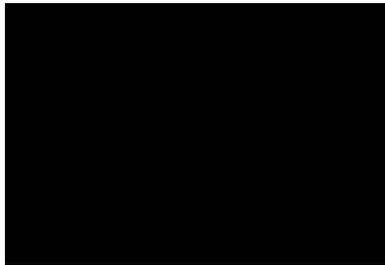


## Submission 88

To whom it may concern

Please find my objection letters attached.

Kind regards



Dear Sirs,

**Re: Inis Ealga Application for Site Investigation  
(FS006859)**

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

Sincerely,



## Submission 89

**Ref: Inis Ealga Application for Site Investigation  
– Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions? I consider this development wholly inappropriate to this area

Regards,

## Submission 90

Hi,

Please find attached my objection....

Kind regards

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

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What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,

## Submission 91

A chara,

Find my objection attached.

Is mise le meas,



07/05/2020

A chara,

Ba mhian liom m'aighneas a chuir in iúl i leith forbairt tuirbíní gaoithe amuigh ón chósta uainn i nGaeltacht na nDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Ar an gcéad dul síos tá áilleacht agus suaimhneas faoi leith i gceist le bheith i mo chónaí sa cheantair seo. Dhéanfadh cad a bhfuil i gceist scrios ar na radharcanna a bhfuil clú agus cáil orthu ó cheann ceann na tíre. Tá traidisiún iascaireachta sa cheantar agus tá go leor clainn ag braith go huile is go hiomlán ar an slí beatha seo. Is báid beaga go mórmhór atá i gceist agus chuirfeadh na tuirbíní isteach go mór ar an saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An Greenway (Rian Glas na nDéise) agus na bialanna nua go léir a bhfuil ar fáil i nDúngarbhán. Bheadh laghdú millteach ar turasóirí go dtí an cheantair maguard de dheasca na structúr seo san fharrage.

Ach é sin go léir ráite an príomh chúis gearáin a bheadh agam faoin forbairt seo ná an díomháil a dhéanfaidh na tuirbíní ar stádas Gaeltachta an cheantair. Tá éileamh mór ar Cholaiste na Rinne gach bliain. Bíonn an Choláiste lán go doras le páistí ó gach contae sa tír. Bíonn tithe an cheantair lán lena páistí seo i rith an t-Samhraidh. Bíonn líon mór daoine, idir óg agus críonna, fostaithe ag an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear sa cheantar i mbliana, de bharr an víreas, Covid19, an difríocht a dhéanfaidh saol sa Rinn gan páistí a bheith ag freastal ar Choláiste na Rinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agus teanga é. Is léir go bhfuil áilleacht an cheantair an-tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach go ndéanfaidh tuirbíní gaoithe, lonnaithe chomh lánach in áilleacht na háite, scrios ar seo. Ní féidir dul sa seans stádas an Ghaeilge, agus ar ndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.

Is mise le meas



## Submission 92

Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Works Foreshore  
Licence Ref FS006859

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the south coast. I consider the proposal to be detrimental eye sore on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

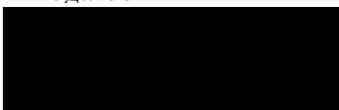
I am deeply concerned that such a proposal could even be considered so close to shore. Offshore wind farms of this scale must be located much further from our coastline as is standard in

Other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast? What will the effects of destroying our natural scenery have on the Gaeltacht and beyond? How many business in the region will shut down or be negatively impacted as tourists will no longer choose the region and opt for countries that are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards



## Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Works Foreshore Licence Ref FS006859

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the south coast. I consider the proposal to be detrimental eye sore on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

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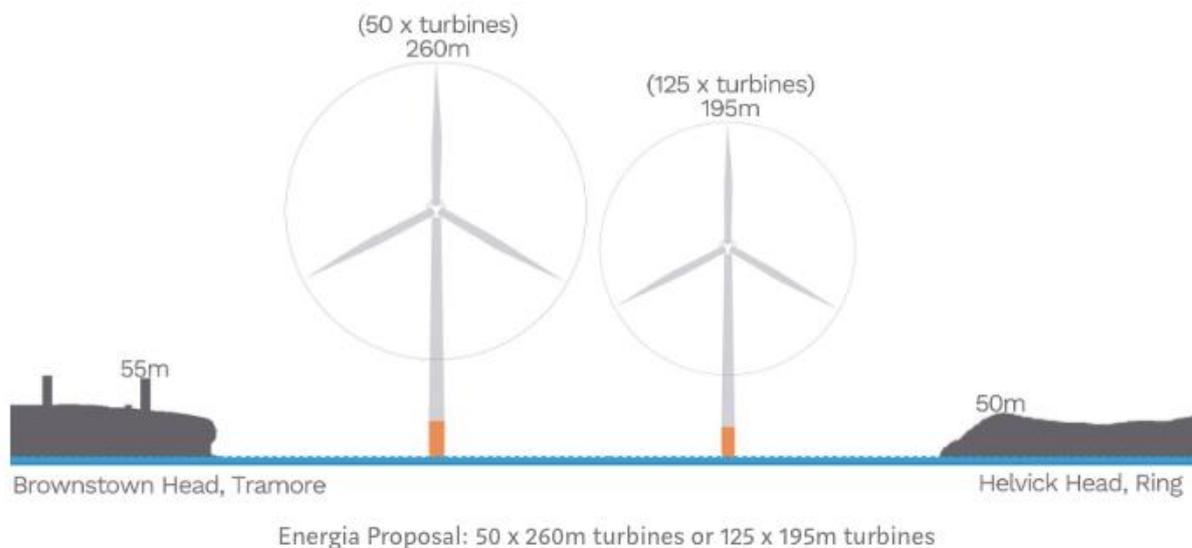
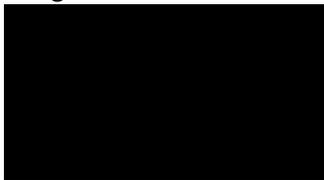
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Offshore wind farms of this scale must be located much further from our coastline as is standard in Other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast? What will the effects of destroying our natural scenery have on the Gaeltacht and beyond? How many business in the region will shut down or be negatively impacted as tourists will no longer choose the region and opt for countries that are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards



Submission 93

Sent from my iPhone

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks**

**Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

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What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards



Submission 94

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks**

## Foreshore Licence Ref FS006859

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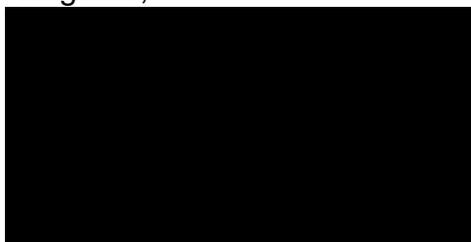
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How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,



## Submission 95

A chara,

Ba mhian liom m'aighneas a chuir in iúl i leith forbairt tuirbíní gaoithe amuigh ón chósta uainn i nGaeltacht na nDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Ar an gcéad dul síos tá áilleacht agus suaimhneas faoi leith i gceist le bheith i mo chónaí sa cheantair seo. Dhéanfadh cad a bhfuil i gceist scrios ar na radharcanna a bhfuil clú agus cáil orthu ó cheann ceann na tíre. Tá traidisiún iascaireachta sa cheantar agus tá go leor clainn ag braith go huile is go hiomlán ar an slí beatha seo. Is báid beaga go mórmhór atá i gceist agus chuirfeadh na tuirbíní isteach go mór ar an saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An Greenway (Rian Glas na nDéise) agus na bialanna nua go léir a bhfuil ar fáil i nDúngarbhán. Bheadh laghdú millteach ar turasóirí go dtí an cheantair maguard de dheasca na structúr seo san fharraige.

Ach é sin go léir ráite an príomh chúis gearáin a bheadh agam faoin forbairt seo ná an díomháil a dhéanfaidh na tuirbíní ar stádas Gaeltachta an cheantair. Tá éileamh mór ar Cholaiste na Rinne gach bliain. Bíonn an Choláiste lán go doras le páistí ó gach contae sa tír. Bíonn tithe an cheantair lán lena páistí seo i rith an t-Samhraidh. Bíonn líon mór daoine, idir óg agus críonna, fostaithe ag an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear sa cheantar i mbliana, de bharr an víreas, Covid19, an difríocht a dhéanfaidh saol sa Rinn gan páistí a bheith ag freastal ar Choláiste na Rinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agus teanga é. Is léir go bhfuil áilleacht an cheantair an-tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach go ndéanfaidh tuirbíní gaoithe, lonnaithe chomh lánach in áilleacht na háite, scrios ar seo. Ní féidir dul sa seans stádas an Ghaeilge, agus ar ndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.

Is mise le meas,



### Submission 96

## **Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks**

### **Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,



## Submission 97

**Ref: Inis Ealga Application for Site Investigation  
– Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions? I consider this development wholly inappropriate to this area.

Regards



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## Submission 98

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,



Submission 99

Dear Sir/ Madam

please find attached my objection to Inis Ealga wind farm investigation.  
is mise





A Chara

Re Inis Ealga proposed application for site investigation (FSOO6859)

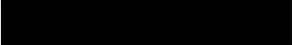
I wish to strongly oppose the development of this site, off Mine Head, for several reasons, a development in such a beautiful area would far out way the cost to its natural beauty, I feel there is no need to develop a site in such a beautiful area , as a rural Gaeltacht people we are dependent on our natural beauty for tourism , a huge amount of money has been invested in our greenway in the south east, and the whole county has benefited form it .

