FS006886 Clarus Offshore Wind Farm - Site Investigations off Counties Kerry and Clare

Public Consultation on Appropriate Assessment, during period 10th November 2022 to 9th December 2022

1. Private individual
2. IFA – Clare County Executive
3. Irish Whale and Dolphin Group
4. Irish Whale and Dolphin Group (additional submission)
5. Private individual
6. Griffin Boats Ltd
7. Conways Solicitors on behalf of Southwest Coast fishers
8. Celtic Sea Herring Advisory Committee
9. Griffin Boats Ltd (additional submission)

1. Private individual

From: [redacted] <[redacted]@gmail.com>
Sent: Friday 11 November 2022 04:10
To: Housing ForeShoreORE
Subject: Offshore wind planning application

Categories:

I think for a project this size that the plans should be viewable online on this site, and not just in kerry. A plan of this size doesn't just affect kerry but is of national interest. [redacted]

CLARE COUNTY EXECUTIVE

IFA Office, 40 Kenyon Street, Nenagh, Co. Tipperary
Telephone: (067) 32213
E-mail: tipperary@ifa.ie IFA Website: www.ifa.ie

Date: Wednesday 30th November 2022

Dear Sirs,

As the representative body for the farming community in County Clare and on behalf of farmers and landowners potentially impacted by the proposed Clarus Offshore Windfarm Ltd.,

The IFA wish to request that the views and concerns of the farming community would be taken into consideration in respect of the project and that the IFA and the farming community would be fully consulted in respect of the project on an on-going basis.

The IFA Aquaculture section represents members already operating in the foreshore area in West Clare and as such may also be potentially impacted by the proposed Clarus Offshore Windfarm Ltd.

As a stakeholder in the Marine space and foreshore licenced holders, there should be identified meaningful engagement with these operators while also being mindful of land-sea interactions in respect of landowners in the area.

Yours sincerely,

[redacted]

[redacted]

Clare IFA Chairperson.

3. Irish Whale and Dolphin Group

Marine Planning and Foreshore Section,
Department of Housing, Planning and Local Government,
Newtown Road,
Wexford, Co. Wexford
Email: foreshoreore@housing.gov.ie

2 December 2022

Re: IWDG comments on proposed foreshore application FS006886, Clarus OWF site investigations

Dear Sir or Madam

Intertek present a proposed OWF called Clarus off Loop Head, Co Clare with cabling up the Shannon Estuary. The Irish Whale and Dolphin Group (IWDG) was established in December 1990 and is an All-Ireland group *"dedicated to the conservation and better understanding of cetaceans (whales, dolphins and porpoises) in Irish waters through study, education and interpretation".* While the IWDG is primarily concerned with cetaceans we have broadened our comments to include basking sharks too.

The Shannon Estuary is one of the most important habitats for bottlenose dolphins in Ireland. Research on this population has been carried out since 1993 (Berrow et al. 1996) and has shown that the dolphins are resident, i.e. they are present in the estuary throughout the year, genetically discrete compared to bottlenose dolphins found elsewhere in Irish waters (Mirimin et al. 2011) and the estuary is an important calving area (Ingram 2000; Baker et al. 2018). Bottlenose dolphins are the only cetacean species to be regularly recorded within the estuary, upriver from Kilbaha, Co. Clare, with the highest concentrations found off Kilcredaun Head in the outer Estuary, and off Moneypoint and Tarbert power stations in the middle of the estuary (Ingram and Rogan 2002). Berrow (2009) suggested that dolphins also occur frequently upriver, during both summer and winter. Occasional sightings of minke whale occur in the outer estuary and harbour porpoise in the inner estuary, but this is exceptional.

The waters west of Loop Head are important for common dolphins, minke and humpback whales and basking sharks. Common dolphins are widespread and abundant. Bottlenose dolphins are frequently recorded inshore and have been shown to belong to both the Shannon population and the highly mobile coastal population. Recently humpback whales have been recorded with increasing frequency enabling photo-id of individuals present. A recent study has indicated that waters west of Loop Head are globally important for basking sharks where not only feeding but courting behaviour has been recorded (Sims et al. 2022).

Shannon bottlenose dolphins have regularly been regularly reported from Tralee Bay and Brandon Bay, Co. Kerry, adjacent to the Lower River Shannon SAC boundary. A study by Levesque et al. (2016) showed over half of the then current adult individuals in the Shannon Estuary bottlenose dolphin population were identified within Brandon Bay and Tralee Bay over the course of this study, with over

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half of those sighted during the dedicated 2013 surveys also seen within the Shannon Estuary around the same time. Furthermore, results from Static Acoustic Monitoring (SAM) showed Brandon Bay to be a site of particular importance for the Shannon population, where dolphins were present on 92% of days monitored and recorded foraging on 20% of all monitored hours showing that Brandon Bay is an important habitat for the Shannon dolphins (Charish et al. 2021).

Investigative Foreshore Licence Application

Geophysical Surveys

1. Table 4-2 of the Annex IV Risk Assessment details Sound Pressure Level (SPL) Thresholds for impulsive noise from Southall et al. (2019). Southall et al. (2019) recommends the use of a dual metric with a weighted SEL threshold as well as an unweighted SPL. Therefore, both should be displayed, and both should be considered for impulsive noise and this is not found mentioned anywhere in the documentation. Without evidence that noise impacts have been appropriately addressed and understood approval cannot be granted nor a screening determination made as to do so would be contrary to the EIA Directive which requires consideration of characteristics and nuisancesThe IWDG dispute the claims made in the proposed foreshore application FS006886, Clarus OWF site investigations including.
2. *The potential for disturbance of common bottlenose dolphin in the River Shannon SAC from geophysical survey is temporary and slight.* The IWDG would dispute the disturbance on the dolphins from the geophysical survey will be temporary and slight. Disturbance includes auditory impacts as well as behavioural, therefore noise impacts depending on the distance from the sources can be significant whilst behavioural impacts by eliminating an animal from an important foraging area can have significant impact. Therefore, more information is required to back up such declarations. Gray and Van Waerebeek (2011) recorded abnormal behaviour including erratic locomotion in a pantropical spotted dolphin 600 m ahead of an airgun array during 3D seismic explorations. The authors suggest a cause–effect relationship as the behaviour was spatially and temporally closely associated with firing seismic airguns. This is one case of geophysical surveys injuring marine mammals. The potential for auditory injury and disturbance from geotechnical survey is nil or negligible.
    a. The IWDG would like to know what published literature this finding was based on? Auditory injury and disturbance would be based on the type of equipment used and the distance of the animals from the source? Auditory injury and disturbance an not be considered nil or negligible. The potential for physical injury and disturbance from all survey vessels and equipment associated with other surveys is nil or negligible.
    b. The IWDG would like to know what evidence this statement is based on? Pirotta et al. (2014). was the first study to conclusively show that the physical presence of a

