

Inves	Investigative Foreshore Licence Application (Offshore Renewable Energy) Please indicate project category as appropriate:						
Please indicate project category as appropriate:							
Wave:							
Tidal:							
Wind:	X						
Other:	Please specify:						

DATA PROTECTION

The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution. It is the responsibility of persons or entities wishing to use any personal data on an application form for direct marking purposes to be satisfied that that they may do so legitimately under the requirements of the Data Protection Acts 1998 and 2003 and with regard to General Data Protection Regulation (2016/679) requirements.

Applicant Name and Address:

Full Name of Applicant (not Agent):				
Offshore Wind Project Director (Ireland), ESB				
Company/Organisation:				
ESB Wind Development Limited, a wholly owned subsidiary of ESB.				
Address:				
ESB Wind Development Limited ESB Head Office 27 Fitzwilliam Street Lower Dublin 2				
Eircode:				
D02 KT92				
Applicant Contact Details:				
Phone No:				
+353 (0)1				
E-mail address:				
<u>@esb.ie</u>				

Nominated Contact (Where Different from Above):



Applicant's Legal Advisor:

Name:
Mr McCann Fitzgerald
Address:
Riverside One, Sir John Rogerson's Quay, Dublin 2, D02 X576
Phone No:
+353 (0)1
E-mail address:
@mccannfitzgerald.com

Part 1: Proposal Details (See also Accompanying Report & Schedule of Work)

1.1 Provide background information on the project including reason and objectives of the site investigations, the site selection process and any proposals for future works at the site.

Background

This application for a foreshore licence is made by ESB Wind Development Limited, a wholly owned subsidiary of ESB. ESB plans to develop offshore wind farms around the coast of Ireland in support of national and European targets for renewable electricity generation and de-carbonisation of our society.

ESB has identified a location for a potential fixed foundation offshore wind farm at a site known as 'Sea Stacks Offshore Wind' located to the east of County Dublin, at a distance of approximately 12 km from shore.

This Foreshore licence application relates to proposed Site Investigation (SI) works only. These works are temporary and short term in nature. The ultimate project, the wind farm itself, will be the subject of a full consent application in due course and is outside the scope of this application. This initial stage in the overall development process is focussed on the undertaking of SI works only in order to inform ongoing feasibility assessments for the development, the overall design of the wind farm and to inform the completion of an Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) to accompany any future project consent application. The impacts of the construction and operational stages of any proposed wind farm will be addressed in an EIAR and NIS that will accompany any future consent application.

It is noted that the ultimate project area extends beyond the 12nm foreshore limit. If and when additional permissions for investigation works for the area beyond the 12nm limit are required and a process is in place to facilitate applications, those will be sought.

Site Selection Process

Over the course of 2019-2020 ESB undertook an extensive site selection process where they assessed the entire coast of the Republic of Ireland (RoI), in order to identify potentially suitable sites for the development of offshore wind farms. That process involved preliminary assessments of both environmental and technical aspects of a development with consideration for the various stakeholders and marine users who could be potentially impacted by both SI works and the ultimate development (the wind farm itself).

As an outcome to that process ESB has identified a number of preferred projects which they will now seek to take to the next stage in the process; the undertaking of more detailed investigations, surveying and consultation in order assist in making a decision on whether a feasible development

opportunity exists.

One such project is Sea Stacks Offshore Wind, the subject of this Foreshore Licence application. Sea Stacks Offshore Wind is not dependent on any other suitable site, functionally, legally or otherwise.

SI Objectives

A detailed description of the SI objectives is provided in the accompanying Schedule of Works document. However, at a high level the objectives of the works proposed under this Foreshore Licence application are as follows:

- To gather further information on seabed and sub-seabed information.
- To gather sufficient geotechnical data to allow the characterisation of the sub-seabed strata.
- To collect accurate wind and metocean (wave, current, tide and water levels) information.
- To provide the project team with baseline information on the environmental conditions at the site, including marine ecology, bird, mammals and benthos.
- To provide the project team with information on the archaeological conditions at the site.

In order to meet the above objectives various SI works and monitoring device deployments are required, for which ESB require a Foreshore Licence.