I oppose it mainly because of the effect it will have our fishing industry, as a family who have worked and earned a living from the sea for hundreds of years, I cant emphasise enough the concerns the fishing industry has, as has been proven in other countries, wind farms off shore upset the natural environment of sea life , fish, prawns, shellfish, we also have several sightings of whales off our coast every year

I would also be extremely concerned in relation to seismic blasting and how it will affect fish, and all fish life in the area may cease to exist as has happened in other countries.

I come from a long line of indigenous people who have earned a living from the sea, as an induvial and industry representant , I strongly oppose the disruption to our way of life , taking little if any regards for those who have lived near and have continue to earn a living from the sea, who wish to, and who wish to continue to do so, as custodians of our fishing industry and its environment , sometimes nature beauty and people need to come first.

Is mise



## Submission 100

Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks  
Foreshore Licence Ref FS006859

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

Regards,



## Submission 101

I refer to the referenced Investigative Foreshore Licence Application for a potential floating windfarm off the coast of Waterford and Cork by Clodagh McGrath of Inis Ealga Marine Energy Park (IEMEP) Ltd on behalf of DP Energy Ireland (DPEI), and wish to make the following attached submission concerning the proposed development.

**Planning Application Reference Number:** FS006859

**Applicant:** DP Energy Ireland (DPEI)

**Description of Development:** Site Investigations relating to a possible windfarm at Inis Ealga

**Location:** Off the coast of Co Waterford and Co Cork

A Chara,

I refer to the above Investigative Foreshore Licence Application for a potential floating windfarm off the coast of Waterford and Cork by Clodagh McGrath of Inis Ealga Marine Energy Park (IEMEP) Ltd on behalf of DP Energy Ireland (DPEI), and wish to make the following submission concerning the proposed development.

I wish to object to the proposed development based on the following social, ecological and technical points outlined below:

### **1. Fisheries**

Though the medium to longer (and even shorter) term socio-ecological impacts, especially cumulative and cascading impacts of offshore wind energy (OWE) development remains poorly, if at all, understood (e.g. Bergstrom et al, 2014; Bonar et al, 2015; Danheim et al, 2019; Methratta et al, 2019), the information we do have from peer-reviewed scientific studies indicates both the social and ecological impacts of OWE on fishing are likely to be substantial. This, in turn, could

have knock-on implications ecologically for fish, socially, economically and culturally for people who fish and for the coastal communities in which they are embedded.

### *Social*

Commercial fishing, an activity which takes place right along the south coast of Ireland, has been identified by many as the industry most likely to be affected by the development of OWE (Reilly et al, 2015), with some studies identifying displacement of fishing effort on account of offshore development as inevitable (Stelzenmuller et al, 2016), with consequent social, economic and ecological implications (de Groot et al, 2016; Reilly et al, 2015; Stelzenmuller et al, 2016).

With respect the particular site under application here and the contiguous area, the waters in question host important fishing grounds and several important inshore and offshore fisheries, worked by both small scale Irish fishermen and women, and larger-scale Irish and international fleets.

On balance, the documentation submitted for the foreshore licence (which covers the area within the 12nm and three potential cable routes), has comparatively little to say about the activities of those fishermen and women, or how they may or may not be affected by the works. As indicated the application area comprises an area within the 12nm, and thus will, arguably, most immediately impact smaller inshore vessels.

Though the application indicates no formal spatial or temporal restrictions on fishing activity are being sought within the application area, as noted in Figure 11 of the supplementary documentation submitted alongside the application, the proposed licence area overlaps significantly with areas where substantial amounts of net and pot fishing are taking place. It is inconceivable to imagine that there would be no disruption to these activities, at least in the more medium term.

As part of the application three potential export cables are identified, with one to be selected as the preferred route after site investigations. Thirty eight potential landfall sites have been identified within these: 5 northwest of Dungarvan, Co. Waterford, 7 east and west of Ardmore, Co. Waterford and 26 from Ballycotton Bay, Co. Cork to Roberts Cove beach, Co. Cork.

Reference to Figure 11 supplementary materials indicates these routes traverse heavily fished areas – again making it inconceivable that there would be no disruption to activities.

Longer term, if the site were to be developed, the development being proposed entails a floating windfarm which will need to be moored and anchored. Such a development would likely entail significant disruption to fishing vessels who may not be able to pass through the site location at all.

Unfortunately, the application is not accompanied by any socio-economic analysis of the fisheries or fisheries-related impacts this proposed application and later possible works may have, thus making it difficult to gauge whether these are of concern to the developer at all. Regarding interactions with other foreshore users, the application does, however, acknowledge that: “Until the preferred survey contractor is procured, the geophysical survey is complete, and a preferred landfall is selected, it is not possible to determine if access to and from the shore will be restricted.”

In terms of mitigating impacts that may arise, it states a Fisheries Liaison Officer has been appointed, and that DPEI has met with "some" local fishermen to introduce the project. The application goes on to state, "We aim to continue to undertake formal consultation to comply with legislative requirements and additional engagement with stakeholder groups who may be affected by the proposed survey works. DPEI aims to keep members of the public, any interest groups and relevant bodies informed and engaged before and during the proposed surveys.

Industry representatives, however, state that neither fishermen operating along the coast, the primary stakeholders here, nor their representatives were consulted by the applicant before lodging this application.

## *Ecological*

Again, though our knowledge remains full of holes, what we do know indicates windfarms and activities associated with their investigation can harm marine life, including fish and shellfish populations, which may result in the potential depletion or alteration of stocks around individual sites and unknown ecosystem changes. Alongside displacing fishing, research indicates acoustic disturbances (e.g. from pile driving), disturbances to the seabed and increased sediment dispersal—each of which would be associated with the proposed works and potential future development of a wind farm at the Inis Ealga site—impacts negatively on marine life and habitats (Bergstrom et al, 2014; Bonar et al, 2015; Gill, 2005).<sup>1</sup>

In this regard, the area and area contiguous to where the licence has been applied for contains not only important fishing grounds but also important spawning grounds for several species which form the basis of several important national and international fisheries. That the area overlaps significantly with important spawning grounds for cod, hake, herring, mackerel, whiting and mackerel (Ireland's most lucrative fishery) is acknowledged in the application. That the area is also a nursery ground for whiting, angler monk, cod, megrim, herring and haddock is also acknowledged in the application.

That the surrounding waters also contain important *Nephrops* grounds (Ireland's second most lucrative fishery) is also acknowledged. Alongside these, large amounts of Albacore and Bluefin tuna visit the area in question annually, though this is not mentioned within the application. Brown crab and other shellfish species that sustain large segments of the inshore sector in the area receive scarce mention (though their presence in the Irish Sea rather confusingly does). In conjunction with these, among others, a number of EC Habitats Directive Annex II and migratory species may be found in the application area, including Atlantic salmon and Twait shad, a species understood to be especially sensitive to underwater noise.

Several risks—acknowledged within the application to varying degrees—to fish, marine life, and sensitive habitats are posed by both possible investigative works and future potential development works. Scientific studies, for example, indicate acoustic disturbances are highly likely to cause mortality and tissue damage in fish, with some studies indicating that fish may respond to even

low-intensity noise by leaving the area (Bergstrom et al, 2014). Recent studies indicate that noise can generate acute stress in juvenile fish (Bray et al, 2016).

Sensitive habitats (e.g. spawning and nursery grounds) are especially vulnerable, and available studies indicate construction activities should not take place in important spawning or nursery areas for marine mammals and fish (Bergstrom et al, 2014). Fish roe, for example, can be negatively affected during the construction phase by increased sedimentation and turbidity (European MSP), while some fish use sound to locate recruitment sites (Simpson et al, 2004) and

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<sup>1</sup> As part of the works, several types of surveys are proposed including geophysical, geotechnical and benthic, which will involve grab sampling, cone penetration testing, vibrocores and landfall boreholes, entailing significant noise and disturbance to the seabed.

to communicate during spawning periods (Bray et al, 2016). Offshore wind farms may also have impacts on plankton communities—most species have a planktonic larval state—however, effects here remain poorly understood (Bray et al, 2016).

Where possible feeding grounds and migratory routes should also be avoided (Bonar et al, 2015), with research indicating electromagnetic fields associated with wind farm cables affect marine life sensitive to electricity (e.g. sharks, skates, rays, eels, Atlantic salmon, tuna) (Bergstrom et al, 2014; Bray et al, 2016; Gill, 2005; Hooper et al, 2017), and may affect fish migration (Bray et al, 2016). The status of a number of these species (which was also found in the surrounding waters) such as skates, rays, and sharks within European and Irish waters is highly vulnerable. European Eel and Atlantic salmon are respectively listed as critically endangered and endangered.

## **2. Wider Ecological concerns (i.e. beyond fisheries):**

The proposed site is surrounded by several Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) under EU law. A number of SACs and SPAs are within 20km of the proposed site, with Ballymacoda Bay SPA located a mere 6.3km away. The potential cable route corridors proposed in the application lie within the following Natura 2000 sites: Ardmore Head Special Area of Conservation (SAC), Ballycotton Bay Special Protection Area (SPA), Cork Harbour SPA, Dungarvan Harbour SPA, and Helvick Head to Ballyquin SPA.

Under the EU's Birds Directive and Habitats Directive the law requires "that Member States protect species of EU importance throughout their natural range within the EU, i.e. also outside Natura 2000 sites (article 5 of Birds Directive and Article 12 of Habitats Directive)".

