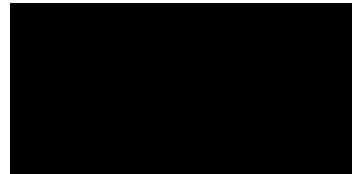


# Submission HLG 00479-22: Appropriate Assessment Determination on Foreshore Licence Application FS007062 SEAI Ltd for Site Investigations off Co. Mayo

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

AUTHOR:  
OWNER:  
REVIEWERS:



Nina Murray (Housing)

DIVISION: Foreshore  
DECISION BY: 28/10/2022

## Final comment

Approved by Minister Burke 8/11/2022

## Action required

Ministerial Determination and signature on Appropriate Assessment

## Executive summary

SEAI have applied for a Foreshore licence to carry out site investigations relating to a floating offshore wind (FOW) demonstration project at the Atlantic Marine Energy Test Site (AMETS) off the coast of County Mayo.

As part of the assessment of this application, the Minister was required to make a Screening for AA Determination in accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations')

The Screening for Appropriate Assessment determined that an Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites and that the risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence:

[HLG 00085- 22 Screening for Appropriate Assessment Determination re Site Investigations for a Floating Offshore Wind demonstration project at AMETS test site, Mayo](#)

Having considered all relevant material a recommendation has been made that the Minister accepts and adopts the Appropriate Assessment Report and determines that the proposed project, either alone or in-combination with other projects, will not adversely affect the integrity of European sites, in view of the said sites' conservation objectives. AA Determination Conclusion Statement **(Tab 01)**.

## Detailed information

### Background

The AFLOWT (Accelerating market uptake of Floating Offshore Wind Technology) project - a consortium with Interreg North West Europe (NWE) funding, has a main objective of demonstrating high survivability, cost competitive, Floating Offshore Wind (FOW) technology.

SEAI is a lead partner of the project in Ireland and holds an existing Foreshore Lease for the AMETS test site.

SEAI was granted a Foreshore Lease in November 2015 to test for wave energy devices on the AMETS site. Subsequent pipeline analysis by the applicant of wave energy projects worldwide suggests that there will be no wave technologies suitable for testing at this site until the mid-2020s. However, due to water depth and weather conditions, the applicant considers the site suitable for floating wind technologies.

## Licence Application

This application is for a Site Investigation (SI) Licence to inform the detailed design of a 6MW FOW turbine, cable and associated infrastructure.

SI activities proposed include:

- Multi-Beam Echo Sounder (MBES)
- Side-Scan Sonar (SSS)
- Sub-Bottom Profiling (SBP)
- Cone Penetration Testing (CPT)
- Benthic sampling of the subtidal and the intertidal sediment

These SI activities (geophysical and geotechnical) are required in order to provide information on the make-up of the various layers of sediment and / or rock under the seafloor and the soils / sediments and stratigraphy of the seabed. No permanent structures shall be erected as part of these works.

Further details of the proposed activity are outlined in the application form **(Tab 2)**, foreshore licence map **(Tab 3)**, Distance Summary **(Tab 11)**, Report to accompany Foreshore License Application **(Tab 12)**, Risk Assessment for Annex IV **(Tab 13)**, Schedule of Works **(Tab 14)**, Site Location Map **(Tab 15)**, Natura Impact Statement **(Tab 16)** and associated documents at the following link:

[gov.ie](http://gov.ie) - FS007062 SEAI Site Investigation for Floating Offshore Wind testing at AMETS Site Mayo ([www.gov.ie](http://www.gov.ie))

A foreshore licence if granted will permit those site investigation activities that will result in physical interaction with or disturbance of the Foreshore. The proposed site investigation activities which are the subject of this application are fully assessed under the relevant environmental legislation.

## Environmental Assessment

As part of the assessment of the Foreshore Licence application, RPS Group Ltd were commissioned as Independent Environmental Consultants to conduct a Screening for Appropriate Assessment (stage 1 screening) and, if required, an Appropriate Assessment (AA stage 2) of the likelihood of significant impact on European sites from the application for a Foreshore Licence. The reports prepared by RPS are to inform the Minister's decision in relation to AA screening and Appropriate Assessment.

The Independent Environment Consultants completed their Screening for AA Report 'Screening for Appropriate Assessment', which concluded that it cannot be excluded, on the basis of objective scientific information, following screening under the European Communities (Birds and Natural Habitats) Regulations 2011 as amended, that the proposed project, individually or in combination with other plans or projects will have a significant effect on the following European sites:

- West Coast Connacht SAC
- Inishkea Islands SAC
- Duvillaun Islands SAC

It can therefore be determined that an Appropriate Assessment (AA) of the project is required

A submission on Screening for Appropriate Assessment was made to the Minister of State for the Department of Housing, Local Government and Heritage, who made a determination following Screening that an Appropriate Assessment was required as the project individually or in combination with other plans or projects, was likely to have a significant effect on a European site. (Submission attached below).