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boat, not just noise, plays a large role in disturbance on bottlenose dolphin foraging activity

3. We recommend the use of MMOs to implement NPWS (2014) if sub-bottom profilers are to be used. We note this is a recommended mitigation measure within estuaries. And because of the importance of this protected site further mitigations should be applied to ensure the continuity of the SAC and the bottlenose dolphins such as real-time PAM and any other tools that can be employed. The IWDG would also highlight because of the importance of this site that shutdowns be enforced to ensure that animals are not exposed to thresholds of TTS and PTS. This is especially important to bottlenose dolphins who use the inner and outer estuary, for example if inner estuary animals flee from the sound source and continue into the estuary then mitigation will be more difficult to implement.
4. We note that survey activity will continue 24 hours while typically observation ceases at dusk and this does not provide 24 hour mitigation. The frequently applied continuous use of source to avoid shutdown is not appropriate and will increase impact. Some discussion on how the surveys will apply nighttime mitigation if operating at night is required. In, or adjacent to an SAC consideration should be given to using thermal imaging if operating at night as well as Passive Acoustic Monitoring to be used using updated JNCC advice (in draft) when available.
5. Some discussion on how mitigation methods will detect animals underwater, where some marine mammals spend a great deal of their time is required. Therefore, PAM recommended in particular for night time operations.
6. The NPWS guidelines state that Article 12 of the Habitats Directive prohibit “all forms of deliberate capture or killing of specimens of these species in the wild” and “deliberate disturbance of these species, particularly during the period of breeding, rearing, hibernation and migration”. It is not clear how disturbance will be mitigated by guidelines which only prevent commencement of works and do not allow for a shutdown even when animals are within an established PTS (Permanent Threshold Shift) zone. Mitigation strategies are not adaptive and based on assumption and leave no room for mitigation when an impact is identified, Especially when in and adjacent to an SAC and when bottlenose dolphins are known to move inand out
7. Statement 4.1.2.3 of the Risk Assessment states “The equipment which will be used in the surveys has a minimum frequency of 200 kHz” yet the licence application states “The R2 Sonic 2024 or the Kongsberg EM2040 may be taken as typical examples of equipment that could be used”. The R2 Sonic 2024 has a frequency range from 170 kHz to 400 kHz (see https://www.r2sonic.com/wp-content/uploads/2022/07/MBES-Spec-US-03-2020.pdf). As this information is carried forward into the Scanning for Environmental Assessment Report this report is also incorrect.

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8. Multi-beam and similar systems have been shown while operating at 200 kHz to emit side-lobes of energy at lower frequencies which has impacted the behaviour of marine mammals (Deng et al., 2014).
9. To date few Marine Mammal Observer (MMO) reports detail sound producing equipment and while an operators report is required by the guidelines these are not submitted as required under the NPWS guidelines. Therefore there is oversight on whether the equipment characteristics stated will match those stated in the licence application. There is therefore a danger that especially in deeper waters lower frequency and higher source level acoustics may be used as deemed appropriate for surveying.
10. The licence application states "The Innomar parametric SES-2000 or similar will be used for the shallow investigation". This equipment operates as standard with a primary frequency between 85 and 115 kHz and at a source level >240 dB re1µPa@1m and with a secondary frequency of 2 to 22 kHz with centre frequencies in a range from 4 to 15 kHz (see https://www.innomar.com/products/shallow-water/standard-sbp). None of this is mentioned in the Annex IV Risk Assessment and as frequencies and modulation match that of mid-frequency naval sonar this should be assessed for impact in the SAC in particular.
11. There is no information available on survey lines for geophysical surveys and therefore it is impossible to assess the impact precisely. Survey lines within the SAC may be particularly relevant. If survey lines are running in and out of the estuary this may have impacts that require consideration. While exact line position may not be known some indication of likely surveys lines will help in assessing impact.

Ecological Survey

Objective: The purpose of the proposed bird, marine mammal and reptile survey is to record the species type, abundance and distribution of marine mammal, reptile and bird species observed in the Investigative Foreshore Licence Application Area.
Method: Boat-based bird and marine mammal surveys and/or acoustic monitoring may be used to complement aerial bird and marine mammal surveys currently underway. Boat based surveys may include towed hydrophonic acoustic array and static acoustic monitoring using C-PODS.
Location: To be determined based on the results of Year 1 of aerial bird and marine mammal surveys currently underway and based on engagement with statutory and non-statutory stakeholders on resultant Year 2 survey design.

1. We are pleased to note that for the Ecological Survey to determine to identify the distribution and abundance of birds, marine mammals and reptiles, that SAM is proposed. However we recommend FPODs as CPODs have been discontinued and acoustic recorders such as Soundtraps to record other cetacean vocalisations and to include low frequency baleen whales.

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In an SAC we recommend at least one year (which is minimal) acoustic data should be available for assessment of acoustic behaviour of marine mammals and fish in the estuary, but ideally two years. How else can you begin to assess acoustic impact.

2. We note boat-based may be used to compliment aerial but IWDG are concerned that aerial surveys, while efficient at surveying during weather windows may not obtain the relevant data to explore connectivity between populations for example through photo-id of bottlenose dolphins to see which population they belong too (Shannon or Coastal) as well as humpback whales which are known to occur within the site. Additionally aerial surveys have been suggested as ineffective for detecting minke whales (see Webb et al. 2018)
3. We recommend Static Acoustic Monitoring to be carried out before during and after site surveys to ensure there is no long-term change in the use of the Shannon estuary by bottlenose dolphins. Post-survey monitoring should ideally be at least 12 months but ideally 24 months.