Future Works

Subject to ongoing assessments for this site, some of which will be informed by the SI outcomes, and assuming the site is considered feasible for development and progresses to attain an appropriate suitable consent, potential future works would relate to the ultimate development of the wind farm and associated ancillary features.

At a high level this would include the construction of fixed offshore wind turbines and offshore substation platform(s), the laying of offshore cables and the construction of associated onshore works including grid connection (anticipated to be underground cables) and substation works.

This application constitutes a Foreshore Licence application for the undertaking of SI activities only. These activities are required in order to inform the overall project feasibility, conditions at site and along the cable route, the various assessments required to progress the project and the development of the project.

This application does not comprise the ultimate consent application for the overall wind farm development which will be the subject of a future application to the appropriate authorities.

An Accompanying Report and Schedule of Works document are also included with this application and provide detailed information to supplement the information contained herein.

1.2 Possible MW output of final development:

Potential output of circa. 800 MW (subject to change following engagement with Transmission System Operator)

1.3 Type of surveys proposed (e.g. geophysical, geotechnical, archaeological or benthic.

Full details of the proposed surveys are as detailed in the Schedule of Works document and indicative survey locations are provided in Map QS-000307-01-D460-002-003-002 provided in Appendix A. In summary these include the following;

Geophysical surveys proposed include:

- Multibeam Echosounder (MBES)
- Side Scan Sonar (SSS)
- Sub-Bottom Profiling (SBP) / Ultra High Resolution Seismic (UHRS)
- Magnetometer Survey

Geotechnical surveys proposed include:

- Boreholes
- Cone Penetration Testing (CPT)
- Vibro Core (VC) / Grab Sampling
- Down the Hole testing
- Trial Pits

Oceanographic & Metocean surveys proposed include:

- Equipment Deployment & Recovery from a vessel
- Acoustic Doppler Current Profiler (ADCP) to measure ocean currents
- Wave Buoys
- Floating Lidar Buoy to measure wind speed at height

Environmental/Ecological & Archaeological Surveys proposed include:

- Benthic Sampling
- Static Acoustic monitoring
- Archaeological Surveys
- 1.4 Survey methodologies and equipment to be used for each survey type proposed:

Detailed information on the techniques, methodologies and equipment of the SI are included in Schedule of Works document.

Describe the nature and scale of any structure to be erected on the foreshore for testing the suitability of the site. Is the structure proposed to be temporary or permanent?

No structures are proposed for erection on the foreshore.

1.6 Provide information on proposed mooring, marking and lighting arrangements for any proposed deployment of instrument arrays.

Detailed information is included in Schedule of Works document. All device deployments will comply with the requirements of the Commissioners of Irish Lights (CIL) and will be agreed in consultation with the relevant department within the Irish Maritime Directorate within the Department of Transport prior to the commencement of any survey work.

1.7 Has the applicant held or does the applicant hold any previous Foreshore Licences, Leases or applications over the area sought or over any other area? (Give details including Depa**rtment's file** reference number(s)).

The applicant, ESB Wind Development Limited, does not hold any Foreshore Licence, Lease or applications for the area considered by this application and does not hold any other previous licences, leases or applications.

Other licences and leases related to the ESB group are as follows:

- Hibernian Wind Power Limited File Ref No. FS006318
- Hibernian Wind Power Limited File Ref No. FS006787
- Hibernian Wind Power Limited File Ref No. FS006788
- Hibernian Wind Power Limited File Ref No. FS006852
- Moneypoint Power Station File Ref No. FS007141
- 1.8 Indicative timing of the investigation works: (i) Start date (ii) Duration (iii) Any other information relevant to timing.

Detailed information on the timing and duration of SI activities are included in the Schedule of Works, subject to the grant of a Foreshore Licence.

1.9 Describe any likely interactions with activities of the public or other foreshore users during the investigative works (e.g. fishing, aquaculture, sailing, and surfing). Describe any measures proposed to minimise inconvenience to other users.

The Accompanying Report contains details on potential interactions with other marine users and describes measures proposed to mitigate inconvenience therein. The surveys and SI works will be of limited duration and it is envisaged that the impact will be imperceptible.

1.10	Describe any consultations undertaken to date with other foreshore users.
	The Accompanying Report contains details on consultations undertaken to date.
1.11	Describe any consultations undertaken to date with other consent authorities e.g. planning authority, Commission for Energy Regulation etc.
	The Accompanying Report contains details on consultations undertaken to date.
1.12	Describe briefly any consultations undertaken with relevant authorities (e.g. county council, port/harbour authority etc) or State Agencies e.g. National Parks & Wildlife Service (NPWS), National Monuments Service (NMS) of Department of Arts, Heritage and the Gaeltacht:
	The Accompanying Report contains details on consultations undertaken to date.
1.13	Describe briefly any support received or under application with the Sustainable Energy Authority of Ireland (SEAI) or other State Agency:
	N/A

Part 2: Proposed Site (See also Appendix A & Accompanying Report)

- 2.1 Delineate the proposed site in red on a latest edition map at a scale of 1:10 000 or larger scale if more appropriate and available, indicating:
 - (i) the entire area;
 - (ii) the hectarage involved below the line of high water of medium tides clearly marked in RED and
 - (iii) the area of foreshore involved in metric measurements (i.e. hectares, metres squared or square kilometres etc).

See attached Drawing QS-000307-01-D460-002-001-001 provided in Appendix A.

Also provided in Appendix A for information purposes is Drawing QS-000307-01-D460-002-002-001 which illustrates the export cable corridor area of search and the WTG array area of search within the foreshore licence boundary.

2.2 Geographic co-ordinates of the area under application, where the area can also be identified on the Ordnance Survey map, specify Ordnance Survey co-ordinates also.

ID	Easting (ITM)	Northing (ITM)	ID	Easting (ITM)	Northing (ITM)	ID	Easting (ITM)	Northing (ITM)
1	721285.530	735775.217	26	750664.589	726924.234	51	741305.293	722418.479
2	722370.285	734941.359	27	750597.739	726576.435	52	740192.794	722385.670
3	722402.683	734977.739	28	750665.203	726210.662	53	739947.583	730729.421
4	722152.124	735164.285	29	750648.620	726133.048	54	736615.475	730631.946
5	722365.962	735548.687	30	750670.489	726014.525	55	736655.574	729237.162
6	722598.639	735869.460	31	749869.330	722262.138	56	729042.710	726672.601
7	723420.422	735543.227	32	750040.608	721429.255	57	726186.055	728847.253
8	726076.109	735760.818	33	750280.558	720962.758	58	720197.855	732968.896
9	727665.541	735935.865	34	750473.002	720665.831	59	720048.551	733192.134
10	733910.306	735951.031	35	750502.102	720524.324	64	721105.480	733468.264
11	735650.347	735418.910	36	750598.677	720375.323	61	720904.667	732922.122
12	738801.994	733859.877	37	750829.062	719288.070	62	720997.377	732922.598
13	739575.136	733740.267	38	751316.534	718533.414	63	721214.959	733516.218
14	740242.343	733452.504	39	751336.281	718437.426	60	720250.144	733169.719
15	741192.916	732701.787	40	751441.429	718275.201	65	721231.974	733638.167
16	741740.014	732525.357	41	751451.445	718226.560	66	723153.882	734020.363
17	742217.629	732205.814	42	751544.932	718082.298	67	721696.155	734688.436
18	742604.921	731729.396	43	751564.568	717986.989	68	720589.332	734688.057
19	742840.650	731105.062	44	751669.860	717824.533	69	720587.131	734852.916
20	743133.753	730756.007	45	751764.834	717363.090	70	720154.782	734892.138
21	750880.937	730829.533	46	751781.419	717337.509	71	720153.124	735158.962
22	750450.400	728813.169	47	751885.892	716830.048			
23	750345.497	728646.424	48	751923.324	716759.355			
24	750659.301	727120.372	49	752657.461	713174.385			
25	750661.945	727022.303	50	741579.627	713147.773			

See Drawing QS-000307-01-D460-002-004-001 provided in Appendix A illustrating these co-ordinates.

2.3 Delineate proposed site on relevant Admiralty Chart.

See Drawing QS-000307-01-D460-002-001-001 provided in Appendix A

2.4 Relevant Local Authority:

Fingal County Council, Dublin City Council, Dún Laoghaire-Rathdown County Council & Wicklow County Council.

2.5 Location name and nearest townland name:

Site has been named 'Sea Stacks Offshore Wind' by ESB.

The proposed survey area runs close to the High Water Mark (HWM) within Dublin City in the areas of North Bull Island, Dublin Port, and the Poolbeg Peninsula.

2.6 Distance from nearest other developments, including any offshore renewable energy developments on the foreshore:

The site is located in close proximity to the following proposed ORE developments:

- Dublin Array (Kish Banks) (west of Sea Stacks Offshore Wind)
- Dublin Array (Bray Banks) (west of Sea Stacks Offshore Wind)
- Codling 1 (south of Sea Stacks Offshore Wind)

2.7 Distance from shore:

The wind turbine array area of search is approximately 12 km from the coast at its nearest point. The export cable corridor area of search extends to the shore where cable(s) will landfall. Site investigation survey works are proposed in both areas.

2.8 Distance from nearest aquaculture operation:

Data available from the Department of Aquaculture, Food and the Marine shows that the nearest aquaculture operation is over 47km from the application area.

2.9 Distance from any other sensitive location e.g. fish spawning ground, designated Shellfish Growing Waters

The Application area lies within spawning grounds of cod, nephrops, plaice and sole, as well as within nursery grounds for cod, haddock, herring, lemon sole, nephrops, plaice and whiting. Anglerfish, plaice, spotted ray, thornback ray, tope shark and sandeel also utilise the Application area as low-intensity nursery grounds. Nursery grounds for mackerel and horse mackerel are present within the wider vicinity, including throughout the Irish Sea and within a large area of the Celtic Sea. Due to the extent of the area of spawning and nursery activity and the limited spatial and temporal extent of the proposed surveys, no impacts to these habitats or species (or areas) are predicted.

2.10 Any other site details considered relevant:

The foreshore licence application boundary overlays areas previously licenced for historic 'Dumping at Sea' and oil / gas activities. Further information is included in the Accompanying Report.

Part 3: Nature Conservation Considerations (See also Supporting Information for Screening for Appropriate Assessment Report and Natura Impact Statement)

3.1 Distance from nearest Natura 2000 sites (i.e. Special Protection Area (SPA) or Special Area of Conservation (SAC):

Part of the proposed survey area lies within the following SPAs:

- [IE004024] South Dublin Bay and River Tolka Estuary SPA
- [IE004113] Howth Head Coast SPA
- [IE004006] North Bull Island SPA

The following SPAs lie within 1 km of the proposed survey area:

• [IE004172] Dalkey Islands SPA (0.5 km)

The following SPAs lie between 1km and 15 km from the proposed survey area:

- [IE004117] Ireland's Eye SPA (4.2 km)
- [IE004016] Baldoyle Bay SPA (3.5 km)
- [IE004025] Malahide Estuary SPA (8.7 km)
- [IE004186] The Murrough SPA (11.3 km)
- [IE004040] Wicklow Mountains SPA (13.1 km)
- [IE004069] Lambay Island SPA (13.5 km)
- [IE004015] Rogerstown Estuary SPA (14.6 km)

Part of the proposed survey area lies within the following SACs:

- [IE003000] Rockabill to Dalkey Island SAC (Annex I habitat and Marine Mammal QIs)
- [IE003015] Codling Fault Zone SAC (Annex I habitat QI)
- [IE000206] North Dublin Bay SAC (Annex I habitat QIs)
- [IE000210] South Dublin Bay SAC (Annex I habitat QIs)

The nearest SAC to the proposed survey area with Annex II diadromous fish Qualifying Interests is [IE00229] River Boyne and River Blackwater SAC (40.5 km)

3.2 Name and location of Natura 2000 sites in or around the project area:

Please refer to Section 4 and Table 4.1, 4.5, 4.6 and 4.7 in the Supporting Information for Screening for Appropriate Assessment Report for this Licence application for a full list of Natura 2000 sites in or around the project area.

3.3 Describe potential impacts of the site investigations on Natura 2000 sites

Please refer to the Supporting Information for Screening for Appropriate Assessment Report and Natura Impact Statement which has been prepared for this Licence application. The Natura Impact Statement concluded that following application of suitable mitigation measures the SI works, either alone or in-combination with other plans or projects, would not have an adverse effect on the integrity of any Natura 2000 site.

3.4 Describe any measures proposed to mitigate possible impacts on Natura 2000 sites and other key marine receptors.

Full details of the mitigation measures are provided in the Natura Impact Statement which accompanies this application. The following is a summary of the mitigation of measures proposed in the Natura Impact Statement for this Licence application.

South Dublin Bay and River Tolka Estuary SPA:

- [Wintering birds] Restriction of works within 1 km buffer to be enforced between September and March inclusive around the SPA;
- [Staging terns] Any work in the SPA (including vessel based, walkover surveys or work undertaken by tracked vehicles) will only be permissible within daylight hours between 0900 and 1700 from mid-July to September inclusive;
- [Staging terns] Outside daylight hours, no work within the SPA boundary, or within 100 m of the SPA boundary is permitted from mid-July to September inclusive;
- A 200 m buffer to be enforced around the following known breeding tern colonies:
 - o CDL (coal distribution LTD) dolphin;
 - o ESB (Electricity supply board) dolphin;
 - o Pontoon No. 1 located North of Dublin port in the Tolka Estuary; and
 - o Pontoon No 2. located by the great south wall.

North Bull Island SPA:

- [Wintering birds] Restriction of works within 1 km buffer to be enforced between September and March inclusive around the SPA.

Howth Head Coast SPA:

- [Breeding birds] Restriction of works within 1 km buffer of MHWS within SPA to be enforced between April and July inclusive.

Dalkey Islands SPA:

- [Staging birds] No survey vessels to transit within 200 m of SPA between July and September inclusive.
- [Breeding birds] No survey vessels to transit within 200 m of SPA between

April and July inclusive.

I reland's Eye SPA:

- [Breeding and wintering birds] No mitigation measures outlined Baldoyle Bay SPA:

- [Wintering birds] Given the potential for connectivity between this estuarine SPA and South Dublin Bay and River Tolka Estuary SPA (which overlap lies within the area of proposed works) the mitigation measures proposed for South Dublin Bay and River Tolka Estuary SPA also mitigate possible ex situ impacts to Baldoyle Bay SPA.

Malahide Estuary SPA:

- [Wintering birds] Given the potential for connectivity between this estuarine SPA and South Dublin Bay and River Tolka Estuary SPA (which overlap lies within the area of proposed works) the mitigation measures proposed for South Dublin Bay and River Tolka Estuary SPA also mitigate possible ex situ impacts to Malahide Estuary SPA.

The Murrough SPA:

- [Wintering birds] No mitigation measures outlined

Lambay Island SPA:

- [Breeding and wintering birds] No mitigation measures outlined Rogerstown Estuary SPA:

- [Wintering birds] Given the potential for connectivity between this estuarine SPA and South Dublin Bay and River Tolka Estuary SPA (which overlap lies within the area of proposed works) the mitigation measures proposed for South Dublin Bay and River Tolka Estuary SPA also mitigate possible ex situ impacts to Rogerstown Estuary SPA.

North Dublin Bay SAC and South Dublin Bay SAC:

- All work undertaken in the intertidal by tracked vehicles will avoid the areas of all qualifying interests (excluding [1140] mudflats and sandflats) (plus a suitable buffer to ensure their structural integrity as required), the boundary of which will be delineated through a survey of the area prior to such work commencing;
- Movement of tracked vehicles in the intertidal will be restricted to the minimum number of tracks necessary to achieve the sampling. This will reduce areas of compaction allowing rapid recovery of the small area affected after the cessation of the work, ensuring the natural condition of the feature is maintained;
- Movement of tracked vehicles will be restricted to the minimum number of access tracks necessary to achieve the sampling. Access tracks will avoid areas of qualifying interests above MHWS wherever possible; and
- Works on the intertidal using a tracked vehicle will be overseen by an Ecological Clerk of Works to ensure adherence to the above measures.

Codling Fault Zone SAC:

- In order to ensure no adverse effects on the conservation objective of the SAC, mitigation will be put in place to ensure that no extractive survey

methods (or placement of anchors or jack up legs) cause damage to these qualifying interests. This will be achieved by using geophysical survey data to identify the locations of potential Annex I habitat. Any areas of potential reef will be avoided through micrositing of equipment or survey location.

Marine Mammals

No Likely Significant Effects was concluded for the marine mammal Qualifying Interests (QIs) of 13 relevant SACs for the Project both alone and in combination with other plans/projects. Mitigation measures will be implemented regardless, in line with the DAHG (2014)^[1] Guidance to manage the risk to marine mammals from man-made sound sources in Irish waters, to negate any possible effects of auditory injury resulting from noise arising from survey works on marine mammals. Mitigation measures which the Project will implement include pre-start monitoring and procedures for ramp-up, survey line or station changes and breaks in sound output (as per section 4.3.4 of DAHG, 2014). With (or without) these mitigation measures, the proposed site investigation work will not adversely affect the conservation objectives of any of the 13 relevant SACs with marine mammal QIs, either alone or in combination with other plans or projects.

Describe any other projects or plans for the area, anticipated or developed, that in combination with this proposal, may have a significant effect on a Natura 2000 site:

Appendix C of the Supporting Information for Screening for Appropriate Assessment Report for this Licence application (Table C.1) and Appendix B of the Natura Impact Statement (Table B.1) describe other projects or plans for the area, anticipated or developed, that in combination with this proposal, may have a significant effect on a Natura 2000 site. These projects and activities, both offshore wind and routine port and harbour activities, have been considered in the in-combination assessment of the Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement for Sea Stacks Offshore Wind.

For all site / impact and Special Conservation Interest or Qualifying Interests combinations for which no Likely Significant Effect was concluded in Screening it is possible to also conclude no Likely Significant Effect for in combination effects.

The Natura Impact Statement concluded that following application of suitable mitigation measures the SI works, either alone or in-combination with other plans or projects, would not have an adverse effect on the integrity of any Natura 2000 site.

^[1] DAHG. (2014). Guidance to manage the risk to marine mammals from man-made sound sources in Irish waters. January 2014. Prepared by the National Parks and Wildlife Service of the DAHG

Part 4: Navigational Safety Considerations (See also Appendix A)

4.1 Distance from shipping lanes at nearest point. Illustrate on the appropriate marine charts accompanying the application. The proposed foreshore licence area overlaps the Dublin Bay Traffic Separations Schemes (TSS), one to the north of Buford Bank and one to the south of Buford Bank, this is illustrated on the accompanying Foreshore Licence submission drawings. There are no other no formally designated shipping lanes in close proximity to the proposed foreshore licence area. The above TSSs are illustrated on Drawing QS-000307-01-D460-002-001-001 provided in Appendix A. 4.2 If a safety zone for passage of shipping (including fishing and leisure boats) is sought, supply details and give reasons. N/A 4.3 If temporal /spatial restrictions are sought on the use of any type of fishing gear or leisure activity within the area, provide details and justification for such restrictions and indicate location(s) on appropriate marine charts. N/A

Declaration and Consent:

The details provided here are correct to the best of my knowledge.

I understand that no works will be commenced, by me or my agents on the proposed site, without the prior written consent of the Minister. The granting or refusal of any foreshore investigation licence will not give rise on the part of the applicant to any expectation whatsoever for, right or entitlement to a grant of any future foreshore permission in respect of all or any part of any area of foreshore.

By submitting this application form, I agree that the details provided (with personal contact details redacted) are to be published on the Department of Housing website and also that the full information provided including contact details are to be processed and retained by the Department of Housing, Planning and Local Government and shared with all appropriate Prescribed Bodies (as part of the Prescribed Bodies Consultation process) in furtherance of consideration for a foreshore Consent under the Foreshore Act 1933 (and Foreshore Amendment Act 2011).

I give consent to the Minister and his servants to copy this application and to make (a redacted) copy available for inspection and copying by the public. This consent relates to this application, to any further information, or submission provided by me or on my behalf and to the publication of the licence document

Signed for and on behalf of the applicant:

Name of Signatory (block letters):

Position Held:

Offshore Wind Project Director (Ireland), ESB

Date: 12/11/2021

Return completed applications to:

Marine Environment and Foreshore Section
Department of Housing, Planning and Local Government
Newtown Road
Wexford
Y35 AP90

Enquiries to: <u>Foreshore@housing.gov.ie</u> (Other contact details to be included in Guidance materials)

Email a copy of application documents: <u>Foreshore@housing.gov.ie</u>

APPENDIX A: DRAWINGS