A number of application documents submitted by SEAI informed the Screening for Appropriate Assessment Conclusion and can be found on the Departments website at the following Link:

[gov.ie](http://gov.ie) - FS007062 SEAI Site Investigation for Floating Offshore Wind testing at AMETS Site Mayo ([www.gov.ie](http://www.gov.ie))

## Public Consultation under Section 42 of EC Birds and Natural Habitats Regulations (as amended)

Following the determination that an Appropriate Assessment was required, a further Public Consultation was initiated and a Public Notice was issued in the Irish Independent and the Western People that invited public submissions for the purpose of conducting the Appropriate Assessment, in accordance with Section 42 (1) of S.I. No. 477 of 2011, the European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

The 30 calendar day Public Consultation commenced on **19 April 2022** and ended close of business on **18 May 2022**. All documents that informed the Screening for Appropriate Assessment Determination (links available above) were made publicly available at the following locations:

- **Belmullet Garda Station**
- **Belmullet Library**

These documents were also published on the Departments website at the following Link:

[gov.ie](http://www.gov.ie) - FS007062 SEAI Site Investigation for Floating Offshore Wind testing at AMETS Site Mayo ([www.gov.ie](http://www.gov.ie))

In addition to the application documents submitted by SEAI, the following documents were also on public display at the above locations and published on the Department's website:

- Screening for Appropriate Assessment Submission
- Screening for Appropriate Assessment Determination Approved
- Marine Advisor Environmental Report (Prepared by MA-Environment)
- Screening for AA (Prepared by IEC)

The Department received no public submissions during the public consultation under Section 42.

### **Prescribed Bodies Consultation for Appropriate Assessment**

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

- Department of Housing, Local Government and Heritage Marine Advisors (Engineering and Environmental)
- Department of Housing, Local Government and Heritage (NPWS)
- Department of Housing, Local Government and Heritage (Underwater Archaeology)
- Department of Agriculture Food and the Marine
- Marine Institute
- Inland Fisheries Ireland
- Marine Survey Office
- Sea Fisheries Protection Agency
- Commissioner of Irish Lights

Observations from the above prescribed bodies (**Tab 4**) have been forwarded to the applicant and there were no objections in principle to the proposed works. The submitted observations and the applicant's response to such (**Tab 5**), have been considered as part of the Appropriate Assessment.

Recommended conditions will be considered as part of the assessment of this application.

### **Appropriate Assessment**

The Appropriate Assessment Screening process determined that it is not possible to discount likely significant effects with respect to 3 number of European sites, namely West Connacht Coast SAC [IE002998], Inishkea Islands SAC [IE000507], and Duvillaun Islands SAC [IE000495].

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage made a determination following screening that an Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect the integrity of European sites, in view of the said sites' conservation objectives.

Measures to mitigate against the likely significant effect are identified in the Natura Impact Statement (25th June 2020). The adherence to these measures is considered appropriate mitigation to avoid significant effects on conservation objectives of any European site

An Appropriate Assessment report was prepared by the Independent Environmental Consultant RPS Group, which adopts the comments from the Public Consultation on Appropriate Assessment (**Tab 6**). The IEC identified the mitigation measures required to ensure that the proposed project, either individually or in combination with other plans or projects, will not adversely affect the integrity of any Europeans Site.

The Department's Marine Ecologist agrees with and accepts these conclusions and recommendations. Attached is the recommending officer's **Final Appropriate Assessment** which requires the Decision Maker's signature (**Tab 7**).

### **Environmental Impact Assessment (EIA) Regulations:**

The proposed project is for site surveying including boreholes to test the suitability of the sub sea bed conditions. The IEC determined that the proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive.

Having considered the application by SEAI, the Department's Marine Environment Advisor agreed with and accepted the IEC's determination that the project does not require a mandatory EIA. As the Consent Authority, the Department must complete a Screening for EIA as part of their obligations under the EIA Directive **(Tab 8)**.

The EIA Screening Examination was provided by the Department's Marine Environment Advisor. **(Tab 9)**

It is recommended that the Minister adopts the finding that the proposed site investigation activities which are the subject of this application are not of a class that require Environmental Impact Assessment and that the activities come outside the scope of the EIA Directive.

