

FS006886 DP Energy - Clarus Offshore Windfarm Ltd.

Prescribed Body Observations from Consultation (10 November 2022 – 9 December 2022)

Under Section 19 of the Foreshore Act 1933, as amended, and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011

1. Marine Survey Office (Dept. of Transport)
2. Kerry County Council Planning Dept.
3. Clare County Council Planning Dept.
4. Commissioner for Irish Lights
5. National Parks and Wildlife Service (Dept. of Housing, Local Government and Heritage)
6. Department of Agriculture Food and Marine - Foreshore Section
7. Marine Advisor - Environment (Dept. of Housing, Local Government and Heritage.)
8. Underwater Archaeology Unit (Dept. of Housing, Local Government and Heritage.)
9. Marine Institute
10. Inland Fisheries Ireland
11. Sea Fisheries Protection Authority
12. BIM
13. Marine Advisor - Engineering (Dept. Housing, Local Government and Heritage)

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**From:** [REDACTED] (Transport)  
**Sent:** Monday 14 November 2022 10:17  
**To:** [REDACTED] (Housing)  
**Cc:** Housing ForeShoreORE  
**Subject:** RE: FS006886 - Clarus Offshore Windfarm Ltd.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good day [REDACTED]

After careful consideration the Marine Survey Office has no objection to the above referenced application from a navigational safety perspective.

However the following points shall be of note;

1. The Licensee shall, through consultation and agreement with the Department of Transport, Marine Survey Office and Commissioners of Irish Lights, arrange for the publication of a Marine Notice through the Maritime Safety Policy Division. The frequency and promulgation of Navtex and radio broadcast warnings shall be agreed in advance with the Irish Coast Guard for the duration of the license period.
2. The marking and lighting of moored instruments shall be carried out in consultation with the Marine Survey Office and Commissioners of Irish Lights. Lighting and marking shall be compliant with International Association of Aids to Navigation (IALA) requirements. Information regarding the position of any markings which create a hazard to navigation shall be promulgated to the mariner via publication of a marine notice and all available means appropriate.
3. The Licensee shall ensure all appropriate measures are taken for the duration of any on-site activity to ensure the safety of navigation is maintained. Any hazard to safe navigation shall be easily identifiable to all mariners operating within or in the vicinity of the license area.

Regards,

[REDACTED]  
*Marine Survey Office  
Nautical Surveyor*

**An Roinn Iompair**  
*Department of Transport*

Lána Líosain, Baile Átha Cliath, D02 TR60  
Leeson Lane, Dublin, D02 TR60

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COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL

Guthán | Tel 066 7183582 Facs | Fax 066 7120328 Rphost | Email [plan@kerrycoco.ie](mailto:plan@kerrycoco.ie) Suíomh | Web [www.kerrycoco.ie](http://www.kerrycoco.ie)

Ár dTag./Our Ref/DG.SOK15112022

Tuesday 15<sup>th</sup> November 2022

Department of Housing, Local Government & Heritage  
Newtown Road  
Wexford  
Y35 AP90

**Re: Submissions / observations to foreshore licence application FS006886**

A chara

**Proposal**

The foreshore licence application relates to proposed site investigations designed to help assess potential export cable corridors and cable landfall areas associated with a potential Offshore Wind Farm. The results of these site investigations will be used to select optimal export cable route(s), cable landfall option(s) and to provide baseline data for environmental appraisal. Kerry County Council requests the following to be taken into consideration, as appropriate:-

**Observations**

It appears from the information submitted that the application area avoids both the Ballybunion North and South Blue Flag Beaches. It is noted that the developer will undertake a separate Ecology Survey Scoping exercise, which will involve engagement with local authorities and the NPWS.

From a potential archaeological impact point of view, the areas of the foreshore application of primary interest from a KCC point of view comprise those areas along the south side of the Shannon Estuary from Leck Point to Tarbert. The Shannon Estuary would always have been a major routeway and access point throughout prehistory and the historic period, indeed excavations adjacent to the foreshore in Kilpaddoge (ESB) uncovered evidence of Mesolithic and early Neolithic occupation as well as later activity. Areas along the estuary would have provided ideal conditions for early hunter-gatherers when sea levels were lower and such estuarine and likely marsh/fen environments would have provided abundant food resources at various times of the year.



Indeed, the potential for material from the prehistoric and historic period, as well as more recent evidence for maritime trade and exploitation of the sea (boats, shipwrecks, fishing infrastructure and equipment) to survive, preserved in the muds and silts on both sides of the estuary would be high and this needs to be taken into account in assessing the foreshore application. It is noted that geophysical surveys including echo sounding, side scan sonar etc. are proposed and these will provide data on certain aspects of the riverbed but not necessarily on areas closer to the modern shoreline. In these areas more intensive, dive and wade surveys would be required to try and identify buried archaeological material and/or strata. Artefact recovery from areas within the foreshore licence area will also be an issue during the course of any future works and the proposed geotechnical surveys.