The Natura Site Impact Statement accompanying the application acknowledges that a number of marine mammals are present in the application area including cetaceans (whales, dolphins and porpoises) and pinnipeds (seals). Also acknowledged is the negative effects that underwater noise associated with the proposed geophysical survey that includes the use of multi-beam echosounders, side scan sonars and sub-bottom profilers could have potentially have on these marine mammals, which use sound as an important aid in navigation, communication and hunting.

Concerning this, as with fish, scientific studies indicate acoustic disturbances can lead to significant avoidance behaviour in marine mammals, with some studies indicating marine mammals may respond to even low-intensity noise by leaving the area (Bergstrom et al, 2014).

Some studies have indicated that noise from piledriving can produce sounds that can be heard hundreds of kms away, mask biological sounds up to 80km away, induce behavioural responses up to 20km away, and inflict severe injuries on animals nearer to the sound source (Bonar et al, 2015).

Multiple studies indicate that seabirds are affected by the presence of offshore wind farms; through avoidance behaviours, habitat displacement, and collision mortality.

### **3. Land-based socio-economic concerns:**

In Europe, of the wind farms completed or partially completed in 2017, the average distance to shore was 41km (Wind Europe, 2018). In the Netherlands, it is prohibited by law to build offshore wind farms within 22km of the shore.

Though designating particular distances from shore as automatically suitable is not going to be a panacea in terms of suitably siting future offshore energy developments, in terms of the potential distance from shore of the eventual windfarm in question here if the project was developed to fruition, the application indicates the proposed wind farm area will be minimum of 9.9km from

shore.

If this were to be the case (accepting this is a minimum), in terms of distance from the shore this would place the development out of kilter with international best practice, with potential visual impacts that could have knock on impacts on the lives of locals along this stretch of coast, and the local economy – a large part of which is today based on tourism, (e.g. Dungarvan-Waterford Greenway) attracted in large part by the natural beauty of our surrounds.

#### **4. Socio-cultural concerns:**

Each of the above points relating to these works and the proposed site, if developed, could potentially have knock on the social fabric—the culture, heritage and language—of the areas along this (not insubstantial) stretch of coastline.

Regarding my locale of Heilbhic, which is located in the Gaeltacht of An Rinn, I am deeply concerned that any impacts regarding the socio-economy of the area, be it at sea or on land, would be detrimental to the vibrancy of the Gaeltacht of An Rinn, which in 2016 was the only Gaeltacht in the country that registered an increase in the number of daily speakers in the general population. A large part of this, at a time when Gaeltacht areas across the country are in decline and suffering depopulation, is down to economic opportunity in the area. Anything which might impact the local economy and make living in the area a less viable option for locals and would-be speakers alike could threaten this.

6

Concerning fisheries, in particular, around which most of this submission has centred, fishing has been part of the lifeblood of the Gaeltacht in An Rinn for more than a century and a half, and is something that is intimately woven with the identity of the community in the Gaeltacht, our language and our heritage. Many of those engaged in fishing in the area, largely out of Heilbhic, are small inshore fishermen who land and sell their catches locally. Embedded in the community, they are a core part of, not only the culture of the area but of the economy (as with several further coastal villages both to the east and west of us here).

## **5. Technical deficiencies within the application:**

The application suffers from several technical deficiencies and errors, which, in themselves, should rather reasonably render the application void. For example, in terms of timelines many of the proposed works, one way or another, are now out of kilter and could not possibly proceed as planned.

For example, the survey schedule indicates the Geophysical survey will take place in the summer of 2020, during a three-month window between mid-April to mid-July. Given we are now well into May 2020 this timeline is no longer feasible. The timing of surveys matters as these will impact different seasonal fisheries, and different bird species in SPAs depending on their reschedule.

On the more serious end of the technical deficiencies in the application is a discrepancy between the Natura Impact Statement for the works dated 19.12.19 and the proposed survey and potential development site. Page 22 of the former, which marks the beginning of a short 2.5 pages on fish, curiously refers to species found in the Irish Sea, when the entire application that has been lodged relates to a site located in the Celtic Sea!

## **6. Where will this fit in Ireland's Marine Spatial Plan?**

Finally, and while it is understood that this is a very early stage investigative licence, given Ireland's National Marine Planning Framework is still being developed, any siting or proposed siting of such developments should, arguably, not proceed until this framework and plan have been finalised.

Based on the above, I trust my concerns will be taken into consideration before a decision being reached on this planning application.

Given the array of, what essentially remains, socio-ecological unknown unknowns relating to the type of development potentially being proposed by the would-be site developers and the socio-ecological effects that development may have, further consultation with local coastal communities likely to be impacted by the development and proposed works relating to its investigation not only seem

reasonable before any granting of an investigative licence, but essential.

Alongside this, in the interests of transparency, further clarity regarding the finer points of the works currently being proposed are also required.

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## Submission 102

Dear Sir / Madam,

Please find attached submission to Ref. FS006859; Site Investigations relating to a possible windfarm at Inis Ealga, Cork. This submission is made by [REDACTED], McCutcheon Halley Planning Consultants on behalf of the Port of Cork.

Marine Planning Policy & Development  
Department of Housing Planning & Local  
Government  
Newtown Road,  
Wexford,  
Co. Wexford

8 May 2020

Via email: [foreshore@housing.gov.ie](mailto:foreshore@housing.gov.ie)

**Re: Site Investigation Relating to Possible Windfarm Inis Ealga. Reference FS006859**

Dear Sir / Madam,

I act on behalf of the Port of Cork and wish to make a submission to the proposed licence for site investigation works relating to a possible windfarm, Inis Ealga, application reference FS006859.

The site investigation works are proposed in a busy commercial shipping channel and in an area where the Port of Cork has an existing licence for dumping dredged waste at sea.

It will be important that any site investigation works do not impact on commercial shipping or the Port's licenced activities. Close consultation with the Port of Cork Company as the Harbour Authority will be required for all stages of the site investigation works to insure that there is no impact on navigation channels, navigation aids, berths, or licenced Dumping at Sea sites.

On behalf of the Port of Cork I request that any licence issued for reference is subject to a condition requiring consultation with the Port of Cork Company as the Harbour Authority prior to commencement and throughout the period of works.

Thank you for your consideration of this submission.

## Submission 103

A chara,

Ceangailte leis seo, faigh litir aighnis i dtaca leis an iarratas thuasluaite.

Please find attached a submission in relation to the above application.

**Tag Iarratais: 'Inis Ealga Marine Energy Park (IEMEP) Ltd, DP Energy Ireland Ltd';**  
**Tag Cheadúnais: FS006859**

Don té lena mbaineann,

Deinim tagairt don iarratas atá istigh ag an gcomhlucht seo thuasluaite maidir le hollfheirm ghaoithe a fhorbairt beagán amach ó chósta Phort Láirge agus Chorcaí. Ba mhaith liom a chur in iúl leis an litir aighnis ghairid seo, go bhfuilim fein is mo chéile glan i gcoinne aon togra dá leithéid.

Tá eacnamaíocht na háite seo ag brath go mór ar chúrsaí turasóireachta, agus go háirithe ar an turasóireacht chultúrtha. Tá stádas speisialta ag ceantar na Rinne is an tSean-Phobail toisc gurb é seo an t-aon cheantar Gaeltachta atá ar chósta toir theas na tíre. Tugann an stádas speisialta seo go leor cuairteoirí isteach sa gceantar. Maille le saibhreas an chultúir sa dúthaigh, meallann áilleacht na háite go leor daoine chun an cheantair, agus cuireann an méid atá á bheartú leis an togra seo an dul chun cinn go léir atá déanta san earnáil seo le blianta fada anuas i mbaol.

I bhfochair chúrsaí turasóireachta, is cuid mhór láidir d'eacnamaíocht, d'oidhreacht agus d'fhéiniúlacht na háite an tionscal iascaireachta atá againn. In ainneoin gach tubaist atá buailte orthu i gcaitheamh na mblianta, ag rialtas i ndiaidh rialtais, téann iascairí na háite chun farraige, as Cé Heilbhic agus Cé Bhaile na nGall, ó cheann ceann na bliana, mar a dhein a sinsear rompu riamh anall. Cuireann scóp an togra atá ar na bacáin leis an iarratas seo beatha na n-iascairí sin i mbaol gan aon agó.

I mbeagán focal, is dóigh linne – agus le go leor de mhuintir na háite – go bhfuil an t-iarratas seo atá faoinúr mbráid faoi láthair, i dtaca le tuirbíní gaoithe a lonnú ar imeall chósta na Gaeltachta, rómhór, rófhairsing agus í bhfad róghairid don chósta, agus moltar go láidir an t-eiteach a thabhairt do.

## Submission 104

Inis Ealga Ref FS006859

A chara,

I wish to object to the above planning. We are a community thriving with visitors for many years now. We are thankful to our wonderful coastline for captivating the hearts of tourists and locals alike. We value this. In the current economic crisis we will depend heavily on tourism to get many

local businesses back on it's feet. Industrial sized turbines at sea could destroy and greatly impact this. The sea views are the standout attraction that bring people to the area.

As a local living in the Gaeltacht of An Rinn my entire life I fear planning of this nature has already threatened our landscape and natural habitat. I live in the shadows of 2 wind turbines that have caused ongoing concern for my health and the health of my family. Being 500m from them has made me look in-depth at the disadvantages v the advantages of wind energy and thus spent much time looking at offshore wind as an alternative. I remain in the belief they don't have a place on our coastline.