Appropriate Assessment

1. We note that bottlenose dolphin has been screened in for potential impact s of changes in noise. This refers to both the Shannon population and the West Connacht Coast SAC regarding the "coastal population". The presence and thus exposure to either population can only be determined through photo-id and/or DNA sampling. Mitigation measures implementing NPWS (2014) may be appropriate for both populations but consideration should be made during ecological surveys to distinguish habitat use of both populations. This might be reflected in the summary that the Conservation Objectives of two SACs with bottlenose dolphins as qualifying interests may be affected without mitigation.

General

1. It would be useful if the name on the PDF reflected the contents of the file to make it easier to find appropriate documents!

2. The Annex IV Risk Assessment describes possible cumulative effects but does not identify any specific effects such as other geophysical or geotechnical surveys that are likely to occur over the same or similar time period. It would be useful if these could be identified and common data needs highlighted with a view to carrying out one geophysical and geotechnical survey in the SAC in particular rather than having each survey done independently costing more money and increasing significantly cumulative impacts. All other works proposed in the area should be considered in the application including FS007141, FS007801, FS007083, FS007366 and FS007435. Foreshore licence application FS007435 is for the exact same works to be carried out over much the same area and will repeat disturbances in this application and it is anticipated further such works will be applied for in the future. Therefore monitoring for such impacts should already be underway to establish a clear baseline position with full acoustic

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monitoring to establish vocal patterns and ambient and anthropogenic noise levels currently. Note that cumulative effect consideration is a requirement of the EIA Directive Article 3 Annex IV.

3. "5.2.3.1 Common **bottle** dolphin mitigation measures " in Supporting Information for Screening for Appropriate Assessment and Natura Impact Statement has a typo "bottlenose".

Thank you for the opportunity to comment.

Yours faithfully

Prepared by Drs [redacted] on behalf of the IWDG

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4. Irish Whale and Dolphin Group (additional submission)

From: [redacted] <[redacted]@iwdg.ie>
Sent: Friday 2 December 2022 15:21
To: [redacted]; Housing ForeShoreORE
Cc: [redacted]
Subject: Re: IWDG comments on proposed foreshore application FS006886, Clarus OWF site investigations

Hi[redacted]

Also at issue now is how the government plan to implement marine noise guidance.

See https://environment.ec.europa.eu/news/zero-pollution-and-biodiversity-first-ever-eu-wide-limits-underwater-noise-2022-11-29_en.

Given there is no control currently on geophysical surveys outside the 12 mile limit there is no effective way to account for cumulative impact inside the 12 mile limit, especially given lack of any measurements.

I think we should ask the foreshore how underwater noise will be measured, modelled and mitigated in order to comply with limits set this week.

Best regards

[redacted]

5. Private individual

From: [redacted] <[redacted]@gmail.com>
Sent: Tuesday 6 December 2022 20:34
To: Housing ForeShoreORE
Subject: Reference FS006886

Categories:

The minister for housing local government and heritage. Having been fishing most of my adult life I have grave concerns to what is going to happen in our fishing area. Firstly with the applications of site investigations and then later with the wind FARMS . I know the state has signed up to all these agreements on reducing fossil fuels which I whole heartily agree with but on every interview about these wind farms on tv or radio on how good this will be for the country not one mention of the fishers and aquaculture projects that will be affected. In the last decade local boats have been potting further and further out to sea many of them in these areas, Now the powers that be tell us that fishing within these farms may be possible as happens in the uk the problem is most of the wind farms there are fixed too the seabed in our area the application is for floating wind farms which will move with tides and weather and therefore they will not be any fishing permitted which means the boats fishing there will have no option but to return fishing closer to shore and start to displace the boats fishing there.To make matters worse the state has signed up to 30 per cent of the bay's in Ireland to be MPA,s by 2030 so this in turn may prevent us from fishing closer to shore . Also commercial salmon fishing and the dogfish fishery have been stopped for a number of years and everyone now fishes pots as there main fishery. So I would like to see a plan written in stone on how to protect these fishers and their livelihood we have heard about the community fund from the wind energy company's but at the end of the day it is not the communities been displaced it's the fishers and aquaculture projects in these areas. Finally another problem for some of the fishers is proving they are fishing in certain areas as Many boats are not required to have log sheets. I'm sure many of these problems can be ironed out with dialogue and hopefully we can all work out a solution that works for all. Yours sincerely [redacted]
Sent from my iPad

6. Griffin Boats Ltd.

From: [redacted] <[redacted]@eircom.net>
Sent: Wednesday 7 December 2022 22:34
To: Housing ForeShoreORE
Subject: REF;FS006886 GRIFFIN BOATS LTD

Categories: Completed NFA

The Minister housing local government and heritage
Ref; FS006886

We write this email with serious concern on the future of our family run fishing business. We have been involved in fishing with over 40 years and in recent years have invested millions in gear and state of the art vessels namely ATLANTIC CHIEFTAIN S703,OCEAN PREDATOR S685 and our new vessel ATLANTIC DEFENDER which will arrive in the next few weeks. These vessels fish 90% of the area of Licence Application by DP ENERGY and CLARUS OFFSHORE.

Firstly we would like to Thank you for the opportunity to have our voices heard on this matter through this consultation.
We have operated our fishing activities in these areas for years. We have invested in larger and more efficient working vessels to work in these areas. Given the size of the Area 93622 HA we expect this to have a hugh impact on our livelihoods and our younger generation family members who are Fishers. We have observed that large exclusions zones imminent for the survey work. The exclusion zones are larger than the survey area due to towed equipment, multibeam and sidescan and the size of vessels involved on the surveys plus the weather etc. The surveys rarely finish within their timeframe depriving us of our ability to conduct our business under the terms of our Licences.
This planning and survey phase is the beginning of such intrusions and interruptions to our business which in turn will effect our customer base /markets which has taken many years of building and forging good customers relations not to the mention the construction phase, surveys, routine operation and maintenance phase when its all up and running. As we see we will need to be compensated for any interruptions to to our fishing as its going to severely effect our income going forward.
We would like to say we would be interested in working with CLARUS offshore windfarm as long as they work with us,as we have greater knowledge of the area in question.
We can see new assets and infrastructure coming from our cooperation but we need constructive dialogue so we can all work together. We also have some smaller vessels fishing the Shannon Estuary which will also be effected.
Nobody wants another Shell to Sea

Kind regards
[redacted]
GRIFFIN BOATS LTD
COLLEGE STREET CASTLEGREGORY CO.KERRY

7. Conways Solicitors on behalf of Southwest Coast Fishers

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The Manager,
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Our Ref: WF010 Your Ref: ref: FS006886 8th December 2022

RE: OBJECTION TO CLARUS OFFSHORE WIND FARM SURVEY FS006886
APPLICANT - CLARUS OFFSHORE WIND FARM LIMITED
SITE INVESTIGATIONS FOR PROPOSED OFFSHORE WIND FARM, OFF COUNTIES KERRY AND CLARE

Dear Sirs,

We act on behalf of the below Southwest Coast fishers, who have instructed us to lodge an objection to the above foreshore license application for site investigations for a proposed Offshore Wind Farm, off Counties Kerry and Clare.

1. [redacted]
2. [redacted]
3. [redacted]

The Objections are set out below.

Survey

The first element of the objection is regarding the type of surveying envisaged in the application submitted, to include: -

- Metocean surveys
- Geophysical surveys.
- Geotechnical surveys.
- Fish & Shellfish surveys.
- Benthic & Intertidal surveys.
- Marine Mammal PAM surveys; and
- Archaeological surveys.

Our clients are aware that certain types of the surveys listed above which are intended to be carried out on these fishing grounds will have a clear detrimental effect on the marine species fished thereon. This has not been taken into consideration in this current Application.

Our clients fear a significant reduction in catch and quality of the species (for which they hold fishing licences from the State) on account of theses surveys. This significant reduction has occurred post other surveys carried out around the coast. The quantity and quality of catch of species were significantly reduced in the post-survey period. At least two East Coast fishermen have taken vessels which used to fish in windfarm survey areas prior to survey, out of the grounds, to a great financial detriment to them. There is no evidence submitted that this would not happen off the West Coast.

Our clients cannot be expected to suffer a significant reduction in catch and quality of the species (for which they hold fishing licences from the State) on account of these survey carried out in the area in question.

Clarus Offshore Wind Farm Ltd. may have appointed a Fisheries Liaison Officer (FLO) to act as a first point of contact with fishers on behalf of the project. Our clients have not had any recent contact with the FLO and it would appear that no effort has been made to build relationships with fishers and to bolster the publicly available information on the type and extent of fishing within the site. Engagement with our client fishers has been negligible, and this is deeply concerning to our clients.

Clarus Offshore Wind Farm Ltd. may have committed to fully engaging with all stakeholders at all stages of the project and DP Energy's Community and Stakeholder Liaison Manager, who has been working on the project since 2020, but this has not occurred to date.

Our client's vessels will be requested to remain at 500m radial distance from survey vessels for safety purposes, but no detail has been given to our clients on the continual use of their fishing grounds. This is a source of great distress to our clients. Our clients, who are trawlermen, have fished in a particular manner for decades without disturbance. Our clients cannot be expected to have to guess when and where these projected surveys may take place.

These fishing grounds have been exploited for commercial gain for many years by our clients and others, and like all grounds, are susceptible to seasonal variations. We are unaware whether the projected survey will take place during the good fishing months or not. This information is not apparent from the application submitted.

There is no mention of a structure in facilitate the compensating of our clients for losses that will foreseeably arise.

There are no measures proposed to mitigate possible impacts on the fishing community of the surveying phase.

There is reference to "[a] full baseline assessment on commercial fisheries will be undertaken as part of the preparation of an Environmental Impact Assessment Report for any potential future planning application for the Clarus Offshore Wind Farm" in the application Environmental Supporting Information, but no reference is made to any earlier baseline assessment prior to the investigation phase. Our clients are not comforted by this *ex-post facto* arrangement, without assurance from the Applicant (or even the State) that the real effect on our clients' livelihoods will be comprehensively addressed prior to the commencement of this survey if the licence application is granted.

Volume of Windfarms

The second Objection is the failure address cumulative effect of all the West Coast Windfarms on the fisheries off the coast. There are currently we understand, seven windfarms planned off the Irish Coast in the Irish Sea. The Irish Sea projects are Oriel Wind Park off County Louth; two wind farms by RWE at Bray and Kish Banks off Dublin, two wind farms by Codling Wind Park off County Wicklow and a development by North Irish Sea Array Ltd off counties Meath and Dublin.

The EU Commission has in its deliberations leading up the publication of its "Report outlining the progress made in implementing Directive 2014/89/EU establishing a framework for maritime spatial planning" (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022DC0185&qid=1660062565915) has commented that "[t]he EU strategy on offshore renewable energy (as set out in *Commission Communication - An EU Strategy to harness the potential of offshore renewable energy for a climate neutral future (COM(2020) 741 final of 19.11.2020))* explicitly identified MSP (maritime spatial planning) as an essential and well-established tool for facilitating the development of offshore renewable energy in the EU in a sustainable way. Several Member States have anticipated these changes in their plans by defining areas for future deployment of offshore wind parks, *identifying potential for multi-use of the maritime space to support various objectives, such as low-carbon food production via aquaculture and fisheries*."(our emphasis added)

Clearly, the application, and its treatment by the Minister in terms of *identifying potential for multi-use of the maritime space to support various objectives, such as low-carbon food production via aquaculture and fisheries* is not addressed adequately in this Application.

The Applicant may state that such an objection in the circumstances is premature, but it is our client's contention that even the surveying has caused irreparable damage to our client's fishery, and this this needs to be addressed by the Applicant prior to any consideration of this application.

Overall Effect of Windfarms on Fisheries

The North Sea Advisory Council ("NSAC") is an interdisciplinary stakeholder-led organisation that takes a regional approach to provide the European Commission and EU countries (North Sea Member States) with recommendations (or 'Advice') on the management of North Sea fish stocks on behalf of the fisheries sector, environmental and other stakeholders. NSAC advice is developed by assessing the conservation and socio-

economic aspects of fisheries regulations for stocks in the North Sea region. It provides stakeholder-led views to aid policy implementation and refinement. Whilst not specifically dealing with the Irish Sea, as a recognised EU organisation in this field, its recommendations have specific resonance here.

The NASC published "Advice on the Development of Offshore Windfarms and Fisheries Interactions"(08-2021-NSAC-Advice-on-Offshore-Wind-Farms.pdf (nsrac.org)) and set out therein 17 recommendations, of which the majority have immediate relevance:-

RECOMMENDATION 1: Governments should identify areas of fisheries importance and attribute these areas with spatially defined safeguarding policies in marine plans. Over time, these should be periodically updated in line with marine plan review processes to reflect any changes in the distribution of fishing activities and fisheries resources.

RECOMMENDATION 2: The representation of marine space used by fisheries requires effective mapping to include all sizes of fishing vessels. Gaps in coverage should be prioritised and maps on fishing activity regularly updated.

RECOMMENDATION 3: Governments should ensure sufficient weight is given to the concept of multi-use in policy, planning and licensing processes and clarify rights and responsibilities of different users towards ensuring its effective delivery.

RECOMMENDATION 4: Technical reference guidance on operational spatial requirements for fishing activities should be prepared to better inform marine planning synergies and commercial fisheries impact assessments associated with offshore wind farm proposals. This should be updated over time through feedback, monitoring and empirical analysis of fishing practices within wind farms (see also recommendations 14 and 16).

RECOMMENDATION 5: Where fisheries are feasible and permitted within offshore wind farms, governments should require proposals to be accompanied by plans that demonstrate how the proposal will enable and facilitate access to fisheries and manage and mitigate impacts.

RECOMMENDATION 6: Governments should adopt policies that ensure that where fisheries are deemed to be not compatible, impacts to fishing businesses and communities are assessed and appropriately compensated.

RECOMMENDATION 7: Governments with generalised policies to limit fishing within Offshore Wind Farms ("OWFs") should consider project specific risk management approaches that take account of practical mitigation strategies to manage safety and cable integrity risks in line with good engineering practice.

RECOMMENDATION 8: Governments should examine where greater clarity can be provided within the UN Convention of the Law of the Sea ("UNCLOS") and/or national legal systems that interpret its provisions over the rights to fish in the vicinity of

buried/protected submarine cables and the protection of cables so that conditions defining liability are clearer.

RECOMMENDATION 9: The potential for cooperative organisations for insurance as practised in Denmark should be explored in other countries towards identifying appropriate arrangements for managing insured liabilities.

RECOMMENDATION 10: Governments should have in place clearly identified indemnity provisions for sacrificed fishing gears in line with UNCLOS.

RECOMMENDATION 13: Governments should improve coordination of OWF-fisheries research. A regular conference to facilitate and cross fertilise research findings would assist in advancing knowledge in what remains a relatively sparsely researched area.

RECOMMENDATION 14: Targeted research on the co-existence of fishing activities with OWFs and the development of quantitative methodologies for assessing impacts resulting from spatial loss of access to fishing grounds including cumulative effects are needed (see also recommendation 4).

RECOMMENDATION 15: Standardisation in the provisioning of data on fishing activities at sufficient spatial resolution would assist in monitoring and analysis of changes to fishing practices occurring in the vicinity of OWFs.

RECOMMENDATION 16: Monitoring and empirical analysis of fishing practices before, during and after the construction of OWFs is important in building up greater levels of understanding on co-existence which may feed into best practice (see also recommendation 4 and 14).

RECOMMENDATION 17: Additional research is needed on marine environment and fisheries resource effects. Fisheries related ecological research is covered in a separate joint advice from the NWWAC, Pelagic AC and NSAC which is found at https://www.nsrac.org/wp-content/uploads/2020/11/01-2021-NWWAC-PELAC-NSAC-ICES-NR-request-Wind_November_2020_EN.pdf

This is the Response from the EU Commission: -
Reply-DG-MARE-08-2021-advice-on-offshore-wind-and-fisheries.pdf (nsrac.org)
In particular, you will note that the Commission commissioned a study that provided a review of the available knowledge and information on the effects of offshore wind farms on fisheries and aquaculture. Among other aspects, the study explored the multi-use potential and compensation aspects.

This Report is available at https://cinea.ec.europa.eu/publications/overview-effects-offshore-wind-farms-fisheries-and-aquaculture_en

The findings in this Report are set out as follows: -

Findings show that the installation and presence of offshore wind structures may lead to a diverse set of changes on the seafloor ecosystem (p 9-10). The type of effects is also related to the implementation stage of the OWF (construction, operation or decommissioning). Effects rank from low to medium or mixed (see table 1).

During construction, the marine ecosystem is temporally negatively disturbed through sediment displacement (altering the biodiversity) and high impulsive sounds from piling.

During the operational phase, introduced structures and/or turbine foundations change the local habitat characteristics, leading to mixed effects. Some can be considered as positive, as they provide a surface for colonization by fouling species and by attracting various fish (pelagic and demersal) and crustacean species (e.g., crabs, lobster) (artificial reef effect) (p 12). This changed the trophic interactions between species (p 11), with species profiting from the increased food availability or organic enrichment, also due to changes in hydrodynamics within OWFs (p 12). This altered biodiversity and species occurrence can lead to changes in ecosystem functions and processes (p 13-14), which are not yet well studied and are typically not addressed by environmental impact assessments (EIAs). Other effects are perceived more negatively, as the steppingstone effect for alien species, the effects caused by electromagnetic fields and operational sound.

Most OWFs are 'de facto' closed areas for fisheries (p 13). As such, an OWF area can be seen as a passive refuge and recovery area for long-living benthic species and fish, potentially resulting in higher densities and larger animals. Nevertheless, in practice, the effect seems currently modest in the short run. Therefore, in relation to fisheries, it is unknown what the observed changes (e.g., 'spill over' effect) mean at population level or wider regional scale for fish stocks.

The effects of decommissioning the OWF structures on ecology (e.g., some ecological benefits shall change), engineering possibilities (e.g., not increasing the OWF foot print in an area) and socio-economic aspects (e.g. OWF area back as fishing ground?) need to be collected.

It is therefore clear that overall effects of Windfarms on Fisheries are: -

In the first instance at surveying/construction level, grossly detrimental to the pre-existing rights of our clients in the operation of their businesses.

In the second instance at operational level, grossly detrimental to the pre-existing rights of our clients in the operation of their businesses.

