



Mr. Graham Cadogan
Executive Officer, Foreshore Unit
Department of Housing, Local Government
and Heritage
Newtown Road,
Wexford,
Y35 AP90

RWE Renewables Ireland Ltd

Your ref. FS007188 RWE_MI, Fem Dau,
DCC, IFI Subs

Our ref. [REDACTED]
Contact [REDACTED]
Phone [REDACTED]
Email [REDACTED]@rwe.com

10/08/2022

FS007188 RWE_Response to Prescribed Body Observations

Dear Graham,

Thank you for providing the submissions from the Prescribed Bodies in response to the second consultation on Foreshore Licence Application, FS007188 associated with the Stage 2 Appropriate Assessment under the European Communities (Birds and Natural Habitats) Regulations 2011.

Please find attached RWE's response to the matters raised in the Prescribed Body observations as received to date. These include observations from;

- Foreshore Marine Advisor (Environment)
- Commissioners of Irish Lights
- Inland Fisheries Ireland
- Foreshore Marine Advisor (Engineering)

The main observations made by each Prescribed Body have been reproduced in the attachment, in bold, italicised text, to indicate the specific points the response relates to. Please refer to the Prescribed Body submissions for the full text of their submissions.

We note that Inland Fisheries Ireland have no further comment to make.

Should the Department require any further clarifications we would be more than happy to provide additional information.

Yours sincerely

[REDACTED]

Enc: Applicant's response to prescribed body observations.

RWE Renewables Ireland Limited

Unit 5 • Desart House • Lower New Street Co. • Kilkenny • Ireland

Registered Office: RWE Renewables Ireland Limited • Unit 5 • Desart House • Lower New Street • Kilkenny • Ireland

Registered in Ireland no. 589120

Directors: Cathal Hennessy • George Tottenham • Peter Lefroy • Ben Freeman (British) • Martin Andre-Ferreira (British)

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Applicant's response to Foreshore Marine Advisor (Environment) observations, 21 July 2022

Your email of the 30th June 2022 refers to this licence application for Site Investigation for the proposed Dublin Array wind farm off the coast of Counties Dublin and Wicklow. This coastline hosts a variety of coastal habitats, its intertidal habitat supports populations of waterbirds of national and international importance. It is also nationally and internationally important for its breeding sea bird colonies in particular the population of Roseate terns on Rockabill. Furthermore it is an area of conservation importance for marine mammals including grey and harbour seal and harbour porpoise.

As you will note from my Screening Stage Report of the 20th of June 2022 I agreed with and accepted the outcome of the IEC's review of the environmental reports associated with this application.

As stated in my Prescribed Bodies Consultation of the 7th February 2022 I have no objection to this application subject to a complete environmental assessment. I will provide site specific conditions once the environmental assessment process is complete.

We note that the Foreshore Marine Advisor (Environment) has no objection to this application subject to a complete environmental assessment and that site specific conditions will be provided once the environmental assessment process is complete.

Applicant's response to Commissioners of Irish Lights observations

Thank you for contacting the Commissioners of Irish Lights requesting observations on this foreshore licence dated 13th July 2022.

Irish Lights has reviewed this application and have had previous consultations with RWE Renewables Ireland.

Our observations are as follows:

Numerous Aids to Navigation lie within the foreshore licence map area, but in particular the following aids are within the Geophysical survey boundary site:

**Kish Lighthouse
North Kish Buoy
East Kish Buoy
Bray outfall
Greystones outfall**

Commissioners of Irish Lights request mariners navigating around the coast of Ireland to exercise the greatest care to avoid damage to existing Aids to Navigation. Any works adjacent to existing Aids to Navigation should ensure a wide berth, paying particular attention to the strength of wind and tide.

If you have any questions please do not hesitate to contact myself or a member of the team.

We note the presence of Aids to Navigation within the foreshore licence area and as requested care will be exercised to avoid damage to same.

All vessels which will be engaged to undertake the environmental monitoring and site investigations which are the subject of this Foreshore Licence application will be assessed and selected on their suitability for the specific activity. All vessels and crew will comply with relevant codes, regulations and conventions including the following key IMO conventions:

- International Convention for the Safety of Life at Sea (SOLAS)
- International Convention for the Prevention of Pollution from Ships (MARPOL)
- International Convention on Standards of Training, Certification and Watch-keeping for Seafarers (STCW)
- Convention on the International Regulations for Preventing Collisions at Sea (COLREG)
- International Convention on Load Lines (LL)

Vessels will operate within safe limits in terms of significant wave height, current and wind speed. Positioning systems and procedures shall be in accordance with guidelines for GNSS positioning in the oil and gas industry (OGP Report 373-19, 2011) and the International Hydrographic Organisation standards for hydrographic surveys, Fifth edition (IHO, 2008) as referenced in ISO19901-8.

Applicant's response to Foreshore Marine Advisor (Engineering) observations

Re: Foreshore Licence application for Site Investigation at off the Co Dublin and North Wicklow Coast. FS007188

Applicant: RWE Renewables Ireland Ltd

Project overview: RWE Renewables Ireland Limited (RWE) are applying for authorisation to undertake a geotechnical and geophysical site investigation for the proposed Dublin Array offshore wind farm development, in addition to ecological and wind, wave and current monitoring.