The visual impact of the proposed offshore wind farm and it's distance to our shore is extremely concerning, but it goes beyond just the visual aspect. With a family from a fishing background, the sea and coastline mean a lot to so many people. Multiple massive offshore turbines stretching across our coastline would deeply affect an already delicate fishing industry. The sea before us is a huge part of recreational and economical use and should be left for this use.

## Submission 105

a chara, please see submission attached and appended below.

le dea-mhéin,

[REDACTED]

Marine Planning Policy & Development,  
Department of Housing, Planning & Local Government,  
Newtown Road,  
Wexford.

8 Bealtaine 2020

### **Submission regarding Application FS006859**

a chara,

I note the application for a site investigation licence by Inis Ealga Marine Energy Park (IEMEP) Ltd. and I welcome the opportunity to make a submission as part of the public consultation process.

Notwithstanding the need for Ireland to explore alternative and sustainable forms of energy generation including offshore wind energy generation, there are a number of areas of concern that warrant serious consideration.

#### **1. Impact on Sea Fisheries**

There are concerns that if this licence is granted several of the activities listed in the Survey Schedule document supplied by IEMEP Ltd. as part of its application could have a detrimental impact on sea fisheries in the survey areas. There are a number of fishing harbours that stand to be impacted should a licence be granted including Heilbhc, Baile na nGall and Ardmore. Commercial sea fisheries and shellfish farming are important locally from a socio-economic point of view. Sea-angling is also an important source of economic activity. The deployment of survey vessels in waters adjacent to Dungarvan Bay may interfere with the ability of locally-based fishing vessels to navigate to and from their fishing grounds.

There is a lack of detail and clarity with regard to survey locations for actions as part of both the Geophysical and Geotechnical Surveys. Granting a licence without having regard to full information gives undue freedom to the applicant to disrupt access within waters adjacent to Dungarvan Bay and may interfere with locally-based fishing vessels. Concerns have been expressed regarding the potential negative impacts of the deployment of 80 grab stations, 200 cone penetration testing and 200 vibrocore samplings on the sea bed and on marine life.

## **2. Impact Visual Amenity**

There is a general concern relating to the visual impact of wind turbines at sea. The issue arises when offshore wind turbines are located at an insufficient distance from shore. The applicant seeks a licence for an area ranging from immediately adjacent the coast to a little over 20 km from the coast at the farthest point. This suggests the applicant's plan is to build a wind farm within 20 - 25km of the coast. This is not in line with international best practice, or standard practice in other EU member states where wind farms are located up to 100km from land.

The installation of wind turbines in close proximity to the coast will have a detrimental impact on visual amenity along this spectacular area of diverse and striking landscapes and seascapes.

## **3. Impact on Tourism**

Tourism in West Waterford is predicated upon our unspoiled environment and stunning scenery. Much of the focus of tourism in West Waterford is coastal, with emphasis on coastal walks, seaside activities, open sea swimming, scuba diving, kayaking, sea angling, whale and dolphin watching, and sailing. Stradbally, Clonea, Dungarvan, Gaeltacht na nDéise, and Ardmore are important focal points for tourism in West Waterford.

One of the major draws for tourists to Dungarvan is the Waterford Greenway, which benefited from significant state investment. The Greenway traverses the Clonea/Ballinacourty area to the East of Dungarvan, before terminating in the coastal town. This stretch of coastline, which will be directly impacted should the license be granted hosts the only coastal stretch of the Greenway and its most stunning views of the West Waterford coastline.

Development within the areas outlined in the license application will undoubtedly have an impact on the scenery which attracts tourists to the area. Survey activity as outlined in the applicant's scheme of works, including the placing of buoys etc., may also have an impact on visual amenity. Development and survey activity would also impact on the pursuit of the important leisure and sporting activities outlined above that are important for local people and tourists alike.

## **4. Other Socio-Economic Impacts**

The area outlined in the licence application runs adjacent to Gaeltacht na nDéise, which is an area of cultural and linguistic importance. The local economy relies heavily on tourism, sea fisheries and shell fish farming. The maintenance and development of Gaeltacht communities is a public good and a consistent feature of national policy. The survival and growth of the West Waterford Gaeltacht is sensitive to economic factors and the potential negative impact of an offshore development could hurt investment and job creation, and result in a disproportionate economic impact for this community.

## **5. Impact on the Environment and Marine Life**

The south coast of Ireland is a well known and well travelled migratory route for marine mammals including several species of whale. The area is an important area for researching and tracking marine mammals and for amateur whale and dolphin watching. There are ecologically important colonies of birds present on this stretch of coastline and the bays, inlets and estuaries along the West Waterford coast are important habitats for a host of sedentary and migratory birds. Indeed the stretch of coastline in Waterford that is impacted by this application contains two Special Areas of Conservation and three Special Protection Areas.

## **6. Impact on Infrastructure**

There is limited infrastructure locally to accommodate vessels and ongoing issues with a build up of silt and sand at Cé Heilbhic, which limits access for local fishing boats and visiting pleasure craft alike.

The addition of survey vessels would add pressure to already limited infrastructure and potentially displace fishing vessels, locally-owned pleasure craft, and visiting vessels.

I trust you will give the foregoing due consideration in your deliberations in this matter.

Le dea-mhéin,

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## Submission 106

### **Inis Ealga Application for Site Investigation (FS006859)**

#### **Introduction**

Waterford Offshore Wind Awareness are a voluntary community group, formed in 2019, seeking to raise awareness of large offshore wind developments proposed for the South coast of Ireland and to generate discussion regarding the potential impacts these developments could have on our communities and surrounding environment. We are supportive of the need to develop renewable energy under a plan-led, ecosystem and evidence-based approach to the management of our seas.

We note that DP Energy are seeking a licence to assess the feasibility of developing an offshore floating wind energy prospect off the south coast of Ireland. While it is encouraging to see that a floating development is being considered, one must immediately question why the development's proposed location is so close to the coastline? Is not one of the main benefits of floating versus fixed the ability to locate ORE developments at further distances from shore in suitably assessed locations which take account of all stakeholders' interests?

#### **Landscape and Seascape**

Protection of landscape and seascape is acknowledged internationally as a key issue for Marine Planning. The seasonal and diurnal patterns of visibility for coastal environments are significantly different to landward areas and generally visibility is higher compared with landward patterns. Furthermore, cumulative effects can cause both the physical character and the perceptual character of the seascape to change. This is critical for the Waterford

coastline given that there are three large scale ORE developments being proposed for this region.

Cumulation can be an issue for consideration in several different respects:

- (a) The cumulative effect(s) of several similar but small changes, each of which is not in itself judged to be significant, but which when added together have the potential to produce significant effects
- (b) The cumulative effect(s) of several similar projects, each of which may be significant, and which when added together have the potential to produce not only additive significant effects but may produce significant effects greater than their sum.
- (c) The cumulative effect(s) of several projects of different types and sizes which have the potential through cumulation or by interactions between them to produce significant effects either greater than their sum or even completely unanticipated effects.

Source: *Scottish Natural Heritage Commissioned Report No. 103 (ROAME No. F03AA06)*

Regarding seascapes and distance from shore, a Cambridge study concluded that even small to moderately sized wind farms are “*visible to the unaided eye at distances greater than 42 km [26 miles (mi)], with turbine blade movement visible up to 39 km (24 mi). At night, aerial hazard navigation lighting was visible at distances greater than 39 km (24 mi). The observed wind facilities were judged to be a major focus of visual attention at distances up to 16 km (10 mi), were noticeable to casual observers at distances of almost 29 km (18 mi) ...*”

(Source: <https://www.cambridge.org/core/journals/environmental-practice/article/research-article-offshore-wind-turbine-visibility-and-visual-impact-threshold-distances/59A51F3CD207849FC7F5BD986F15B2CB>)

DP Energy’s application form states that the Inis Ealga MEP foreshore project area is a maximum of 15 km NW-SE and 57 km NE-SW (374.43 km<sup>2</sup>) **and is 7.2 km from the shore at its nearest point** (Power Head, Co. Cork).

The latest annual report from **Wind Europe** shows that the average distance from shore of offshore wind farms under construction in Europe in 2019 was 59km. Why would we permit the construction of massive projects close to our unspoiled coast who would not be allowed to construct such projects in any other EU country? We must ensure that our coastline, an irreplaceable national asset is not devalued.

In order to protect the immense value of the Irish coastline it is crucial that a mandatory exclusion zone of 12 nautical miles for ORE developments is implemented as has been done in other European countries.

Furthermore, it is imperative that all ORE applications include a detailed independent visual assessment, including cumulative effects.

## **Marine Biodiversity**

*“...biodiversity underpins the functioning of the ecosystems on which we depend for food and fresh water, health and recreation, and protection from natural disasters. Its loss also affects us culturally and spiritually. This may be more difficult to quantify but is nonetheless integral to our wellbeing.”*

Ban Ki-moon, United Nations Secretary General, (2007-2016)

We are very concerned that the proposed development will endanger marine biodiversity. The NIS which accompanies the application highlights a number of these concerns:

The NIS states that the development has the

*“potential for Likely Significant Effects on chough, peregrine and cormorant”,*

that

*“it cannot be ruled out that the survey works would not disturb nesting birds in the SPA. There is therefore the potential that there could be a likely significant effect on the population dynamics conservation objective of the SPA”*

and that

*“Visual disturbance caused by the survey vessels and borehole drilling could temporarily disturb breeding birds within the Helvick Head to Ballyquin SPA and could therefore result in a short-term significant effect to the breeding populations.”*

These comments raise significant concerns, in particular as they relate solely to the site investigative works. These concerns must not be considered in isolation but also with regard to the longer-term negative effects to marine biodiversity that the subsequent construction of an ORE development so close to the coastline would have.

## **Local Economy**

### Fishing

Ireland’s inshore fishing represents over 80% of the fishing fleet. The sector comprises boats measuring 12 metres and under that are predominantly active within six nautical miles of shore. These vessels, due to their small size, are not captured in fishing activity surveys and so we would like confirmation as to whether **Figure 11 Fishing Activity** accurately reflects the scale of inshore fishing in the region.

Furthermore, what impact will the survey works have on these fishing communities?

Undoubtedly the survey works are likely to have a significant impact on their activities, their livelihoods and potentially their safety. Has this been considered?

### Tourism

The local economy relies heavily on both domestic and international tourism, since ours is an area of outstanding beauty. The Copper Coast, the Waterford Greenway, the Comeragh Mountains, historic coastal towns such as Ardmore, the Gaeltacht of An Rinn, attract huge numbers of tourists due to the outstanding natural unspoilt beauty of the region.

Although official statistics for tourism in coastal and marine areas are not available, Bord Failte estimate that tourism is probably worth €2 billion to the economy. Of this total, just over €1 billion is contributed by overseas tourists. Associated employment sustained locally in hospitality and tourism services is probably in the region of 80,000 jobs.

Fáilte Ireland's Survey of Overseas Holiday makers in 2016, observed that the following reasons scored highly as reasons for visiting Ireland:

- Beautiful scenery
- Natural Attractions
- Natural unspoilt environment

It is imperative that the potential economic loss as a result of the devaluation of our coastal landscape is considered when assessing ORE developments as these developments would undoubtedly significantly weaken the attractiveness of the Waterford coast to tourists.

## **Cultural Assets**

The Gaeltacht is the national treasury for our native language. The geographical location of these areas was key to their survival for centuries. The beauty of the natural landscape of the Gaeltacht in An Rinn is a huge draw to so many visitors each year coming to this region to learn Irish. Coláiste na Rinne is the country's best renowned full time Irish language learning college that caters for children learning their native language all year round.

The future of a prosperous Gaeltacht in An Rinn and the Irish learning college go hand in hand. The devastating effect of a project such as the Inis Ealga proposal to the Gaeltacht region must be seriously considered. The foreshore is central to the historic cultural narrative of the region and the Gaeltacht status must not be jeopardised.

## **Public consultation**

We have concerns that the general public is not aware of this large-scale proposal and the effects it will have on their environment. The public has not been satisfactorily informed of this application. There is virtually no public awareness of the application, the assessment or the public consultation process. Note Article 6.2 of Directive 2011/92/EU of the European Parliament:

*“The public shall be informed, whether by public notices or by other appropriate means such as electronic media where available, of the following matters early in the environmental*

*decision-making procedures referred to in Article 2(2) and, at the latest, as soon as information can reasonably be provided”*

## **Marine Consents**

Lastly, as Ireland’s legislation in relation to the marine planning process is still incomplete approving the initial stage of such a large-scale development in such close proximity to the shoreline should not proceed. We strongly recommend that approval for offshore windfarms is subject to the strictest criteria and in line with international best practice and not under Ireland’s current inadequate foreshore marine planning system. It is critical that proper management of our most important resource is in place and so until the National Marine Planning Framework and the Marine Planning and Development Management Bill are adopted no ORE developments should proceed.

**In view of our concerns, we believe a site investigation licence should not be granted for this development.**

Waterford Offshore Wind Awareness

Email: [waterfordoffshorewindawareness@gmail.com](mailto:waterfordoffshorewindawareness@gmail.com)

## Submission 107

Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks

Foreshore Licence Ref FS006859

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 108

Ref: Inis Ealga Application for Site Investigation - Schedule of Survey Woks

Foreshore Licence Ref FS006859

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I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

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It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 109

A Chara,

I refer to the referenced Investigative Foreshore Licence Application for a potential floating windfarm off the coast of Waterford and Cork by Clodagh McGrath of Inis Ealga Marine Energy Park (IEMEP) Ltd on behalf of DP Energy Ireland (DPEI), and wish to make the following attached submission concerning the proposed development.

Marine Planning Policy and Development,  
Department of Housing,  
Planning and Local Government,  
Newtown Road,  
Wexford,  
Co Wexford.

**Planning Application Reference Number:** FS006859

**Applicant:** DP Energy Ireland (DPEI)

**Description of Development:** Site Investigations relating to a possible windfarm at Inis Ealga

**Location:** Off the coast of Co Waterford and Co Cork

A Chara,

I refer to the above Investigative Foreshore Licence Application for a potential floating windfarm off the coast of Waterford and Cork by Clodagh McGrath of Inis Ealga Marine Energy Park (IEMEP) Ltd on behalf of DP Energy Ireland (DPEI), and wish to make the following submission concerning the proposed development.

I wish to object to the proposed development based on the following social, ecological and technical points outlined below:

### **1. Fisheries**

Though the medium to longer (and even shorter) term socio-ecological impacts, especially cumulative and cascading impacts of offshore wind energy (OWE) development remains poorly, if at all, understood (e.g. Bergstrom et al, 2014; Bonar et al, 2015; Danheim et al, 2019; Methratta et al, 2019), the information we do have from peer-reviewed scientific studies indicates both the social and ecological impacts of OWE on fishing are likely to be substantial. This, in turn, could

have knock-on implications ecologically for fish, socially, economically and culturally for people who fish and for the coastal communities in which they are embedded.

### *Social*

Commercial fishing, an activity which takes place right along the south coast of Ireland, has been identified by many as the industry most likely to be affected by the development of OWE (Reilly et al, 2015), with some studies identifying displacement of fishing effort on account of offshore development as inevitable (Stelzenmuller et al, 2016), with consequent social, economic and ecological implications (de Groot et al, 2016; Reilly et al, 2015; Stelzenmuller et al, 2016).

With respect the particular site under application here and the contiguous area, the waters in question host important fishing grounds and several important inshore and offshore fisheries, worked by both small scale Irish fishermen and women, and larger-scale Irish and international fleets.

On balance, the documentation submitted for the foreshore licence (which covers the area within the 12nm and three potential cable routes), has comparatively little to say about the activities of those fishermen and women, or how they may or may not be affected by the works. As indicated the application area comprises an area within the 12nm, and thus will, arguably, most immediately impact smaller inshore vessels.

Though the application indicates no formal spatial or temporal restrictions on fishing activity are being sought within the application area, as noted in Figure 11 of the supplementary documentation submitted alongside the application, the proposed licence area overlaps significantly with areas where substantial amounts of net and pot fishing are taking place. It is inconceivable to imagine that there would be no disruption to these activities, at least in the more medium term.

As part of the application three potential export cables are identified, with one to be selected as the preferred route after site investigations. Thirty eight potential landfall sites have been identified within these: 5 northwest of Dungarvan, Co. Waterford, 7 east and west of Ardmore, Co. Waterford and 26 from Ballycotton Bay, Co. Cork to Roberts Cove beach, Co. Cork. Reference to Figure 11 supplementary materials indicates these routes traverse heavily fished areas – again making it inconceivable that there would be no disruption to activities.

Longer term, if the site were to be developed, the development being proposed entails a floating windfarm which will need to be moored and anchored. Such a development would likely entail significant disruption to fishing vessels who may not be able to pass through the site location at all.

Unfortunately, the application is not accompanied by any socio-economic analysis of the fisheries or fisheries-related impacts this proposed application and later possible works may have, thus making it difficult to gauge whether these are of concern to the developer at all. Regarding interactions with other foreshore users, the application does, however, acknowledge that: "Until the preferred survey contractor is procured, the geophysical survey is complete, and a preferred landfall is selected, it is not possible to determine if access to and from the shore will be restricted."

In terms of mitigating impacts that may arise, it states a Fisheries Liaison Officer has been appointed, and that DPEI has met with "some" local fishermen to introduce the project. The application goes on to state, "We aim to continue to undertake formal consultation to comply with legislative requirements and additional engagement with stakeholder groups who may be affected by the proposed survey works. DPEI aims to keep members of the public, any interest groups and relevant bodies informed and engaged before and during the proposed surveys."

Industry representatives, however, state that neither fishermen operating along the coast, the primary stakeholders here, nor their representatives were consulted by the applicant before lodging this application.

### *Ecological*

Again, though our knowledge remains full of holes, what we do know indicates windfarms and activities associated with their investigation can harm marine life, including fish and shellfish populations, which may result in the potential depletion or alteration of stocks around individual sites and unknown ecosystem changes. Alongside displacing fishing, research indicates acoustic disturbances (e.g. from pile driving), disturbances to the seabed and increased sediment dispersal—each of which would be associated with the proposed works and potential future

development of a wind farm at the Inis Ealga site—impacts negatively on marine life and habitats (Bergstrom et al, 2014; Bonar et al, 2015; Gill, 2005):

In this regard, the area and area contiguous to where the licence has been applied for contains not only important fishing grounds but also important spawning grounds for several species which form the basis of several important national and international fisheries. That the area overlaps significantly with important spawning grounds for cod, hake, herring, mackerel, whiting and mackerel (Ireland's most lucrative fishery) is acknowledged in the application. That the area is also a nursery ground for whiting, angler monk, cod, megrim, herring and haddock is also acknowledged in the application.

That the surrounding waters also contain important *Nephrops* grounds (Ireland's second most lucrative fishery) is also acknowledged. Alongside these, large amounts of Albacore and Bluefin tuna visit the area in question annually, though this is not mentioned within the application. Brown crab and other shellfish species that sustain large segments of the inshore sector in the area receive scarce mention (though their presence in the Irish Sea rather confusingly does). In conjunction with these, among others, a number of EC Habitats Directive Annex II and migratory species may be found in the application area, including Atlantic salmon and Twaite shad, a species understood to be especially sensitive to underwater noise.

Several risks—acknowledged within the application to varying degrees—to fish, marine life, and sensitive habitats are posed by both possible investigative works and future potential development works. Scientific studies, for example, indicate acoustic disturbances are highly likely to cause mortality and tissue damage in fish, with some studies indicating that fish may respond to even low-intensity noise by leaving the area (Bergstrom et al, 2014). Recent studies indicate that noise can generate acute stress in juvenile fish (Bray et al, 2016).

Sensitive habitats (e.g. spawning and nursery grounds) are especially vulnerable, and available studies indicate construction activities should not take place in important spawning or nursery areas for marine mammals and fish (Bergstrom et al, 2014). Fish roe, for example, can be negatively affected during the construction phase by increased sedimentation and turbidity (European MSP), while some fish use sound to locate recruitment sites (Simpson et al, 2004) and

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<sup>1</sup> As part of the works, several types of surveys are proposed including geophysical, geotechnical and benthic, which will involve grab sampling, cone penetration testing, vibrocores and landfall boreholes, entailing significant noise and disturbance to the seabed.

to communicate during spawning periods (Bray et al, 2016). Offshore wind farms may also have impacts on plankton communities—most species have a planktonic larval state—however, effects here remain poorly understood (Bray et al, 2016).

Where possible feeding grounds and migratory routes should also be avoided (Bonar et al, 2015), with research indicating electromagnetic fields associated with wind farm cables affect marine life sensitive to electricity (e.g. sharks, skates, rays, eels, Atlantic salmon, tuna) (Bergstrom et al, 2014; Bray et al, 2016; Gill, 2005; Hooper et al, 2017), and may affect fish migration (Bray et al, 2016). The status of a number of these species (which was also found in the surrounding waters) such as skates, rays, and sharks within European and Irish waters is highly vulnerable. European Eel and Atlantic salmon are respectively listed as critically endangered and endangered.

## **2. Wider Ecological concerns (i.e. beyond fisheries):**

The proposed site is surrounded by several Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) under EU law. A number of SACs and SPAs are within 20km of the proposed site, with Ballymacoda Bay SPA located a mere 6.3km away. The potential cable route corridors proposed in the application lie within the following Natura 2000 sites: Ardmore Head SAC, Ballycotton Bay SPA, Cork Harbour SPA, Dungarvan Harbour SPA, and Helvick Head to Ballyquin SPA.

Under the EU's Birds Directive and Habitats Directive Member States are required "to protect species of EU importance throughout their natural range within the EU, i.e. also outside Natura 2000 sites" (Article 5 of Birds Directive and Article 12 of Habitats Directive).

The Natura Site Impact Statement accompanying the application acknowledges that a number of marine mammals are present in the application area including cetaceans (whales, dolphins and porpoises) and pinnipeds (seals). Also acknowledged is the negative effects that underwater noise associated with the proposed geophysical survey that includes the use of multi-beam echosounders, side scan sonars and sub-bottom profilers could have potentially have on these marine mammals, which use sound as an important aid in navigation, communication and hunting.

Concerning this, as with fish, scientific studies indicate acoustic disturbances can lead to significant avoidance behaviour in marine mammals, with some studies indicating marine mammals may respond to even low-intensity noise by leaving the area (Bergstrom et al, 2014). Some studies have indicated that noise from piledriving can produce sounds that can be heard

hundreds of kms away, mask biological sounds up to 80km away, induce behavioural responses up to 20km away, and inflict severe injuries on animals nearer to the sound source (Bonar et al, 2015).

Multiple studies indicate that seabirds are affected by the presence of offshore wind farms; through avoidance behaviours, habitat displacement, and collision mortality.

### **3. Land-based socio-economic concerns:**

In Europe, of the wind farms completed or partially completed in 2017, the average distance to shore was 41km (Wind Europe, 2018). In the Netherlands, it is prohibited by law to build offshore wind farms within 22km of the shore.

Though designating particular distances from shore as automatically suitable is not going to be a panacea in terms of suitably siting future offshore energy developments, in terms of the potential distance from shore of the eventual windfarm in question here if the project was developed to fruition, the application indicates the proposed wind farm area will be minimum of 9.9km from shore.

If this were to be the case (accepting this is a minimum), in terms of distance from the shore this would place the development out of kilter with international best practice, with potential visual impacts that could have knock on impacts on the lives of locals along this stretch of coast, and the local economy – a large part of which is today based on tourism (e.g. Dungarvan-Waterford Greenway) attracted in large part by the natural beauty of our surrounds.

### **4. Socio-cultural concerns:**

Each of the above points relating to these works and the proposed site, if developed, could potentially have knock on the social fabric—the culture, heritage and language—of the areas along this (not insubstantial) stretch of coastline.

Regarding my locale of Heilbhic, which is located in the Gaeltacht of An Rinn, I am deeply concerned that any impacts regarding the socio-economy of the area, be it at sea or on land, would be detrimental to the vibrancy of the Gaeltacht of An Rinn, which in 2016 was the only Gaeltacht in the country that registered an increase in the number of daily speakers in the general population. A large part of this, at a time when Gaeltacht areas across the country are in decline and suffering depopulation, is down to economic opportunity in the area. Anything which might

impact the local economy and make living in the area a less viable option for locals and would-be speakers alike could threaten this.

Concerning fisheries, in particular, around which most of this submission has centred, fishing has been part of the lifeblood of the Gaeltacht in An Rinn for more than a century and a half, and is something that is intimately woven with the identity of the community in the Gaeltacht, our language and our heritage. Many of those fishing in the area, largely out of Heilbhic, are small inshore fishermen who land and sell their catches locally. Embedded in the community, they are a core part of, not only the culture of the area but of the economy (as with several further coastal villages both to the east and west of us here).

## **5. Technical deficiencies within the application:**

The application suffers from several technical deficiencies and errors, which, in themselves, should rather reasonably render the application void. For example, in terms of timelines many of the proposed works, one way or another, are now out of kilter and could not possibly proceed as planned.

For example, the survey schedule indicates the Geophysical survey will take place in the summer of 2020, during a three-month window between mid-April to mid-July. Given we are now well into May 2020 this timeline is no longer feasible. The timing of surveys matters as these will impact different seasonal fisheries, and different bird species in SPAs depending on their reschedule.

On the more serious end of the technical deficiencies in the application is a discrepancy between the Natura Impact Statement for the works dated 19.12.19 and the proposed survey and potential development site. Page 22 of the former, which marks the beginning of a short 2.5 pages on fish, curiously refers to species found in the Irish Sea, when the entire application that has been lodged relates to a site located in the Celtic Sea!

## **6. Where will this fit in Ireland's Marine Spatial Plan?**

Finally, and while it is understood that this is a very early stage investigative licence, given Ireland's National Marine Planning Framework is still being developed, any siting or proposed siting of such developments should, arguably, not proceed until this framework and plan have been finalised.

Based on the above, I trust my concerns will be taken into consideration before a decision being reached on this planning application.

Given the array of, what essentially remains, socio-ecological unknown unknowns relating to the type of development potentially being proposed by the would-be site developers and the socio-ecological effects that development may have, further consultation with local coastal communities likely to be impacted by the development and proposed works relating to its investigation not only seem reasonable before any granting of an investigative licence, but essential.

Alongside this, in the interests of transparency, further clarity regarding the finer points of the works currently being proposed are also required.

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## **Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks**

### **Foreshore Licence Ref FS006859**

A chara,

Ba mhian liom m'aighneas a chuir in iúl i leith forbairttuirbíní gaoithe amuigh ón c hósta uainn i nGaeltacht nanDéise (Inis Ealga Ref FS006859).

Ar ndóigh, tá iomaí cúis gearáin agam faoin forbairt seo. Aran gcéad dul síos tá áill eacht agus suaimhneas faoi leith igceist le bheith i mo chónaí sa cheantair seo. Dh éanfadh cad

a bhfuil i gceist scrios ar na radharcanna a bhfuil clú agus cáilorthu ó cheann ceann na tíre.

Tá traidisiún iascaireachta sa cheantar agus tá go leor clainnag braith go huile is go hiomlán ar an slí beatha seo.

Is báidbeaga go mórmhór atá i gceist agus chuirfeadh na tuirbínísteach go mór ar a n saothar seo.

Tagann go leor turasóirí ar chuairt go dtí An Rinn anois de bharr An

Greenway (Rian Glas na nDéise) agus na bialannanua go léir a bhfuil ar fáil i nDún garbhán. Bheadh laghdúmillteach ar turasóirí go dtí an cheantair maguard de dheas cana structúr seo san fharraige.

Ach é sin

go léir ráite an príomh chúis gearáin a bheadh agamfaoin forbairt seo ná an díomhá il a dhéanfadh na tuirbíní arstádas Gaeltachta an cheantair. Tá éileamh mór ar Chol aistena Rinne gach bliain. Bíonn an Choláiste lán go doras le páistíó gach contae sa tír. Bíonn tithe an cheantair lán lena páistíseo i rith an t-

Samhraidh. Bíonn líon mór daoine, idir óg agusríonna, fostaithe ag

an gColáiste. Cuireann an Choláiste go mór le stádas na Gaeilge sa Rinn. Feictear s a cheantar imbliana, de bharr an víreas,

Covid19, an difríocht a dhéanfadh saol sa Rinn gan páistí a bheith ag freastal ar Ch oláiste naRinne. Is cailliúnt millteach eacnamaíochta, cultúrtha agusteanga é.

Is léir go bhfuil áilleacht an cheantair an-

tarraingteach chun daoine a mhealladh anseo chun Gaeilge a fhoghlaim. Níl dabht ar bith orm ach

go ndéanfadh tuirbínígaoithe, lonnaithe chomh lárnach in áilleacht na háite, scriosa r seo.

Ní féidir dul sa seans stádas an Ghaeilge, agus arndóigh, stádas na Gaeltachta, ag dul i léig sa cheantar seo.

Tá súil agam go dtiocfaidh réiteach sásúil ar cheist an fhorbairt seo.

## Submission 111

Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks

Foreshore Licence Ref FS006859

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 112

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks**

**Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with

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[Submission 113](#)

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks**

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I consider this development wholly inappropriate to this area.

[Submission 114](#)

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

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What will the affects of destroying our natural scenery have on the status of the An RinnGaeltacht?  
How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?  
I consider this development wholly inappropriate to this area.

## Submission 115

Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks

Foreshore Licence Ref FS006859

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

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What will the affects of destroying our natural scenery have on the status of the An RinnGaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

**Ref: Inis Ealga Application for Site Investigation  
– Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

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It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions? I consider this development wholly inappropriate to this area.

## Submission 117

### **Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An RinnGaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 118

### **Re: Inis Ealga Application for Site Investigation (FS006859)**

The local economy relies heavily on visitors to our county, and this is a sector we are currently trying to build, since ours is an area of outstanding beauty. Visitors come because of our heritage, our amenities and our stunning coastline. Why invest so heavily in the recent

development of the Dungarvan-Waterford Greenway, if it will be unattractive to visit on account of a spoiled view off our shoreline?

The visual beauty of our county is of central importance to our economy.

There will always be a certain level of objection to structures as intrusive as wind turbines, as important as the development of renewable energy is.

However, I firmly believe that there are better locations to develop wind energy off our coast with greater restrictions to the proximity the shoreline, as other EU countries impose.

## Submission 119

### **Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Works Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An RinnGaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 120

A Chara,

Please find my submission re Schedule of Survey Works Foreshore Licence Ref FS006859 attached.

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Works  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to make the following submission in relation to the proposed application relating to an offshore wind farm off the Waterford and Cork coasts.

Both counties are renowned for their natural beauty and scenery and it is incomprehensible that any planning authority would consider allowing this type of industrial installation be erected so close to the shoreline. Our country is economically very reliant on tourism and these developments, if they were to proceed, would have a very detrimental effect on that industry.

As you are aware the UK and European countries are moving these offshore windfarms far out to sea and Ireland should do likewise.

Submission 121

## Submission 122

Submission regarding Application FS006859

I welcome the opportunity to make a submission as part of the public consultation process. There are a number of concerns I have that warrant consideration, these mainly being

### 1. The impact on environment and marine life

The south coast of Ireland is well known for marine mammals including several species of whale, as well as ecologically important species of birds. This stretch of coastline contains two Special Areas of Conservation and three Special Protection Areas.

### 2. The impact on sea fisheries

The proposed windfarm will have a detrimental impact on sea fisheries in the survey areas. Shellfish farming and commercial sea fisheries in Helvic, Ardmore and Ballynagaul will suffer from a socio-economic point of view.

### 3. Impact on tourism

The area is a popular tourist spot due to the stunning scenery and unspoiled environment. Many people come to Waterford to enjoy seaside activities, whale watching, open sea swimming, and very importantly the Waterford Greenway. The addition of a windfarm so close to shore will have a negative effect on this tourism we rely on resulting in financial losses for many businesses, restaurants, hotels etc in the area.

### 4. Visual impact

The installation of wind turbines within 20-25km from the coast will have a detrimental impact on the stunning landscapes and seascapes we enjoy here. Standard practice in other EU member states is to locate wind farms up to 10pkm from land, it should be no different here in Ireland.

I trust you will give the foregoing due consideration in your deliberations in this matter

## Submission 123

**Ref: Inis Ealga Application for Site Investigation – Schedule of Survey Woks  
Foreshore Licence Ref FS006859**

To whom it may concern,

I would like to register my objection to the proposed application relating to an offshore wind farm off the South Coast. I consider the proposal to be a detrimental blot on the landscape with huge ramifications on our local tourist industries and to our local natural heritage.

There seems to be no consideration given to the negative affect these turbines will have on so many industries dependant on our natural landscape.

I am deeply concerned that such a proposal could even be considered so close to the shore. Offshore wind farms of this scale must be located much further from our coastline as is done in many other European countries.

It frightens me to think of the consequences the visual impact will have on so many industries on our shoreline. Will we end up with coastal ghost towns along our coast?

What will the affects of destroying our natural scenery have on the status of the An Rinn Gaeltacht?

How many businesses in the region will shut down or be negatively impacted as tourists will surely choose other counties to visit which are unspoiled by these massive visual obstructions?

I consider this development wholly inappropriate to this area.

## Submission 124

To whom it may concern,

Re Inis Ealga Ref FS006859

I would like to submit my concerns regarding the Inis Ealga Marine Energy Park proposed for the South East region.

### Introduction

I am supportive of the need to develop renewable energy under a plan-led, ecosystem and evidence-based approach to the management of our seas. However, I have deep reservations about the proposed Inis Ealga Marine Energy Park. For my submission I will underpin these reservations with reference to the National Marine Planning Framework throughout.

## Transparency and meaningful public participation

Under the Aarhus convention, it is a requirement that the public are provided with an opportunity to participate in a process in a meaningful way which ensures, not only informed decision-making, but a process that is fair and transparent.

Transparency is key for the successful implementation and ongoing governance of the final form of the National Marine Planning Framework. In order to achieve this goal, the policy advisors and makers should acknowledge that public consultation does not mean merely receiving submissions; it means responding to them and publicly setting out the position taken on each matter raised. It is only then can the process be considered truly transparent and respectful of the valuable time, effort and resources that interested members of the general public have invested in the consultation process.

It was very disappointing to learn that *Harnessing Our Oceans Wealth*, a report which informs the NMPF was adopted without meaningful or adequate public consultation. Furthermore, it is extremely concerning to see that 200 pages of public submissions on the draft Marine Planning Policy Statement resulted in a mere change of 24 words with minimal feedback forthcoming from the Department to the submissions made.

Additionally, while the Department committed to extensive public consultation on the draft NMPF, it did not keep to this commitment. As an example, prior to and unrelated to the restrictions introduced as a result of the Covid-19 pandemic, the MSP team cancelled their commitment to schedule a public meeting in Dungarvan, Co. Waterford. The MSP team publicly stated at the Arklow meeting on the 12<sup>th</sup> February 2020 that the reason the meeting was cancelled was due to resourcing constraints. This is totally unacceptable and flies in the face of a commitment to extensive public consultation. The Waterford coastline is subject to three large scale ORE proposals and it was imperative that the public were given an opportunity to understand how the framework would work in the context of such development proposals. The cancellation of this scheduled meeting demonstrates disregard for the public consultation process.

These numerous examples of failure to engage in meaningful and adequate public consultations is very troubling when one considers the scale and proximity to the shoreline of the IEMEP project.

## Fairness for all stakeholders

When analysing a proposal such as the IEMEP due consideration needs to be given to the National Marine Planning Framework.

The document contains a considerable amount of generic statements that could be interpreted quite broadly. While noting that this is a high-level policy document, a significant concern is that the framework in its current drafting could favour one group of stakeholders over another. For example, the Overarching Marine Planning Policies state that proposals “*must demonstrate that they will avoid, minimize or mitigate significant adverse impacts on the subject matter of the proposal*” and “*where significant adverse impacts cannot be avoided or minimized the proposal must proceed to mitigating significant adverse impacts*”.

However, the introduction of an over-riding “public benefit” concept is introduced later in the document however only with respect to two specific Policy Groupings (‘**Cultural and Heritage Assets**’ and ‘**Seascape and Landscape**’) and with respect to one Key Sectoral Policy (‘**Fisheries**’). This is very alarming, as the document states that the definition of public benefit will vary depending

upon the marine activity addressed by the policy. The framework as drafted suggests that these areas are of lesser importance than others. These areas in the context of the Inis Ealga development cannot be viewed as less important. It is imperative that each group and each stakeholder are viewed with equal importance.

Furthermore, to ensure full transparency, and to demonstrate that the framework is not intended to favour any one marine activity, it is imperative that the Public Benefit term in the Glossary section of the NMPF is updated to require the mandatory consultation of independent expert bodies to assess how public benefit in one arena is weighed against public benefit of another. Clarity on the governance of decision making is also needed. This is a crucial aspect of the process to ensure that a development as significant as the IEMEP is analysed correctly and decisions are made in a fair manner.

## **Commentary on specific policies/activities contained in the NMPF which are particularly concerning to the proposed IEMEP**

### **Climate Change**

The Planning Policy states that *“proposals that support a reduction in greenhouse gas emissions will be supported.”* This statement contradicts the core purpose of a National Marine Planning Framework which takes into account the interests and concerns of all stakeholders. All stakeholders have not been engaged with in this process. There was no public consultation in Waterford. A webinar is not sufficient to address all the stakeholders of a development of this nature. *“..a reduction on greenhouse gas emissions..”* is of paramount importance but to what cost to the coastline? Has there been transparent engagement with the public to illustrate clearly where the wind turbines could be located, where cable routes run to and the affects of this on all coastal industry and daily life?

### **Social – Engagement with the Sea**

A Cultural and Language objective should be added in the NMPF in line with the Action Plan 2018 – 2022 for the 20 Year Strategy for the Irish Language 2010 – 2030. This action plan aims to build on the work being carried out on a cross-departmental basis for the benefit of the Irish language and the Gaeltacht. The Gaeltacht is the national treasury for our native language. The geographical location of these areas were key to their survival for centuries. The beauty of the natural landscape of the Gaeltacht in An Rinn is a huge draw to so many visitors each year coming to this region to learn Irish. Coláiste na Rinne is the country’s best renowned full time Irish language learning college that caters for children learning their native language all year round. The future of a prosperous Gaeltacht in An Rinn and the Irish learning college go hand in hand. The devastating effect of a project such as the Inis Ealga proposal to the Gaeltacht region must be seriously considered. The Gaeltacht status must not be jeopardised.

### **Heritage Assets**

The section of the NMPF needed to be amended to “Cultural and Heritage Assets”. Further clarity must be forthcoming on why the concept of public benefit is introduced in this section. It is imperative that the term ‘Public Benefit’ is updated to require the mandatory consultation of independent expert bodies to assess how public benefit in one arena is weighed against public benefit of another.

The importance of, for example, the UNESCO Copper Coast, cannot be underestimated in consideration of a development such as this.

### **Seascape and Landscape**

Protection of landscape and seascape is acknowledged internationally as a key issue for Marine Planning. It was very surprising and disappointing to learn that this matter received no mention in the National Marine Planning Framework Baseline Report (2018). Experience in other maritime countries shows that landscape/seascape protection is a key issue of public concern, particularly in relation to the development of large-scale offshore wind farms in the coastal zone. It is positive to see this matter now included in the draft framework of the NMPF. However, the detail is inadequate and reflects very little detailed thought on the matter and it is therefore questionable whether the MSP team truly acknowledge the importance of this arena. A number of potential factors need to be considered when assessing the impact of the Inis Ealga development:

- visual impact from lighting silhouetting or flicker
- Physical loss of landscape, e.g. loss of intertidal habitat which can impact coastal character
- Physical disturbance to or loss of terrestrial landscape
- Promotion of outdoor activities, recreation and amenity areas

The seasonal and diurnal patterns of visibility for coastal environments are significantly different to landward areas and generally visibility is higher compared with landward patterns. Furthermore, cumulative effects can cause both the physical character and the perceptual character of the seascape to change.

Cumulation can be an issue for consideration in several different respects:

- (a) The cumulative effect(s) of several similar but small changes, each of which is not in itself judged to be significant, but which when added together have the potential to produce significant effects
- (b) The cumulative effect(s) of several similar projects, each of which may be significant, and which when added together have the potential to produce not only additive significant effects, but may produce significant effects greater than their sum.
- (c) The cumulative effect(s) of several projects of different types and sizes which have the potential through cumulation or by interactions between them to produce significant effects either greater than their sum or even completely unanticipated effects.

Source: [Scottish Natural Heritage Commissioned Report No. 103 \(ROAME No. F03AA06\)](#)

A detailed independent visual assessment, including cumulative effects, needed to be published and made transparent to the public for this proposal. Without this the true impact on Seascape and Landscape cannot be accurately assessed. The current proposal's closest point to the coast is 10km, as opposed to the 21km restriction used in most EU countries. If comparatives like this were made transparent to the public, I have no doubt that the cumulative visual impacts of all the proposed developments would be publically rejected.

### **Energy – Offshore Renewable Energy**

The stated objective of the NMPF supports the establishment of Ireland as a world leader in ORE deployment. This goes beyond what is set out in the Government's Action Plan to Tackle Climate

Breakdown and suggests favorable treatment will be given to certain stakeholder groups. This type of message is evident in the proposed development of the Inis Ealga Marine Energy Park.

ORE Policy 2 raises concerns that favorable treatment may be afforded to ORE developments given that the Spatial Designation Process has not been agreed. We note that the Marine Planning and Development Management Bill will provide for the introduction of a new system of spatial designation of maritime zones for specific activities including ORE. **It is imperative that the proposed designation process is fully transparent and considers each policy grouping and sectoral area listed in the NMPF as well as ensuring extensive public consultation in the process.** In addition, we note that Section 11.4 states that the delivery of offshore renewables targets will be plan-led in the context of the NMPF underpinned by the Bill. The danger is that the proposed Strategic Marine Activity Zones for offshore wind will be selected based on developers' plans rather than a proper **resource and constraints analysis** as utilised in other EU countries and more recently introduced in the UK (Source: <https://www.thecrownestate.co.uk/media/3331/tce-r4-resource-and-constraints-assessment-methodology-report.pdf>). This is a huge concern when considering the feasibility of the Inis Ealga project.

Furthermore, the spatial designation process must acknowledge the potential visual impact on coastal lands as a major concern for many sectors. A Cambridge study concluded that even small to moderately sized facilities are *"visible to the unaided eye at distances greater than 42 km [26 miles (mi)], with turbine blade movement visible up to 39 km (24 mi). At night, aerial hazard navigation lighting was visible at distances greater than 39 km (24 mi). The observed wind facilities were judged to be a major focus of visual attention at distances up to 16 km (10 mi), were noticeable to casual observers at distances of almost 29 km (18 mi) ..."*

(Source: <https://www.cambridge.org/core/journals/environmental-practice/article/research-article-offshore-wind-turbine-visibility-and-visual-impact-threshold-distances/59A51F3CD207849FC7F5BD986F15B2CB>)

In order to protect the immense value of the Irish coastline it is crucial that the Spatial Designation Process introduces a mandatory exclusion zone of 12 nautical miles for ORE developments as has been done in other European countries. 10km from the shore, as used for the Inis Ealga proposal, will have a detrimental effect on the South East Coastline and must not be accepted.

It is also imperative that the consideration of cumulative impacts is integrated into ORE Policy 2 as frequent or repeated sequential visibility can then lead to the perception of a wind energy seascape, where the wind turbines become the defining characteristic of that seascape.

It would appear that favorable treatment is being afforded to ORE under ORE Policy 3 and ORE Policy 5 also as these policies require non-ORE proposals that may impact an ORE development or test site to demonstrate how they will avoid, minimize or mitigate adverse impacts on the ORE development/test site. While this does touch on cumulative effects it is very much in favour of ORE developments and undermines the true purpose of a National Marine Planning Framework.

ORE Policy 9 must also be updated to ensure that cumulative assessments are a mandatory part of all visual assessments otherwise the effectiveness of any visual assessment is completely undermined for the reasons set out earlier. This policy should also provide clarity on what is covered by a visualization assessment and require that it must be undertaken by a competent independent party.

## Conclusion

The proposed Inis Ealga Marine Energy Park development does not represent a balanced and sustainable outcome for all stakeholders. It seems to be heavily in favour of the developer, giving scant regard to genuine concerns of coastal communities. The negative effects of the proposed wind turbines as highlighted in this submission needs urgent consideration.

The key principles of Marine Spatial Plan are for an ecosystem and evidence-based, plan-led approach. This development will surely contradict this approach and will have failed to protect the marine environment and the public interest.

The recent draft publication of the National Marine Planning framework states that *"..it will offer everyone with an interest in our seas and coasts the opportunity to have a say in how the maritime area is managed"*. Public consultation was far from satisfactory in our region and I believe if there was the opportunity provided for public consultation arranged in our region the resounding message from the public would be that the proposed Inis Ealga development is not suitable.

## Submission 125

To whom this concerns. Dia agus Muire dhuit . Beatha agus sláinte. I am a native of An Rinn in Co Waterford. Heilbhic or Helvick is a townland in An Rinn. A beautiful area, a fishing port, a tourist attraction, a holiday destination, it has a RNLI lifeboat station, it has seaweed baths and physio therapists who run a business on the pier. Most of all Helvick is beautiful and untouched by most of the development which took place during the boom. I spent 27 years of my life working on the pier in Helvick as a fisherman and later as the Manager of the local Fishermans Co Op. The one thing that I took in every day was the beauty of and the wildness of the sea and its environs. My life is different today I work in language support for the Dept of Ed. and Skills in this Gaeltacht area. The language is of monumental importance to us here. If the language suffers a loss of speakers then the whole area suffers too. My point is if the area loses its natural beauty to Wind Turbines we will all suffer. Fishing will be hugely affected as there will be exclusion zones around the turbines. Therefore restricting access to natural fishing ground in the area. Noise pollution will no doubt affect us all. Noise from land based turbines is already a problem in this area. People will no longer want to live or holiday in this most scenic part of our world. I know there is need for energy and that we are seeking ways of greening our environments but not at the huge cost to this magnificent amenity that is the smallest and one of the foremost Gaeltacht communities in the country. Not at the cost of the beauty of our beloved Ceann Heilbhic. Not at the huge cost to an already under pressure fishing industry and community. Investors will come and go. Other areas of lesser impact can be investigated . Money is secondary as we know during these trying times for all communities. Please be sensible . Don't destroy a place that does not need to be destroyed. It would just be another form of pollution.