Given, the extent and location of the proposed geotechnical surveys and in accordance with the provisions of objectives KCDP8-24, KCDP8-25, KCDP8-26 & KCDP8-30 of the Kerry CDP 2022-2028 the archaeological mitigation measures outlined below should be made a condition of any grant of a foreshore licence.

**Details of other developments, plans or projects that may, in conjunction with this application, have a cumulative effect on a European site.**

The proposal contained within the Strategic Infrastructure Planning Application Reference Number ABP:-311233-21 should be taken into account, where relevant.

**Recommended conditions for attaching to any foreshore licence that may be granted.**

**Beach restrictions:**

Beach restrictions shall not be implemented during the summer months on any beaches, without the prior written agreement of the relevant local authority.

**Archaeology**

Given, the extent and location of the proposed geotechnical surveys and in accordance with the provisions of objectives KCDP8-24, KCDP8-25, KCDP8-26 & KCDP8-30 of the Kerry CDP 2022-2028 the following mitigation should be made a condition of any grant of a foreshore licence:

- Prior to the taking place of any geotechnical tests the data from the geophysical surveys should be fully assessed to identify any features that may be of archaeological interest. In areas closer to shore where estuarine muds and silts have built up dive and wade surveys should be conducted prior to any geotechnical testing.
- All geotechnical tests should be archaeologically monitored, under license, by a suitably qualified archaeologist with experience in dealing with underwater archaeological material. A suitable strategy for recovering potential archaeological artefacts from any excavated material would also need to be put in place as part of the monitoring programme



### **Other**

In addition, while not part of the part of this foreshore license application, it is considered that the Kerry County Development Plan 2022-2028 should be taken into consideration, in determining preferred export cable route and landfall location(s), including Chapter 9 Economic Development, Chapter 11 Environment and Chapter 12 Energy. Where road infrastructure may be required to facilitate offshore energy proposals including underground cables, early discussions with the roads department is advised.

Mise le meas

[Redacted signature]

[Redacted name]

*Senior Planner*



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

05<sup>th</sup> December 2022

**Foreshore Unit  
Department of Housing, Local Government & Heritage  
Newtown Road  
Wexford  
Y35 AP90**

**Re: FS006886 Clarus Offshore Wind Farm - Consultation  
Clarus Offshore Wind Farm Limited  
Clarus Offshore Wind Farm – Site Investigations off Counties Clare and Kerry**

A chara,

In response to the public consultation under Section 19A of the Foreshore Act 1933, and Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 outlined below is the recommended response of the Planning Authority of Clare County Council.

The response as set out is issued in the context of the Clare County Development Plan 2017-2023 (as varied). You are requested to have regard to the development objectives set out in the Plan with regard to issues such as coastal community development, economic development, physical infrastructure, environment, energy, tourism, natural resources, the Shannon Estuary, marine and coastal zone management, biodiversity and natural heritage, climate change adaptation, and the low carbon strategy. You are also requested to have regard to the draft Clare County Development Plan 2023-2029.

The Screening for Appropriate Assessment and Natura Impact Statement together with the Supporting Information outline the extent of site investigations to be undertaken within the Investigation Area (93,622ha) off the Clare coastline. The extent and number of investigations required particularly the number of vibrocore, cone penetration, ecological (c.65 grab samples) coupled with physical equipment which will require placement in the marine and transitional environment (JUB, 2 x floating LiDAR buoys, 5 x ADCP, marker buoys plus 2 x waverider buoys) is significant.

**An Roinn Pleanála  
An Stiúrthóireacht Forbairt Gheilleagrach**

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department  
Economic Development Directorate**

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



As outlined in the Screening Report there is potential for overlap with other proposed site investigations associated with other proposed offshore projects. Prior to the commencement of any such surveys the applicant should investigate the potential for a more comprehensive approach to this data gathering with the other entities looking to establish off the Clare coastline. Clare County Council is acutely aware of the emergence of several individual piecemeal approaches to survey work planned both in the Shannon Estuary and off the west and north Clare coastline which is currently being developer led on a site-by-site basis to support individual planning applications/foreshore licences for different stages of marine developments. This type of project led assessment does not take into consideration the wider ecosystems in terms of impacts and poses a significant risk and potential delay to the development of marine renewables both in the estuary and beyond.

The benefits for undertaking a wider integrated approach to ecological surveys are clear. Modest resources committed over a long period is far more efficient than one-off relatively short-term data gathering programmes. There is significant merit in all entities looking to establish cable corridors or cable landings points undertaking this in a comprehensive manner together with an agreed sustainable approach to funding, data gathering and ownership of said data.

The availability of up-to-date scientific data undertaken over several years will add greatly to the value proposition for Shannon Estuary/Clare Coastline to attract sustainable renewable energy investment, by reducing the cost and time burdens (in terms of years) for individual developers, enabling compliance with the requirements of the Habitats Directive and thus providing a significant degree of policy and project-level planning and investment certainty.

We would also request that consideration is given to the Strategic Integrated Framework Plan for the Shannon Estuary (SIFP) and the identified Strategic Development Locations and Areas of Opportunity. The preferred cable corridor and/or cable landing points must not prejudice the development of these lands at any future stage.

You are advised to consult the SIFP (volume 1) and the associated volume of mitigation measures (volume 2) to establish which apply in this case and which are of relevance to the scope of the assessments required. The mitigation measures should be reviewed in terms of which are relevant, and which apply to the proposed foreshore licence application. Volume 2 should be used to further inform the scope of site investigations that may be required particularly within the Shannon Estuary.

Clare County Council would recommend that consideration is given by the applicant in facilitating spare capacity within the cable that is laid in the Shannon Estuary to avoid the requirement for laying additional cables in the future.

Mise le meas



Staff Officer  
Planning Department



Commissioners of  
**IRISH LIGHTS**

Navigation  
and Maritime  
Services

**Commissioners of Irish Lights**  
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06 December 2022

Minister for Housing,  
Local Government and Heritage,  
Foreshore Section,  
Department of Housing,  
Local Government and Heritage,  
Newtown Road,  
Wexford,  
Y35 AP90

**Consultation Foreshore application FS006886 DP Energy Site Investigations Clarus Offshore  
Wind Farm**

To whom it may concern,

Thank you for contacting the Commissioners of Irish Lights requesting observations on this foreshore licence application FS006886, dated 08<sup>th</sup> November 2022.

Irish Lights notes from the application that there may be a number of Aids to Navigation (AtoN) deployed: Wave buoys, Lidar buoys and Acoustic Doppler Current Profilers. Before any aid to navigation can be established, altered or disestablished consent in the form of Statutory Sanction under the Merchant Shipping Act must be obtained from the Commissioners of Irish Lights. The aid must be coloured and marked as per IALA (International Association of Marine Aids to Navigation and Lighthouse Authorities) Standards. We note from the document Site Investigation – schedule of works that the word ‘amber’ is used. We would advise when applying for Statutory Sanction that this be replaced with ‘yellow’ as per the IALA guidelines.

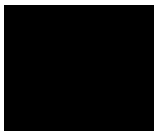


The foreshore license sought is located off the Shannon estuary, which is a high traffic density area. Irish Lights therefore, advise consultation with local authorities including Shannon Foynes Port Company and the Marine Survey Office (MSO). A Marine Notice should be published for the information of all local maritime users detailing the works and any vessels which may be engaged in Site Investigation works.

Within the proposed Investigative Foreshore Licence Application area, there are a number of existing Aids to Navigation. Commissioners of Irish Lights request mariners navigating around the coast of Ireland to exercise the greatest care to avoid damage to Aids to Navigation. Mariners should give all Aids to Navigation a wide berth, paying particular attention to the strength of wind and tide.

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

Yours sincerely,



**Acting Navigation Services Manager**

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**From:** Housing Fem Dau  
**Sent:** Thursday 8 December 2022 11:38  
**To:** [REDACTED] (Housing)  
**Cc:** [REDACTED] (Housing); [REDACTED] (Housing)  
**Subject:** RE: FS006886 - Clarus Offshore Windfarm Ltd.

A chara,

Please find below the Nature Conservation recommendations of the Department for the above mentioned application.

**Marine Science and Biodiversity Recommendations:**

The proposed survey works at and around the proposed Clarus Offshore Wind Farm off Co Clare and Kerry have been evaluated by a Natura Impact Statement and other documents. The conclusion of the document to support the decision on Article 6(3) is that the proposed works are unlikely to pose a significant likely risk to nature conservation interests in the vicinity.

It is recommended that the application of "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" should be implemented in full as a condition of consent (available to download [here](#) or updates that might occur).

It must be noted that all cetaceans are listed under Annex IV (including those in Annex II) of Council Directive 92/43/EEC (the Habitats Directive). Accordingly, under Article 12 of that Directive, it is an offence to deliberately capture, disturb or kill a cetacean or take actions that result in deterioration or destruction of their breeding sites or resting places. This has been transposed into Irish Law by Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations. Introduction of certain sound sources into the marine environment, as may result from construction or surveys (e.g. geophysical survey) over the foreshore, have the potential to cause injury and possibly mortality in these species. All marine mammals are protected wild animals under the Fifth Schedule, which includes all cetacean and seal species, of the Wildlife Act (39 of 1976) and Amendments. Under Section 23 (as amended in 2000), it is an offence to kill, injure or wilfully interfere with or destroy the breeding place or resting place of any protected wild animal.

The proponent should note that it is recommended that they should apply at earliest opportunity for a Regulation 54 consent to [wildlifelicence@npws.gov.ie](mailto:wildlifelicence@npws.gov.ie) to ensure that activities can be appropriately considered in terms of the potential for disturbance that may arise from their proposed site investigations. The supporting ecological and environmental information furnished in the current application are likely to contain a significant proportion of that required for this assessment.

*Regards*

[REDACTED]

[REDACTED]

*Executive Officer*

**Aonad na nIarratas ar Fhorbairt**

*Development Applications Unit*

**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta**

*Department of Housing, Local Government and Heritage*

**Oifigí an Rialtais**

*Government Offices*

**Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90**

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**From:** [REDACTED] <[REDACTED]@agriculture.gov.ie>  
**Sent:** Friday 9 December 2022 14:46  
**To:** [REDACTED] (Housing)  
**Cc:** Foreshore; Housing Foreshore  
**Subject:** RE: FS006886 - Clarus Offshore Windfarm Ltd.

**Our Ref: FW.9.25 Clarus Offshore Windfarm Ltd site investigations off counties Kerry and Clare**  
**DHLGH Ref: FS006886**

Dear [REDACTED]

I refer to your request for comments/observations from this Department regarding this application for Clarus Offshore Windfarm Ltd.

Our Engineering Division have provided their reply and has no objections.

Regards,

[REDACTED]  
Foreshore Section  
Dept of Agriculture Food and the Marine  
Email: [REDACTED] [@agriculture.gov.ie](mailto:[REDACTED]@agriculture.gov.ie)



[REDACTED]  
Foreshore Unit,  
Department of the Housing, Local Government and Heritage,  
Newtown Road, Co. Wexford  
8<sup>th</sup> December 2022

### **Prescribed Bodies Consultation - Environmental Report**

**Re:** FS006886 Clarus Offshore Wind Farm Ltd. for site investigation surveys off the coasts of Counties Clare and Kerry.

**Applicant:** Clarus Offshore Wind Farm Ltd.

Dear [REDACTED],

Your email of the 8<sup>th</sup> of November 2022 refers to this licence application for site investigation surveys off the coasts of Counties Clare and Kerry.

The Clare coastline and the Shannon Estuary are areas of high ecological importance. The Shannon Estuary has Ireland's only resident population of bottlenose dolphins. The sponge *Craniella zetlandica* is recorded on subtidal reef from four localities in Ireland between Galway Bay and Kerry Head Shoal, including along this Clare coast. The intertidal reef along here includes rare species of red algae *Phyllophora sicula* and *Pterosiphonia pennata* and crustaceans, *Alpheus macrocheles*. In the Shannon Estuary a cobble and boulder substrate hosts an unusual anemone dominated sheltered reef community.

The coast of Clare is of high ornithological importance supporting nationally and internationally important populations of both wintering and breeding species. The Cliffs of Moher is one of the most important seabird colonies in the country with nationally important populations of five species. Chough and Peregrine which are listed in Annex I of Birds Directive have breeding populations here.

### **Assessment Process**

The Minister for Housing, Local Government and Heritage, is responsible for carrying out environmental screening and any environmental assessments determined as being required following screening, in accordance with the requirements set out in Directive 92/43/EEC (**Habitats Directive**) and Directive 2009/147/EC (**Birds Directive**), in respect of applications under the The Foreshore Act 1933, as amended.

### **Habitats Directive**

The Appropriate Assessment process (AA) is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European Site (Natura 2000 site). The focus of AA is targeted specifically on Natura 2000 sites and their conservation objectives.





Article 6(3) and 6(4) of the **Habitats Directive** place strict legal obligations on Member States to regulate the conditions under which development that has the potential to impact on European Sites can be proceed. It requires that an Appropriate Assessment be carried out of plans or projects, not directly connected with or necessary to the management of a site as a European Site, but which are likely to have a significant effect thereon, either individually or in combination with other plans or projects. An AA Screening assessment is carried out to determine whether a plan or project is likely to have a significant effect on a European Site.

- Article 6.3 states that: *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*
- Article 6.4 states: *“if, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

*Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”*

In giving effect to the above as a matter of Irish law, the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011, as amended) (**Birds and Natural Habitats Regulations**) provide as follows:-

Regulation 42(1) of the Birds and Natural Habitats Regulations states that: *“A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site”.*

Regulation 42(2) provides that: *“A public authority shall carry out screening for Appropriate Assessment under paragraph (1) before consenting for a plan or project is given, or a decision to undertake or adopt a plan or project is taken”.*

The Birds and Natural Habitats Regulations further provide as follows at Regulation 42 (6) and 42 (7):-



*6. The public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.*

*7. The public authority shall determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it can be excluded on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.*

Furthermore, under section 42A (13) of S.I. No. 293 of 2021 an Appropriate Assessment, including the specified public consultation, must be carried out before the public authority makes a decision to undertake or adopt the proposed plan or project.

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

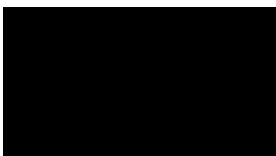
Article 12 of the Habitats Directive (92/43/EEC) affords strict protection to species listed in Annex IV of the Directive wherever they occur. Outside of designated Natura 2000 sites, the waters around Ireland's coast are a suitable habitat for a number of Annex IV species. Where necessary a Risk Assessment for adverse effects of the proposed works on these species must be undertaken and a report produced.

The purpose of the Risk Assessment is to examine the possibility that the proposed project either individually or in combination with other plans and projects, may result in the deliberate disturbance or destruction of any of the species listed in Annex IV which may be present in the works area. The Risk Assessment should take into account the status (e.g. as indicated in the latest Article 17 reporting for Ireland, NPWS 2019) and sensitivities of relevant Annex IV species to potential impacts associated with the proposed project.

The Risk Assessment for Annex IV Species should be precise, with definite findings, mitigation and conclusions removing all reasonable scientific doubt as to the effects of the proposed project on any Annex IV species. This assessment is separate to that undertaken under Article 6.3.

#### **Conclusion/Recommendation**

In principle I have no objections to this application. On completion of the Public and Prescribed Bodies Consultation I will furnish my final report with determinations. This may include case specific conditions having regard to the information obtained during public and prescribed bodies' consultation.



Marine Advisor, Environment.

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**From:** [REDACTED] (Housing) [REDACTED]@npws.gov.ie>

**Sent:** Tuesday 13 December 2022 15:53

**To:** Housing Foreshore <foreshore@housing.gov.ie>

**Subject:** FS006886 - Appropriate Assessment relating to site investigations by Clarus Offshore Wind Farm Limited

A Chara,

The Underwater Archaeology Unit (UAU) of the National Monuments Service, Department of Housing, Local Government and Heritage has reviewed the submitted documentation in relation to the above Foreshore Licence application, which covers the 93,622 hectares area within territorial waters (from the 12 nautical mile (NM) limit to the high-water mark along both County Kerry and County Clare), which contains the cable investigation area. The proposed investigations will provide mapping of the seabed geology, relief and features, metocean conditions, baseline environmental mapping (habitats and species) and the results will be used for selection of cable route(s), landfall option(s) and will provide baseline data for future Environmental Impact Assessment Report and other environmental impact assessments. The following geophysical survey methods will be employed: Multibeam Echosounder, Side Scan Sonar, Sub-bottom Profiler, Magnetometry/Gradiometry. It is also proposed that geotechnical sampling will comprise of up to 130 Vibrocore Samples, up to 130 Cone Penetration Tests, approximately 6 Boreholes.

Section 4.8 (Archaeology) of the application document 'CLARUS OFFSHORE WIND FARM LIMITED Investigative Foreshore Licence Application: Reference FS006886, Environmental Supporting Information' contains a brief overview of the potential effects and proposed mitigation pertaining to archaeology. This section, and the broader application documentation, does not adequately assess the archaeological potential of the application area and the sufficiency or otherwise of the proposed mitigation cannot therefore be addressed without further information. We note that the proposed Foreshore Licence application area contains numerous wrecks protected under Section 3 of the 1987 National Monuments (Amendment) Act within the Application Area. The Wreck Inventory of Ireland Database (WIID) is the official register of historic shipwrecks protected under the National Monuments Acts. All wrecks over 100-years old are protected under the 1987 and 1994 (Amendment) Acts of the National Monuments Acts. Over 18,000 wrecks have been recorded to date within the WIID, ranging from small fishing boats, logboats and coastal traders to steamships and ocean going ships. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available from after 1700AD. As such, it is important to stress that previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the application area under consideration here. National policy, as set out in *Frameworks and Principles for the Protection of the Archaeological Heritage* states 'there should always be a presumption in favour of avoiding developmental impacts on the archaeological heritage' and, given the archaeological sensitivity of the application area, this core principle should be proactively enshrined within the design process.

In light of the above we recommend the following CONDITIONS be included with any Foreshore Licence that may issue:

1. A desk study Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded by the licensee to the National Monuments Service of the Department of Housing, Local Government and Heritage for review and approval prior to the geophysical survey works taking place. The desktop assessment will allow for the identification of wrecks and other underwater archaeological features and areas of potential within the Foreshore Licence Application Area so that when geophysics is being undertaken, their locations will be known in advance and they can be targeted for specific survey methodologies, as appropriate. The assessment shall include a full inventory and mapping of the sites of all identified and recorded archaeological/cultural heritage features and structures (including industrial, vernacular and maritime/fishing structures) and any wrecks or potential wrecks within the Foreshore Licence Application Area identified from a review of the Wreck Inventory of Ireland Database and any previous geophysical survey data sets available. Where archaeological materials/areas of archaeological potential, wrecks are shown to be present, the report shall recommend mitigation measures and shall highlight how these areas will be targeted for detailed

geophysical survey. Having completed the work, a written report shall be submitted to the National Monuments Service for review and no works shall be undertaken until a response has been received.

2. The proposed geophysical surveys shall be carried out in advance of any geotechnical works and in advance of the deployment of metocean monitoring equipment, to ensure all potential impacts to the underwater cultural heritage are avoided.
3. A Protocol For Archaeological Discoveries shall be agreed in advance of the commencement of any geophysical or geotechnical works with the National Monuments Service of the Department of Housing, Local Government and Heritage.
4. Geophysical survey of all geotechnical and potential areas of physical impact is required. At a minimum geophysical surveys shall include side scan, sonar, magnetometer and multibeam echo sounder. The geophysical surveys shall be licenced under the National Monuments Acts 1930-2014. A Dive Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required. Licence applications, accompanied by Method Statements, shall be sent for vetting to the National Monuments Service of the Department of Housing, Local Government and Heritage.
5. Should any dive surveys be required in connection with proposed geophysical surveys and archaeological surveys these shall be licenced (Section 3 1987 National Monuments Act). Any dive survey shall be accompanied by a handheld metal detection survey which shall also be licenced (Section 2 1987 National Monuments Act). All archaeological diving shall comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019.
6. An Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded to the National Monuments Service of the Department of Housing, Local Government and Heritage for review and approval prior to the geotechnical works taking place. The UAIA shall augment the previous desk study assessment and shall include the following:
  - a. Results of geophysical survey data sets assessment by a suitably qualified and experienced archaeologist to ensure that proposed geotechnical works do not negatively impact on locations where there is known or potential archaeology and to ensure no samples or cores are taken from an area where a wreck site is located. The archaeologist should also be suitably experienced, with a track record in dealing with and the interpretation of marine geophysical data for archaeological purposes, including ensuring it is of sufficient specification for the identification of underwater cultural heritage.
  - b. Outcome of a detailed visual walk-over survey accompanied by a metal detection survey of areas proposed for SI works on the foreshore/intertidal zone.
  - c. Assessment of geophysical data for all proposed geotechnical investigation locations (including the taking of vibro-cores and grab samples). The assessment shall be undertaken by a suitably and demonstratively qualified archaeologist to ensure that the proposed works do not negatively impact on locations where there is known or potential archaeology and to ensure no samples or cores are taken from an area where a wreck site is located.
  - d. Once all surveys and interpretations have been completed, the full information should be compiled into a UAIA report and submitted to the National Monuments Service for review and further comment, prior to undertaking any invasive geotechnical works. The UAIA Report should contain a detailed Archaeological Impact Assessment that addresses all identified potential impacts on underwater archaeological heritage and should also make recommendations on mitigation measures to avoid or mitigate all impacts. Potential secondary or indirect impacts, such as access roads or construction works to facilitate access to the waterways, for example, shall also be included. If potential or identified sites, features or artefacts cannot be avoided (preservation *in situ*) by geotechnical works, then the UAIA Report Recommendations should put forward an archaeological mitigation strategy to address this, including preservation by record (archaeological testing and/or full archaeological excavation). Where archaeological material/features are shown to be present, preservation in situ, avoidance, preservation by record (archaeological excavation)



or archaeological monitoring may be required. The Licensee shall be prepared to be advised by the National Monuments Service in this regard or in regard to any subsequent recommendations that may issue.

7. Following the completion of all geotechnical works the licensee shall furnish the project archaeologist with the results of all site investigation works and shall then provide access to site investigation cores and physical samples for review. Where potential submerged palaeolandscape deposits are identified they shall be, where suitable samples are available, radiocarbon dated in agreement with the National Monuments Service and subject to approval of Licences to Alter and Export from the National Museum of Ireland. Following the completion of all geotechnical and archaeological works and any necessary post-excavation specialist analysis, the National Monuments Service shall be furnished with a final archaeological report describing the results of the works. All resulting and associated archaeological costs shall be borne by the developer.

Regards,



**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta**  
**Department of Housing, Local Government and Heritage**  
*Executive Officer*

**Aonad na nIarratas ar Fhorbairt**  
*Development Applications Unit*

**Oifigi an Rialtais**  
*Government Offices*

**Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90**  
Newtown Road, Wexford, County Wexford, Y35 AP90

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**From:** [REDACTED] [REDACTED]@Marine.ie>  
**Sent:** Wednesday 14 December 2022 16:19  
**To:** [REDACTED] (Housing) [REDACTED]@housing.gov.ie>  
**Cc:** Housing ForeShoreORE <foreshoreORE@housing.gov.ie>  
**Subject:** RE: FS006886 - Clarus Offshore Windfarm Ltd.

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Dear [REDACTED],

Apologies for the delay responding.

The Marine Institute advises that during assessment of likely effects, that the licencing body consider the in-combination effects on species (marine mammals and birds, in particular) that the proposed surveying activities may have with other similar activities likely to occur in the vicinity. Furthermore, we would consider that wider effects on habitats and species (outside of licenced area) be also assessed. In particular, it is our view that such ORE data gathering surveys be carried out in a co-ordinated fashion in order to avoid redundancy of effort and minimise disturbance while also broadening the baseline of information on habitats and species. In addition, having this baseline data will facilitate future assessment of impacts of OREs beyond the footprint of the licence/lease area.

We note there are some Aquaculture licenced areas adjacent to and within the proposed survey area. These are confined to the Shannon Estuary and their exact locations and details of species cultured can be found at the following link: <https://dafm-maps.marine.ie/aquaculture-viewer/>

In relation to cumulative effects with other activities, we draw the Department's attention to Natura assessments to consider interactions between Natura qualifying interests and aquaculture operations (existing and proposed) that have been carried out nationally and more specifically, in the Shannon Estuary. These reports can be found at the following link and give an indication of likely aquaculture activities occurring in the general area.

[AA reports for aquaculture](#) Shannon Estuary

Please do not hesitate to contact me if you have any queries.

All the best

[REDACTED]

---

[REDACTED] PhD  
Section Manager – Licensing and Policy Advice  
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Landline: + 353 [REDACTED] : Mobile: +353 [REDACTED]  
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**Iascach Intíre Éireann  
Inland Fisheries Ireland**

**MARINE LICENCE VETTING COMMITTEE:**

**RE: Request for observations FS006886 - Clarus Offshore Windfarm Ltd.**

**Request for observations from Ms. [REDACTED] (DECLG) dated 08.11.2022**

**Overview:**

The following documents were reviewed.

- Application to conduct site investigation activities off Cos. Clare and Kerry (November 2021)
- Maps of Foreshore Licence Application Area (September 2021)
- Supporting information for screening for Appropriate Assessment and Natura Impact Statement (April 2022)
- Risk assessment for Annex IV species (April 2022)
- Schedule of works (November 2021)
- Environmental supporting information (April 2022)
- Marine Adviser screening for Appropriate Assessment report (June 2022)

A foreshore licence is sought to facilitate site investigations ahead of a planned wind farm development. The proposed investigations over an area of 936km<sup>2</sup> comprise geotechnical and geophysical surveys, metocean monitoring (wind, waves and currents), archaeological and ecological surveying, and is anticipated to take up to 5 years to complete.

**IFI Comment**

A risk assessment and screening prepared on behalf of the applicant noted the potential for disturbance to marine mammals and protected habitats, thereby necessitating Appropriate Assessment given the possibility of unforeseen impacts attributable to these and other separate ongoing and planned activities across the area in question. From an Inland Fisheries Ireland (IFI) perspective, a section of an important SAC (Lower River Shannon SAC #002165) is incorporated into the Foreshore Licence Application Area. The relevant qualifying interests, namely sea lamprey, river lamprey and Atlantic salmon, present also in another nearby SAC (Castlemaine Harbour #000343), were screened-out as no likely significant effects (LSEs) were perceived.

An independent Appropriate Assessment screening report, undertaken for the Marine Adviser, extended the Zone of Influence for these qualifying interests from 15km to 200km, as well as screening them in due to the possibility of disturbance due to underwater noise. Inland Fisheries Ireland would concur with these revised likely significant effects (LSEs) and the potential to impact



**Iascach Intíre Éireann  
Inland Fisheries Ireland**

negatively on the conservation objectives of several European sites. In addition, sea lamprey and river lamprey could be further impacted as many of the fish and cetacean species upon which they parasitise may themselves be affected and disturbed by underwater noise and investigative activities. Atlantic salmon along with twaite shad, a wide-ranging marine species which is a qualifying interest in 4 SACs along the south and southeast coasts, and sea trout would be expected to migrate through or forage within the Foreshore Licence Application Area. Aside from these revisions, it should be noted that the Screening for Appropriate Assessment Report was in broad agreement overall with the submissions from the applicant, Clarus Offshore Wind Farm Ltd.

Mitigation measures should aim to reduce the sound generated, in intensity and duration. The use of soft-start and ramp-up procedures for any sound-generating surveys undertaken – both on a day-to-day basis and on re-start after any stoppages within any day should be undertaken. This measure should be a condition of the foreshore licence. The comments of IFI in this regard relate to fish species of conservation significance and of leisure angling significance all of which constitute part of IFI's brief.

████████████████████ (IFI R&D) and ██████████ (IFI)  
14.12.2022





## Aquaculture & Foreshore Application Observations

|                                    |  |
|------------------------------------|--|
| <b>Application No:</b><br>FS006886 | <b>Applicant Name &amp; Area:</b><br>Clarus Offshore Wind Farm Ltd. West coast of Ireland. |
| <b>Application Category</b>        |  |
| Aquaculture: N                     | Foreshore: Y   |

### Sea Fisheries Protection Officer Observations

1. *Possible impacts, if any, on existing wild fisheries in the area, with an emphasis on the possible implications for the SFPA conducting official controls and possible non-compliance issues that could arise.*

This foreshore licence application concerns permission to conduct site investigations to identify the optimal route of a subsea power cable, linking an offshore wind farm (foreshore licence not submitted as yet) with the shoreline. This is a significant multifaceted application covering 93,622 ha. The application states the works should be complete within a short timeframe.

While some minimal disturbance to the marine habitat (both littoral and sub littoral) will occur during these investigations, it is unlikely that this will impact greatly on fish assemblages or fishing activity in the area. The appointment of a Fisheries Liaison Officer and their engagement with relevant fishers should assist to negate any potential effects.

The supporting documentation focuses mainly on the activities of larger vessels but the majority of vessels operating in this area are <10m vessels which are outside VMS and logbook requirements. The liaison officer should target this <10m sector in any further mitigation efforts and in any future applications.

There are no significant negative impacts on existing wild fisheries in the area and no foreseeable implications for the SFPA conducting official controls and possible non-compliance issues that could arise.

2. *Impacts, if any, on shellfish growing areas adjacent to or within the area and the possible impact on the ability of the SFPA to conduct official controls and possible non-compliance issues that could arise.*

The application lies within the boundaries of and adjacent to an existing classified shellfish production area (Ballylongford). This area is actively in production, with numerous sites being utilised (T06/347A, T06347B, T06370A, T06/233). Care should be taken when issuing the licence to ensure that rights, if any, contained in the fishery order, aren't impacted by this foreshore licence. The appointment of a Community Liaison Officer and their engagement with shellfish producers in the area, as stated in the application documentation, should be continued and involve all producers.

Further, there is also a classified site upstream of the application area (T07/007), this is a dormant site.

There are no foreseeable implications for the SFPA conducting official controls and possible non-compliance issues that could arise.

3. *Possible impacts, if any, on seafood safety.*

There are potential impacts on seafood safety e.g. the application lies within the boundary of and adjacent to active shellfish production areas. The application is proposed to occur over a short timeframe, therefore any potential impacts should be temporary. The Fisheries and Community Liaison Officers should continue their engagement with the shellfish producers to negate any potential impacts.

|  |                          |
|--|--------------------------|
| <b>Sea-Fisheries Protection Authority:</b> | <b>Date:</b><br>13/12/22 |
|--|--------------------------|

**From:** Foreshore Licensing <[foreshore.licensing@bim.ie](mailto:foreshore.licensing@bim.ie)>

**Sent:** 22 December 2022 12:18

**To:** [REDACTED] <[REDACTED]@agriculture.gov.ie>

**Cc:** [REDACTED] <[REDACTED]@bim.ie>; [REDACTED] <[REDACTED]@bim.ie>;

[REDACTED] <[REDACTED]@bim.ie>; [REDACTED] <[REDACTED]@bim.ie>; [REDACTED]

<[REDACTED]@bim.ie>; Foreshore <[Foreshore@agriculture.gov.ie](mailto:Foreshore@agriculture.gov.ie)>

**Subject:** RE: FS006886 - Clarus Offshore Windfarm Ltd.

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Dear [REDACTED],

Although there are no fisheries subjected to a Fisheries Natura Plan in the area of this application there is however considerable fishing activity in the area especially potting for lobster and shrimp in the estuary and fishing for brown crab outside the estuary. In addition, there are aquaculture licensed areas and Oyster Fishing Orders in the Lower River Shannon SAC(2165). It is BIM's view than an Appropriate Assessment would need to take account of "in combination effects" that the proposed site investigations would have on Natura sites covered by this application.

Kind regards,

[REDACTED]