In the third instance at available information and research level at best "unknown", which of course is unacceptable to our clients, whose livelihood is dependant on the exercise of their pre-existing rights of our clients in the operation of their businesses

The EU Parliament has treated of the effect of OWFs on the fishing industry in its Report - *REPORT on the impact on the fishing sector of offshore wind farms and other renewable energy systems* available at: - https://www.europarl.europa.eu/doceo/document/A-9-2021-0184_EN.html

"The Skipper" Journal of the Irish & UK Fishing Industries summarised the EU Parliaments concerns in the following article https://theskipper.ie/eu-parliament-raises-alarm-on-interaction-of-fishing-and-offshore-windfarms/ as

> *The construction of new wind turbines in EU seas can have severe negative impact on marine life and fisheries, according to an EU report asking for measures to safeguard fishers' livelihood.*
>
> *The report stresses that fishermen and stakeholders must have a "fair participation" in the decision process related to the construction of offshore windfarms (OWFs) in European waters. This cooperation could help reducing the potential negative impact of wind turbines on fisheries and strengthen the relationship between the sectors involved, MEPs argue.*
>
> *"Fishermen are the oldest users of the sea and consequently there must be a real cooperation with them if wind farms are built offshore. They earn their living on the water and it is therefore only logical that this sector should be given a decisive voice in the form of an effective participation, more than just a consultation", stated the rapporteur, Peter van Dalen (EPP, NL).*
>
> - ***Fishermen and stakeholders should participate in the decision process***
> - ***New turbines should be built only with guarantee of no negative impact***
> - ***Compensation for affected fishermen needed***
>
> *The report highlights that coastal and small-scale fisheries which account for 80 % of all fishing vessels in the EU, can be particularly harmed by the installation of new wind turbines in the sea. Member states should foresee appropriate compensation for fishers whose activity is affected and facilitate access to insurance for vessels operating in or sailing through areas with OWFs.*
>
> *Cross-border cooperation with the United Kingdom is also crucial, given that more than 85 % of all offshore wind capacity in EU-27 waters is concentrated in the Northern Seas (North Sea, Baltic Sea and North-East*

Atlantic) and European fishermen will continue to share EU waters with its British counterparts, the report notes.

According to European Commission's estimate, 30 % of the EU's electricity demand in 2050 will be met by offshore wind, corresponding to an increase from the current 12 GW offshore wind capacity in the EU-27 to a target of 300 GW in 2050. The European marine space already counts 110 offshore wind farms with more than 5 000 wind turbines. To reach the 2050 offshore wind energy capacity targets it would be necessary 15 times more marine space than what is used now with the current capacity.

More research needed

To minimise the risks of the large-scale roll-out of OWFs, Parliament also calls for more research on how to avoid and mitigate its negative effects on the sea basin during construction, operation and decommissioning. Financial arrangements should be in place to cover long-term risks arising from abandoned infrastructure

Member states should ensure that OWFs are placed away from fishing grounds and only built if there's guarantee of no negative environmental, ecological, socio-economic and socio-cultural impact, in line with the Blue Economy and the European Green Deal.

MEPs add that other renewable energy systems – such as floating wind farms, renewable hydrogen, wind and solar energy – could be more appropriate in some areas where fishing activities take place, highlighting the importance to boost investments on research and development in this regard. The possibility to combine and integrate OWFs within marine protected areas (MPAs) should also be considered.

In summary, our client's objections in this regard to the application are: -

1. the lack of engagement with our clients in relation to what is proposed.
2. the lack of detail in relation to dates and duration of the licence if granted.
3. The high risk of significant reduction in catch and quality of marine stock (for which they hold fishing licences from the State) as no evidence is forthcoming on the effects of these types of surveys on the marine life.
4. the cumulative effect of the all the windfarms will end many of the heretofore environmentally viable and low-carbon fisheries industry off the West Coast of Ireland. This will occur through –

    a. reduced suitable fisheries as a direct result of surveying, construction, and operation of OWFs
    b. the operation of exclusion zones during survey, construction, and operation of OWFs

c. consequential encroachment and concomitant additional competition on and in other areas of the Irish Sea among fishers,
d. reduction in available fishing stock, thereby creating reduced commercial viability for processors and fishers,

OWFs are a source of energy which will remain with us for the distant future. Our client's rights have been recognised since the foundation of the State and its accession to the EU. Our clients' rights cannot be detrimentally restricted by any party including the State without a scheme of compensation.

The issuing of foreshore licences to OWFs for surveys will undoubtedly displace our clients from their grounds. The State's membership of the EU mandates compliance with legislation in all forms form the EU, as part of that legislative regime, the EU has obliged Member States to take into consideration the interests of each of its regional fisheries. This has not occurred in any satisfactory manner to date.

It is clearly insufficient that our clients will only be compensated if their fishing gear is directly in the path of survey. This would indicate to our clients that the Applicant does not consider the fishers as stakeholders, but as mere collateral damage in the process.

We trust that our clients' objections will be taken into consideration and acted upon by the Minister. We look forward to hearing from you

Yours faithfully,

[redacted]

CONWAYS

8. Celtic Sea Herring Advisory Committee

From: [redacted] <f[redacted]@[redacted]com>
Sent: Friday 9 December 2022 09:45
To: Housing ForeShoreORE
Subject: Clarus Offshore Wind Farm Consultation ref: FS006886

Categories: Completed NFA

To whom it may concern,

I write on behalf of the Celtic Sea Herring Advisory Committee, a ministerially appointed committee whose remit is to provide advice in relation to the management and conservation of the Celtic Sea Herring stock.

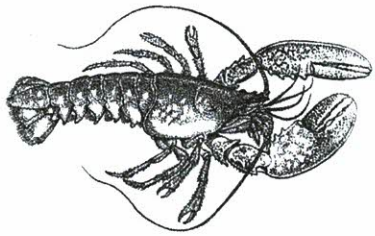
We make this submission to register our concerns in relation to the proximity of the proposed licence area to Celtic Sea Herring spawning grounds. As part of the licence application it is vital that the Committee be consulted in full and also an assessment of the impact of the proposed activity on the Celtic Sea Herring spawning stock be carried out.

The Committee is available to discuss this submission further.

Kind Regards

[redacted]
Chair
CSHMAC
Ph: [redacted]

9. Griffin Boats Ltd. (additional submission)



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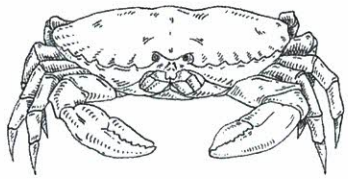


Submission to; Foreshore Unit, Department of Housing, Local Government and Heritage, Newtown Road, Wexford, Co. Wexford.

Objection (Without Prejudice)

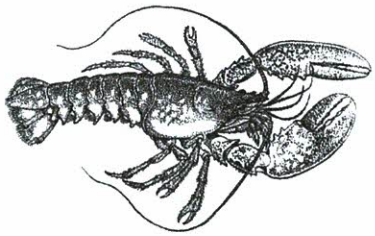
to Clarus Offshore Wind Farm Ltd. proposal and Licence Application number FS006886

By Griffin Boats Ltd.

Date: 8th December 2022.

Griffin Boats Ltd. is a family owned and family run, fourth generation inshore fishing business, operating out of the Maharees Peninsula and Fenit Port, Tralee Bay Co. Kerry. Our traditional and established inshore fishing grounds run from inner Tralee Bay, to the west out as far as the Blasket Sound, and from the Blasket Sound straight north to a position 25 nautical miles west of Mal Bay Co. Clare, and then east to the shoreline of the Clare coast, encompassing all areas within this delineated area of fishing grounds. This whole outlined fishing area we have fished extensively for over thirty years and the area specifically under proposal by Clarus Offshore Wind Farm Ltd., we have fished extensively for over twenty years, investing in two new purpose built fast vessels since 2019. We own, run and operate a fleet of eight Licensed and Registered inshore fishing vessels ranging up to 12m in length, that operate within the proposed area under Application Reference FS006886. We also have a newly built 12m vessel being commissioned in January 2023, ordered back in 2020, which will be fishing specifically in this area for shellfish potting, together with a further second hand pot fishing vessel we have just purchased and refit for the 2023 fishery.

We are members of the North West Kerry Shellfish Cooperative, the Tralee Bay Oyster Society and the National Inshore Fishermen's Association. We employ up to sixteen crewmen full-time, and three shore based staff, all of which depend on and are employed for shellfish fishing within the proposed wind farm development area, on our collective of vessels as follows;



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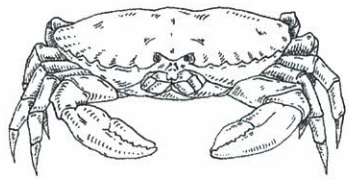
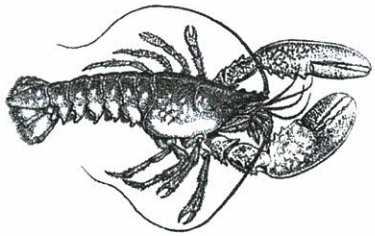


MFV Kingdom Warrior –	Registration No T479P	Sea Fishing Licence No. 326802397
MFV Ocean Predator –	Registration No. S685	Sea Fishing Licence No. 340887369
MFV Atlantic Chieftain	Registration No. S703	Sea Fishing Licence No. 39348471
MFV Cora Joe	Registration No. S713	Sea Fishing Licence No. 361574136
MFV Jimmy Jack	Registration No. T476P	Sea Fishing Licence No. 23953009
MFV Boy Griffin	Registration No. T131	Sea Fishing Licence No. 274039463
MFV Westerly Breeze	Registration No. T487P	Sea Fishing Licence No. T.B.C.
MFV Beal Tragha	Registration No. D303-A	Sea Fishing Licence No. T.B.C.
MFV Georgie Girl	Registration No. T140	Sea Fishing Licence No. T.B.C.

We object, in the strongest possible manner, to the proposed foreshore licence application, and any proposed or associated developments by Clarus Offshore Wind Farm Ltd. in the areas under Licence Application number FS006886, under the following grounds;

1. Traditional, important and established fishing grounds for small scale coastal fishing vessels.

The area under application, outlined in the Foreshore Licence Map; and the area outlined in the associated Contiguous Project Area combined, has been a traditional fishing area for Salmon drift netting, potting for lobster, crab, shrimp and crawfish, and netting for crawfish since the 1970's, for the Co. Clare and Co. Kerry inshore fleets. Furthermore, since the Salmon driftnet ban, this area in particular has become more important for Brown Crab and Lobster pot fisheries. The outer part of the area under application is also part of the bottom trawling fishing grounds for the southwest demersal fleet segment. Pelagic vessels also fish this area for ICES Area VII Celtic Sea Herring and Area 6As Herring around well know and documented spawning gravel beds just north of Loop Head, as well as sprat and mackerel fishing in the area. The Griffin family started fishing this area back in the 1960's, for crawfish and lobster and salmon. At present we have five <12m fishing vessels that fish this area all year round for Lobster and Crab; and more recently shrimp. Other fishing vessels also have a long history of fishing in this area, inshore vessels operating out of Maherees Bay, Fenit and Carrigaholt also fish in this area.



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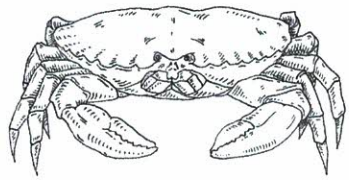


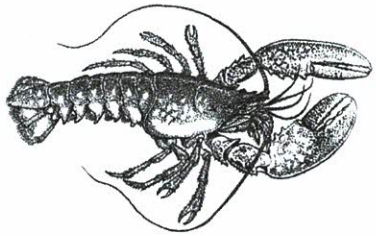
The proposed licence application and associated schedule of survey works, outline activities that are disruptive and possible mutually exclusive to the ongoing commercial fishing activities in this area, i.e. deployment of wave buoy arrays, sea bed drilling and bore hole testing, cable laying and trenching, platforms and anchors etc. This proposal is only at the preliminary stages of project development and would lead to more extensive activities in the area in future. If the proposed wind farm gets full permission then this whole area will be an exclusion zone for commercial fishing vessels, both within the outlined Foreshore Licence area and the area outlined in the associated Contiguous Project Area. This is unacceptable, we will not accept exclusion or displacement from our traditional fishing grounds, and being put out of business.

2. Transit and safe operational area for small scale coastal fishing vessels.

Any installations in this proposed area will displace our vessels from operating commercially here, it will also force us to detour around any installations, exclusion zones to the west and further offshore, for untold distance, which we will have to do during the winter months, this will be putting our vessels and lives in danger. The proposed area is a main transit area for fishing vessel coming form the north, coming from the south and going in and out of the Shannon Estuary basin. To Licence and permit wind farm installations here will displace safe navigation in this area, specifically for <12m inshore vessels.

3. Proximity to the Tralee Bay Oyster Fishery.

The proposed activity, development and area is in close proximity and directly adjacent to the northern area of the Licensed Oyster Fishery Order of the Tralee Bay Oyster Fishermans Cooperative Society. Griffin Boats Ltd., and its directors and employees are stakeholders in this important oyster fishery. Up to one hundred vessels can be licensed to fish oysters each autumn and spring in Tralee Bay each year. The fishery depends on annual recruitment and spawning success for native oysters. Subsea developments, seabed disturbance, drilling and digging trenches, electrical cables in or around the vicinity of the Licensed Tralee Bay Oyster Cooperative area can lead to water circulation disturbance, sedimentation of the water column, water contamination, increased mortality of oyster larvae, oyster spat fall decline and deterioration of the native oyster stock, in both Tralee Bay and the Shannon River areas.



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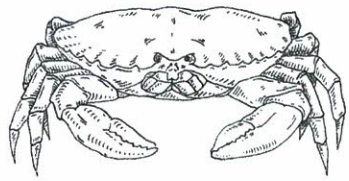
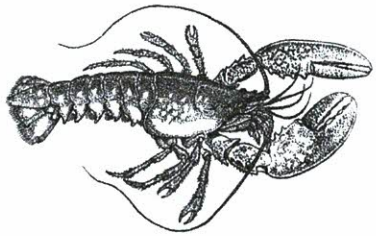


4 . Area of habitat importance for shellfish, fish, migratory salmonids and ells, endangered and protected species of dolphins, whales, porpoises, seals, otters, seabirds, flora and fauna.

This proposed development area is a critical habitat for many species, both commercially valuable such as shellfish and fish, and also protected and endangered species of marine mammals, flora and fauna. The Shannon Dolphins live and move throughout this area, feeding and nursing young. Any development will adversely affect this species and population. Whales migrate through this area, feeding on herring and sprat, specifically Minke and Humpback whales, furthermore there are important spawning grounds for the Celtic Sea Herring stock (In recovery at present post rebuilding plan) located specifically within the proposed area. Crawfish migrate through this area along the coastal belt, and along sub-tidal marine reefs, from the Kerry coast up to Clare and on to Galway and Mayo. Any commercial wind farm development in this area will damage their habitat and affect their migratory behaviour all up along the west coast of Ireland. Lobsters and Crabs will also be affected and will move off the area once and undersea development starts or anchors and electrical cables put down with trenches also dug in the seabed. The proposed development and activity will destroy the established shellfish fishery in this area. Lastly migratory birds fly along this area as they migrate from north to south, such as Gannets, Curlews, Arctic Terns, wind farm rotating blades will do untold damage to these populations and species. Studies are already proving the mortality affect of land based turbine blades on terrestrial species of birds, both migratory and local.

5. Marine Archaeological Heritage

Within the proposed area are several ship wrecks some dating back to the time of the Spanish Armada. We have been fishing these fishing grounds for decades. We are aware of several wrecks in the proposed area, many remnants of wooden hull vessels and lost anchors on the seabed, off the coastline, that may have a maritime heritage and archaeological value and importance. Any proposed wind farm development would no doubt disturb, damage or destroy such maritime relics by way of digging trenches for cables, undersea anchors and heavy chain umbilical networks deployed.



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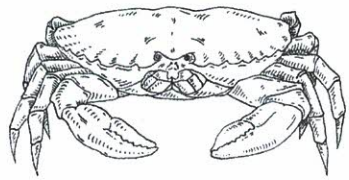

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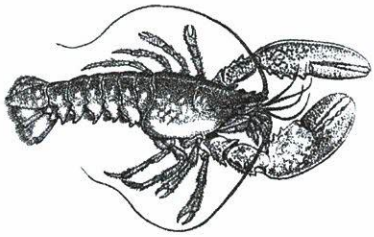
6. Risk Assessment for protected species and habitats - oversights and failings.

The Shannon Bottlenose Dolphin population do not stay solely, or permanently within the Shannon Basin permanently. This population is well known to migrate up as far as Kilkee in Clare and south as far as Brandon Bay Co, Kerry. As such the Risk Assessment is incorrect as this protected species spend much of its time in the proposed area. As the foreshore licence application is a precursor to further offshore wind farm development in the proposed area and planned Contiguous Project Area, all such developments will have an significant affect on this vulnerable species. The Risk Assessment report optimistically glosses over this risk in its summary and findings. There are no wind farms in the Shannon Estuary or surrounds at present, no undersea cables, undersea anchor arrays, no turbine noise disruption, no supply vessels in operation, therefore the proposed application and activities will have a very significant affect on this protected species.

7. Supporting information and Screening Report - oversights and failings.

There is not one reference made to the longstanding, established and documented commercial fishing interests, fisheries stakeholder track record and demonstrated fishing activities in the proposed area, within the Screening Report for this application. In fact there is an abject absence of any sort of consideration, scoping or assessment on displacement of commercial fishing activities in the area. This proposal has not even given the least consideration to the impacts of the proposed activities on general or specific commercial fishing activities , not to mention dedicated shellfish fisheries, in this area. As such the application and screening report is flawed. Lastly, the supporting information for screening under this application makes reference again and again to the term 'not likely to have a significant affect' on the protected species and habitats of relevance in this area. The use of the term 'not likely' is ambiguous and qualitative in nature, and is in no doubt phrased in a manner that gives confidence to the uncertainty and risk surrounding the statements made in the assessment report supporting this application.



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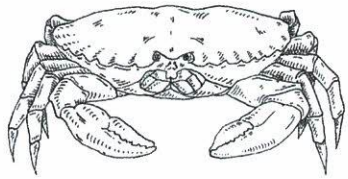

In summary, we request that the Department of Housing, Local Government & Heritage refuse permission for this Foreshore Licence application on the grounds that it directly affects and will displace inshore commercial fisheries in this area. Furthermore we request the Department of Housing, Local Government & Heritage to make record of the facts outlined in this submission, and apply same in relation to any potential future foreshore licence applications or marine wind farm licence application in this area.

Signed (On behalf of Griffin Boats Ltd.) [redacted]

Name [redacted] (Company Director)

Dated 08/12/2022