Brief description of works:

- **Geotechnical survey**
 - o **Up to 61 geotechnical boreholes to an approximate depth of 80m below seafloor and an outside diameter of up to 254 mm .**
 - o **Up to 61 Deep push seafloor Cone Penetration Tests (CPT) to an approximate depth of 80m below seafloor with a diameter of approximately 40mm..**
 - o **Up to 31 Seafloor CPTs with a diameter of approximately 40mm and 48 vibrocores with a diameter of approximately 150 mm diameter. The target depth of each technique will be approximately 6 m below seafloor.**
 - o **Up to five of each type may be located within the intertidal area.**
 - o **Up to 12 nearshore geotechnical boreholes with wireline logging and Rotary Cored Drilling, approximately 100 mm diameter to target depth of 45 m below seafloor (4 at each landfall option).**
- **Geophysical survey**
 - o **Refraction survey in nearshore & intertidal**
 - o **2D UHR & geophysical survey including Bathymetric Survey, Side Scan Sonar, Shallow Reflection Seismic (Sub-bottom Profiling) and Marine Magnetometer**
 - o **Bathymetric Survey, Side Scan Sonar, Shallow Reflection Seismic (Sub-bottom Profiling) and Marine Magnetometer;**
 - **Wind, wave and current measurement**
 - o **Up to two buoy mounted Floating Lidar (FLiDaR) Units and up to two buoys incorporating wave and current measurement devices.**
- **Ecological monitoring**
 - o **Up to 10 static acoustic monitoring devices (SAM)**
 - o **Up to 3 annual subtidal benthic ecology surveys comprising drop down video, grab sampling and epibenthic trawls 5**
 - o **Up to 3 annual potting survey and 12 seasonal trawl surveys (4 per year for up to 3 years)**
 - o **Up to 3 annual benthic ecology survey**

Further information on techniques and equipment of the SI are included in the Supporting Information Report (Date: September 2021 Document No: 003747593-01 Rev: 0.2) which accompanies the application. The duration of the licence sought is up to 5 years to allow for delays and to enable surveys that may be required in the pre-construction phase of the wind farm project to be completed at the appropriate time. RWE Renewables Ireland Ltd are responsible for designing the works in accordance with the relevant standards and codes.

Coastal Processes

The proposed site investigation works will have no impact on the existing coastal processes.

Estate Management

All foreshore is presumed state owned unless proven otherwise. In this case there are no known established claims of private ownership of the foreshore at this location. Subject to no claims of private ownership arising out of the application and public consultation process, the foreshore the subject of this application is state owned. Section X of the Foreshore Act applies for the proposed site investigation. The licence area for the proposed works is shown outlined on the following map submitted by the applicant:

- **Map entitled 'Foreshore Licence Map' dated 30/9/2021 Rev 7**
- The proposed area of foreshore associated with the works is 112,986.34ha. The site investigation will have no permanent impact on other legitimate users or existing access arrangements. The applicant shall use that part of the foreshore, the subject matter of the application for the purposes as outlined in the application and for no other purposes whatsoever. Where relevant the foreshore and adjacent seashore area shall be restored to its natural state on completion of the works to the satisfaction of the Department of Housing, Local Government and Heritage.**

Public Interest

Section 2 and 3 of the 1933 Foreshore Act, as amended, states that a lease or licence of state foreshore may be granted "If, in the opinion of the Minister, it is in the public interest". As foreshore is a finite and valuable national resource and public amenity, it is important that each plan and project is fully assessed to ensure, that if consented to, it is a sustainable and proper use of that finite and valuable resource. Having considered and assessed the relevant issues associated with the proposed site investigation, while taking note that the state owned foreshore is finite resource which must be utilised sustainably, I am satisfied that the proposed works are in the Public Interest.

Conclusion/Recommendation

I have no objection to the granting of a Foreshore Licence subject to the following conditions:

- 1. The Licensee shall use that part of the foreshore, the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.**

2. The works shall be located as outlined on Map entitled 'Foreshore Licence Map' dated 30/9/2021 Rev 7.

3. Subsequent to the Date of Execution, the licensee shall notify the Department of Housing, Local Government and Heritage at least 14 days in advance of the commencement of any works on the foreshore.

4. Each year, the licensee shall submit a revised Programme of Works setting out the works planned for the coming calendar year and the programme for the overall completion of the works associated with the licence.

5. The licensee shall advise all maritime users within the licence area of any changes to navigation or hazards to navigation arising because of proposed works within the licence area, via all means at their disposal.

6. During the course of the works the licensee shall ensure that existing public access arrangements are maintained, where possible, and all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation.

7. On completion of the works, the surrounding foreshore shall be returned to its natural state to the satisfaction of the Department of Housing, Local Government and Heritage.

8. The licensee shall ensure that contractors, and their subcontractors, are made aware of all conditions and project specific requirements and they are required to have briefings on these to ensure all parties are fully aware of these requirements.

RWE note that the Foreshore Marine Advisor (Engineering) has no objections to the granting of a Foreshore Licence subject to the conditions listed above. RWE accept the recommended conditions and will ensure that all contractors and subcontractors working on its behalf are fully aware of all conditions and requirements.