### **Risk Assessment for Annex IV Species**

A review of the applicant's environmental reports provide sufficient relevant information in order for a Risk Assessment of Annex IV species to be carried out by the Department's Environmental Marine Advisor. It was deemed that intertidal work was very minor in scale and duration and therefore no negative impacts on the European Otter would occur from this element of the project. With strict adherence to the DAHG 2014 guidance on underwater noise as outlined in the applicant's Natura Impact Statement it is very unlikely that any of Annex IV species will be injured or killed as a result of the proposed site investigation works.

It should be noted that this risk assessment is not part of the Article 6.3 assessment and therefore identification and inclusion of mitigation measures within the risk assessment is appropriated at this stage.

### **MLVC**

The MLVC examined the application and supporting documents, the submissions and applicant responses received during the 1st and 2nd Public Consultations, the submissions and responses received during the Prescribed Body Consultations, the IECs assessment reports and conclusions regarding Appropriate Assessment Screening, Appropriate Assessment and Annex IV species, along with the Marine Advisor (Environment) Screening for Appropriate Assessment and Determination and Marine Advisor (Environment) Environmental Assessment Report with Appropriate Assessment Determination.

The MLVC concluded in its report **(Tab 10)** taking account of the totality of the documentation on file and subject to compliance with the specific conditions set out, the proposed works will not adversely affect Fishing, Navigation or the Environment and is in the Public Interest.

**Please note that the MLVC report is being attached at AA Determination stage for information purposes only in matters related to the environmental assessment process.**

This application is for the carrying out of site survey work to inform the detailed design of a 6MW floating wind energy turbine, cable and associated infrastructure in the general area outlined on the submitted maps. It is further noted that this proposal is a project that satisfies the definition of relevant maritime usage under the Maritime Area Planning Act and its progression through the various consenting process has been accorded a high priority.

Submissions by the public and the prescribed bodies have been considered and responded to by way of proposed conditions. In particular the issues raised through submissions have been considered both as part of this report but also as part of the environmental assessment reports, all of which form the overall assessment of this proposed application.

Significant appropriate consideration has been given to environmental matters by Independent Environmental Consultants which is reflected in this report. The supporting environmental reports formed part of this assessment. Given the existence of other licences in this general area, it is considered prudent in the interests of mitigating the possible cumulative environmental effects that the applicant be required, in the event of a licence being granted, to coordinate with other licence holders that overlap with the survey area as submitted to ensure that no temporal overlap between two or more projects occurs. It is considered that this requirement shall form part of the notification condition.

The development of off shore wind developments is an important element of Government energy policy which has been further enunciated in the recently published energy security framework. It is both necessary and appropriate that surveying work be undertaken so as to site future proposed in locations technologies that is geotechnical safe. This application is such an activity and is considered to be necessary and appropriate.

It is concluded that taking account of the totality of the documentation on file and subject to compliance with the specific conditions set out below, the proposed works would will not adversely affect Fishing, Navigation or the Environment and is in the Public Interest.

The MLVC has had regard to both the Departments Marine Advisor (environment) environmental report date 26/02/2022 with Appendix 1 Examination of EIA attached which concluded that an EIAR is not required and also to AA Determination Report of 26/08/2022 and recommends that the Minister accepts and adopts the Marine Advisor's AA Determination Recommendation

It is also recommended that the Minister makes a finding that that the proposed site investigation activities, individually or in combination with other plans or projects, will not adversely affect the integrity of European sites outlined in the report in view of the said sites' conservation objectives, and adopts the findings of the risk assessment to Annex IV species that has been carried out.

**Tab 01 contains the AA Determination Conclusion Statement, for signing by Minister, if approved.**

**Submitted for decision and Signature.**

## Related submissions

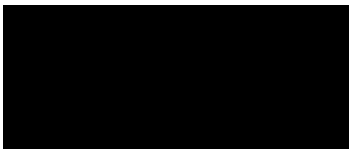
**HLG 00085 -22:** FS007062 Screening for Appropriate Assessment Determination re Site Investigations for a Floating Offshore Wind demonstration project at AMETS test site, Mayo

**HLG 00544 -22:** FS007062 SEAI Site Investigation for Floating Offshore Wind testing at AMETS Site Mayo

**HLG 00561 -22:** Amendment to FS007062 Screening for Appropriate Assessment Determination and Appropriate Assessment Determination eSubmissions re Site Investigations for a Floating Offshore Wind demonstration project at AMETS test site, Mayo

## User details

INVOLVED:



Nina Murray (Housing)  
eSub MOS Burke Office  
eSub MOS Burke

READ RECEIPT:

