

Your ref: FS007261

Our ref: S004IE



Shelmalere Offshore Wind Farm Ltd  
Mill House, Buttevant,  
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Email: [REDACTED]@dpenergy.com

23<sup>rd</sup> December 2022

[REDACTED]  
Foreshore Unit  
Department of Housing, Local Government and Heritage  
Newtown Road  
Wexford  
Y35 AP90

**Re: FS007261 Shelmalere Offshore Wind Farm Site Investigation – Shelmalere Offshore Wind Farm Ltd.’  
Response to Public & Prescribed Body Submissions on Public Consultation in accordance with  
Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011**

Dear [REDACTED]

I refer to your emails dated 14<sup>th</sup> December 2022 in relation to application for Foreshore Licence FS007261, and the submissions made to your office by the Public and by Prescribed Bodies. Please note Shelmalere Offshore Wind Farm Ltd.’s response as follows:

### **Public Submissions**

#### **Submission 1: Irish Whale and Dolphin Group (IWDG)**

*“... The IWDG welcomes this opportunity to comment on this foreshore licence. We would like to make the following points regarding the above foreshore application: ”*

#### **IWDG Submission Point 1:**

*“Page 6 of the schedule of activities details use of and Edgetech 4200 Side Scan Sonar which is taken as a system indicative of that to be used. Frequency ranges of 300 to 900 Hz are described as the potential operating frequency range. Yet the Edgetech manual (Edgetech, 2021) states this system also operates at 100 kHz, which is well within marine mammal hearing range.”*

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Directors: [REDACTED]

**Shelmalere Offshore Wind Farm Ltd. Response:** Table 1-2 within Section 1.4 of the Risk Assessment for Annex IV Species submitted by Shelmalere Offshore Wind Farm Ltd. in support of the application for Foreshore Licence (File name: 'Risk Assessment for Annex IV Species FS007261') sets out three examples of Side Scan Sonar (SSS) devices that may potentially be used in the proposed site investigations. IWDG notes that the manual for one of the examples, Edgetech 4200 SSS, includes the option of operating at 100 kHz. As noted in Table 1-2 of the *Risk Assessment for Annex IV Species*, these are indicative examples of typical equipment and the exact equipment used will be known following the appointment of the survey contractor. As noted in Table 1-2 of the *Risk Assessment for Annex IV Species*, it is expected that the "typical operating frequency range of approximately 300 to 900 kHz" will be used for the proposed site investigations.

#### **IWDG Submission Point 3:**

*"Page 32 of the schedule of activities, Marine Mammal Acoustic Monitoring details use of CPODs (now replaced by FPODs) over an 18 to 24 month monitoring period. The area is almost certainly going to be frequented by humpback and minke whales and the recording of these as well as dolphin whistles cannot be achieved by CPODs and we recommend acoustic recorders, such as Soundtraps are required in order to record these and any fish acoustics that may be present. Also SEAI (2018) guidance recommends three years of acoustic data with an "absolute minimum" of 2 years."*

**Shelmalere Offshore Wind Farm Ltd. Response:** IWDG's recommendation is noted. The document entitled 'Schedule of Activities' submitted by Shelmalere Offshore Wind Farm Ltd. in support of the application for Foreshore Licence, includes the following on SoundTrap hydrophones (please see Table 2-1 of same): 'SoundTrap hydrophones may be deployed alongside the CPODs for periods throughout the monitoring campaign'. Shelmalere Offshore Wind Farm Ltd. remains open to the use of SoundTrap hydrophones and acknowledges the recommendation from IWDG to consider the use of these. As committed to IWDG at a project meeting held in April 2022, Shelmalere Offshore Wind Farm Ltd. will seek future consultation with IWDG prior to site investigations to discuss the specifications of acoustic monitoring devices for marine mammals.

#### **IWDG Submission Point 4:**

*"The Annex IV Risk Assessment, page 20, Table 3-1 details single metric noise criteria for marine mammals from Southall et al. (2007). This information has been updated in Southall et al. (2019) with different values and it would be best to assess based on these. See table below from Southall et al. (2019)..."*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. notes IWDG's recommendation. This submission is consistent with IWDG's Submission (dated 17<sup>th</sup> November 2021) received and responded to during the Public Consultation on FS007261 under S.19 of Foreshore Act 1933, as amended (which ran from 2<sup>nd</sup> November- 1<sup>st</sup> December 2021). Shelmalere Offshore Wind Farm Ltd.'s response remains as follows: It is noted that the 2014 DAHG guidance document entitled 'Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters' references Southall et al. (2007). However, IWDG's point relating to Table 7 of Southall et al. (2019) is also noted. It is acknowledged that Southall et al. (2019) evaluates Southall et al. (2007) considering subsequent scientific findings and proposes revised noise exposure criteria to predict the onset of auditory effects in marine mammals. IWDG's recommendation is appreciated, and Shelmalere Offshore Wind Farm Ltd.

will ensure that Table 7 of Southall *et al.* (2019) is referenced alongside Southall *et al.* (2007) going forwards.

**IWDG Submission Point 6:**

*“The Annex IV Risk Assessment, page 27, soft-start, specifies a soft start period of 20-40 minutes. This is misleading. NPWS requirements are for a 40 minute soft start for boomers, sparkers and airguns and 20 minutes for the rest.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** IWDG’s submission point is noted. Shelmalere Offshore Wind Farm Ltd. will adhere to the 2014 DAHG guidance document entitled ‘*Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters*’. Should any such Guidance be updated ahead of the proposed site investigations, same will be considered in relation to the management of risk to Marine Mammals from anthropogenic sound sources.

**IWDG Submission Point 7:**

*“The Annex IV Risk Assessment, page 27, Line changes. Lines are not specified anywhere in the assessment documentation therefore likely implications for line changes is very difficult to assess. A tentative line plan would be welcome at least. A commitment to shutdown when not acquiring required data for over 40 minutes would also be welcome.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Any indicative line plans, if they were to have been submitted alongside this application for Foreshore licence, would have been subject to significant change as the contract for the proposed site investigation works has yet to be awarded. It is not possible to define the exact equipment and vessels, and so line plan, until the site investigation works are procured. As such, the inclusion of early indicative line plans alongside the application for Foreshore Licence would not help to inform any assessments within the *Risk Assessment for Annex IV Species*. IWDG’s recommendation relating to shutdowns is noted. Regarding shutdowns, Shelmalere Offshore Wind Farm Ltd. will adhere to the 2014 DAHG guidance document entitled ‘*Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters*’.

**IWDG Submission Point 8:**

*“Issues such as night time operations and time between end of ramp-up and data acquisition are not dealt with by the guidelines and not with here either.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. notes IWDG’s submission that primarily relates to a perceived short-coming of the existing 2014 DAHG Guidance. Shelmalere Offshore Wind Farm Ltd. will adhere to the 2014 DAHG guidance document entitled ‘*Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters*’ and consider any relevant updates to this Guidance ahead of the proposed site investigations. Shelmalere Offshore Wind Farm Ltd. also commits to employing a suitably qualified PAM operator and the relevant PAM equipment (i.e. towed hydrophone array) to facilitate real-time monitoring of PAM during periods of darkness or poor conditions where visual observations are not possible.

#### **IWDG Submission Point 9:**

*“The commitment to full reporting is noted (page 28, Risk Assessment for Annex IV species) with full MMO and Operations requirements to be met. Though Operations reporting as required is non-standard in the industry some of the information assists with regulatory monitoring.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. will adhere to the requirement of full reporting on the MMO operations and mitigations undertaken as outlined in Appendix 6 of the 2014 DAHG guidance document entitled ‘*Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters*’. As outlined in Section 4.3.7 of the *Risk Assessment for Annex IV species*, reporting will be provided to the NPWS to facilitate reporting under Article 17 of the EC Habitats Directive and future improvements to guidance.

#### **IWDG Submission Point 10:**

*“There seems to be only limited consideration for cumulative effects, with only FS006960 considered. Effects from FS007045, FS007339, FS007188, FS007038, FS007374, FS007222, FS007219, FS007224, FS007367, FS007330, FS007546, FS007163, FS007283, FS007464, FS007384, and FS007509 are all close to the proposed to development and should be considered as they may be within auditory range of the survey area.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Consideration of cumulative effects in the documents submitted in support of the application for Foreshore Licence was not limited to just consideration of FS006960 as stated in IWDG’s Submission Point 10. Instead, cumulative effects were considered for all relevant developments including other applications for Foreshore Licence that were published on the Government of Ireland Foreshore Notices [website](#) at the time of preparation of the documents submitted by Shelmalere Offshore Wind Farm Ltd. in support of the application for Foreshore Licence. Those other developments deemed relevant were those with potential for in-combination effects with the proposed site investigations. The full list of developments considered is detailed in the following sections of the document submitted in support of the application for Foreshore Licence as ‘*Supporting Information for Screening for Appropriate Assessment*’:

- Section 3.5 Other Proposals or Consents with a Marine element relevant to the Proposed Activities within the Foreshore Licence Application Area; and
- Section 6.4 Screening for In-combination Effects.

#### **Submission 2: Augustus Cullen Law on behalf of East Coast Fishers**

**Shelmalere Offshore Wind Farm Ltd. Response:** On review of the submission by Augustus Cullen Law on behalf of East Coast Fishers, the points within don’t appear to be directly related to Shelmalere Offshore Wind Farm Ltd.’s application for Foreshore Licence (FS007261) for proposed site investigations that underwent Public Consultation in accordance with Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011. Concerns outlined within the submission appear to be predominantly related to potential impacts associated with the presence of offshore wind farms across the wider Irish Sea, as opposed to the proposed site investigations for which a Foreshore Licence is being sought by Shelmalere Offshore Wind Farm Ltd.

## **Prescribed Bodies Submissions**

### **Submission 1: Marine Institute**

*“ In our previous submission (dated 16/11/2022), the Marine Institute advised 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. We reiterate these views here...*

*... In relation to cumulative effects with other activities, we draw the Department’s attention to fishery Natura assessments that have been carried out nationally and more specifically, in the Irish Sea. These reports can be found at the following link and give an indication of likely fisheries activities occurring in the area in question.*

*<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/natura2000sitesundermanagement/>”*

**Shelmalere Offshore Wind Farm Ltd. Response:** The in-combination appraisal included in the documents submitted in support of the Shelmalere Offshore Wind Farm Ltd. application for Foreshore Licence gave consideration to all relevant developments including other applications for Foreshore Licence that were published on the Government of Ireland Foreshore Notices [website](#) at the time of preparation of those documents. Those other developments deemed relevant were those with potential for in-combination effects with the proposed site investigations. The full list of developments considered is detailed in the following sections of the document entitled ‘Supporting Information for Screening for Appropriate Assessment’ submitted in support of the application for Foreshore Licence as:

- Section 3.5 Other Proposals or Consents with a Marine element relevant to the Proposed Activities within the Foreshore Licence Application Area; and
- Section 6.4 Screening for In-combination Effects.

Shelmalere Offshore Wind Farm Ltd. notes the reports linked in the Marine Institute’s submission and has added same to the catalogue of project resources for future reference.

### **Submission 2: Marine Survey Office (MSO)**

*“It is noted that application FS007261 Shelmalere Offshore Wind Farm Ltd PBC AA Consultation was submitted 07/10/2021 and subsequent engagements with the MSO by many OREI interested stakeholders, including the operators of Shelamere[sic] Project, have taken place. In these engagements the MSO has expressed minimum acceptable requirements to maintain safety of navigation in the development of OREI.*

*MSO has serious concerns to the safety of navigation by the risks posed by application FS007261 Shelmalere Offshore Wind Farm ‘Site Investigation footprint, in particular the southern boundary.*

*The Marine Survey Office has been consistent with it’s message that all OREI applications / proposals which encroach within 5 nautical miles of Traffic Separation Schemes and the approaches to ports would not be supported.*

*The Shelmalere [sic] Offshore Windfarm Ltd as per attached chart let which was submitted in the application*

- 1. Southern boundary encroaches within 5 nm of the northern terminations of Tuskar Traffic Separation Scheme*
- 2. Southern Boundary overlaps an extremely busy traffic route to and from Rosslare Harbour to the UK ports and European ports.*

*As per the attached the latitude of 52 degrees 20 minutes North (marked on chart let) is the southern most boundary of the Site Investigation Area (or any subsequent proposed siting of Wind Farms and / or subsea cables or infrastructure) acceptable by MNSO on grounds of maintaining of safety of navigation."*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. thanks the Marine Survey Office (MSO) for their comments to-date on this application for Foreshore Licence and on the wider Shelmalere Offshore Wind Farm development during a project meeting held 31<sup>st</sup> August 2022.

Shelmalere Offshore Wind Farm Ltd. notes that several of the MSO's submission points are predominantly related to the presence of an offshore wind farm, as opposed to the proposed site investigations for which this application for Foreshore Licence relates. Regardless, we note the helpful content in this submission for wider project reference.

It is noted that the MSO has stated in its submission that it has concerns for navigation related to risks posed by the application for Foreshore Licence, in particular the southern boundary of the Foreshore Licence Application Area. It is also noted that the MSO proposes that the southern extent of the proposed Foreshore Licence Application Area be limited to latitude line 52 degrees 20 minutes North (as marked up by the MSO on the chartlet included in their response). The underlying issues that have led to this comment, are (a) the potential proximity of the Foreshore Licence Application Area to the existing Off Tuskar Rock Traffic Separation Scheme (TSS), i.e. less than the 5 nm distance noted by the MSO, and (b) the overlap of the southern part of the Foreshore Licence Application Area with existing marine traffic routes.

These proposed site investigations would include some vessels towing specialist survey equipment in the water column whilst transiting at low speeds along pre-defined transects, as well as some surveys taking seabed samples from a (temporary) stationary position, after which they would relocate to the next sample location. At all times, care and consideration will be given during the proposed site investigations to other marine traffic in the area and all efforts will be made to ensure no disruption to existing traffic routes.

The proposed site investigations would be undertaken by fully registered, specialist surveys vessels that would comply with all relevant International and National marine legislation and requirements, in terms of markings/lighting (particularly in relation to any restrictions in their ability to manoeuvre) etc. The proposed site investigations would also be subject to formal hazard identification risk assessment workshops prior to any mobilisation works, to ensure key risks (such as potential interaction with existing marine traffic; proximity to the TSS), were fully assessed and, where appropriate, mitigation/control measures are introduced to the Survey Operating Protocols prior to works commencing.

Prior to the proposed site investigations, timely notice including key information on the survey vessels being used (vessel name, vessel type, bridge telephone number, bridge email details,

Call Sign and MMSI number) and also the planned location/duration of works will be given to maritime users (all Shipowners, Fishing Vessel Owners, Agents, Shipmasters, Skippers, Fishers, Yachtsmen and Seafarers) through the publication of Marine Notices. The project-specific Fisheries Liaison Officer (FLO) will also be used to disseminate such notices to all relevant fishers and fishing bodies.

### **Submission 3: Marine Advisor Engineering**

*“Yes I can you confirm that I have no further obs on the AA.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. thanks the Marine Advisor Engineering for their comments to date on the application for Foreshore Licence.

### **Submission 4: Marine Advisor Environment**

*“Your email of the 1<sup>st</sup> of November 2022 refers to this licence application to carry out a site investigation to determine the suitability of the Shelmalere Offshore Wind Farm Site off the coasts of counties Wicklow and Wexford for the development of an offshore wind farm.*

*This coastal and marine area of Ireland is of considerable ecological importance. The hydrographic conditions for the formation of sandbanks are limited around the Irish coast and the occurrence of this Annex I marine habitat are largely limited to the southwest of the island. Currents in this area are strong leading to the Annex I marine habitat Reefs having diverse communities with many of the species having a limited distribution elsewhere in Irish waters. There are many examples of Annex I coastal habitats in this area including two priority habitats.*

*This coastline is of immense ornithological importance as it provides feeding and roosting areas national and international bird species, particularly wintering species. It includes the Wexford Slobs which is the most important ornithological site in the country.*

*As you will note from the Marine Adviser’s Screening Stage Environmental Report of the 16<sup>th</sup> of September 2022 the outcome of the IEC’s review of the environmental reports associated with this application was agreed with and accepted.*

*As stated in my Prescribed Bodies Consultation of the 6<sup>th</sup> of December 2021 I have no objection to this application and on completion of the IEC’s work on this second consultation I will provide my final report with determinations which may include site specific conditions having regard to the information obtained during public and Prescribed Bodies consultation.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. notes the Marine Advisor Environment’s Submission. Shelmalere Offshore Wind Farm Ltd. recognises the ecological importance of the Southeast Irish Sea and has thoroughly considered same within appraisals of the proposed site investigations. We welcome the Marine Advisor’s comment that they have no objection to the application for Foreshore Licence.

### **Submission 5: Department of Environment, Climate and Communications**

*“Please see attached a submission on behalf of Geological Survey Ireland (a division of the Department of the Environment, Climate and Communications) for the subject entity.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** We note the Department’s letter and its helpful inclusion of the publicly available datasets that Geological Survey Ireland recommends use of and reference to during future environmental assessments.

### **Submission 6: Underwater Archaeology Unit**

*“The Department’s Underwater Archaeology Unit have advised that their previous observations and recommendations for Foreshore Licence FS007261 still stand at this stage.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. notes the recommendations made by the UAU in relation to *desktop study* and *field survey* as received during the Public Consultation under S.19 of Foreshore Act 1933, as amended (held in 2<sup>nd</sup> November- 1<sup>st</sup> December 2021). In its response to same (file name: ‘*Applicant Response to Public and Prescribed Bodies Submissions FS007261*’), Shelmalere Offshore Wind Farm Ltd. noted that the UAU will be invited to participate in the EIAR Scoping Exercise for Shelmalere Offshore Wind Farm. The EIAR Scoping Report for Shelmalere Offshore Wind Farm was issued to the DAU on the 23<sup>rd</sup> June 2022 and we thank the UAU for participating in a subsequent Technical Consultation Meeting on same held 27<sup>th</sup> September 2022.

### **Submission 7: National Parks and Wildlife Services (NPWS)**

*“NPWS have advised that their previous obs on this case still stand and no further obs required at this stage.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. notes the recommendations under “Nature Conservation” from the Department of Housing, Local Government and Heritage during the Public Consultation under S.19 of Foreshore Act 1933, as amended (held in 2<sup>nd</sup> November- 1<sup>st</sup> December 2021). As stated in our response to same dated 7<sup>th</sup> February 2022, Shelmalere Offshore Wind Farm Ltd. has no objection to adherence to the 2014 DAHG guidance document entitled ‘*Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters*’ being a condition to any Foreshore Licence awarded.

### **Submission 8: Inland Fisheries Ireland**

*“We have no further comment to make on this application.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. thanks Inland Fisheries Ireland for their comments to-date.



### **Submission 9: Department of Agriculture Food and the Marine**

*"I refer to your request for further comments/observations from this Department regarding this application.*

*Please note that this Department's Engineering Division had no further comments to make.*

*Please find attached the comments received from the SFPA."*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. thanks the Department of Agriculture Food and the Marine's Engineering Division for their comments to date. Response to the SFPA points attached to their submission are listed below.

### **Submission 10: Sea Fisheries Protection Authority**

#### **SFPA Submission Point 1:**

*"... The applied area of foreshore amounts to approximately 298.3 km<sup>2</sup> for the array and 341.4 km<sup>2</sup> for the cable route. There are a number of wild fisheries within the applied area. Fisheries data is currently lacking at a high resolution within the ICES Sub Area VIIa. The applied area falls within the statistical rectangles 34E3 and 33E3 and although vessel catch data is collected for vessels over the 12m length, a large number of vessels less than 12m may operate in the applied area fishing both static and active fishing gear where catch data may not be collected and which would provide greater accuracy in location and fishing effort within the applied area. The main species in the under 12m vessel range is primarily crustacean and bivalve. It is currently unknown if the activities of site investigations using sound instruments in profiling the seabed have a negative effect on marine organisms and therefore it is unknown at this stage if spatial squeeze will occur with the under 12m fleet should a negative effect on fishing effort in the applied area.*

*At this stage it is unlikely that the SFPA will experience difficulties with non-compliance issues assuming that spatial squeeze with the under 12m fleet does not happen.*

*The applicant has engaged the services of a fisheries liaison officer, community and stakeholder manager and given assurances in their application that notices to mariners will be published."*

**Shelmalere Offshore Wind Farm Ltd. Response:** SFPA's Submission Point 1 is noted. Shelmalere Offshore Wind Farm Ltd. is committed to continued engagement with fisheries through the Fisheries Liaison Officer (FLO) appointed to the project and through the Shelmalere Offshore Wind Farm Ltd. Community & Stakeholder Liaison Manager and wider project team. Shelmalere Offshore Wind Farm Ltd.'s FLO has to-date worked with both fishers and the Marine Institute to source all available information to further our understanding of fishing activity undertaken by vessels less than 12m in length within the Foreshore Licence Application Area. This includes the sourcing of iVMS data available from the Marine Institute.

### **SFPA Submission Point 2:**

*“...The proposed site investigations include 117 boreholes which in the cable investigation area are likely to be in the 20m depth range and the activity may cause an increase in the quantity of sediment in the shellfish harvested which may have an effect on the chemical quality of the flesh, Depending on the timing and duration of the proposed two stage investigations, measures may be needed to restrict access for dredge vessels to the area for the cable investigations as they can operate in depths of 15m.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Section 4.1 ‘Physical Disturbance to Marine Benthic Communities’ of the *Supporting Information for Screening for Appropriate Assessment* document submitted in support of the application for Foreshore Licence sets out potential impacts associated with the proposed site investigations, including those associated with boreholes referenced in SFPA’s Submission Point 2. As outlined in Section 4.1 of the *Supporting Information for Screening for Appropriate Assessment* document, the proposed Geotechnical sampling events are likely to cause insignificant deposition levels and an estimated area of only 1-2m<sup>2</sup> is expected to be affected per borehole, representing the likely footprint of the drill pipe penetration itself. The proposed site investigations are expected to induce low levels of deposition that are within storm background levels of sediment migration in the Foreshore Licence Application Area, given the fact the site is extremely exposed and prone to strong sea currents.

### **SFPA Submission Point 3:**

*“With any site investigations in or adjacent to classified shellfish production areas the risks of contamination of the shellfish which are destined for consumption comes from disturbance of the seabed from drilling boreholes and the possibility of a pollution incident from the investigation platforms (vessels and barges). Should a pollution incident occur during the investigations, the applicant must contact the SFPA Dunmore East and SFPA Howth Offices to limit the possibility of potentially contaminated shellfish being placed on the market.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** SFPA’s Submission Point is noted, Shelmalere Offshore Wind Farm Ltd. will notify the SFPA if a pollution incident were to occur.

### **Submission 11: Irish Lights**

*“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.*

*The foreshore license sought is located off Rosslare which is a high traffic density area. Irish Lights therefore advise consultation with local authorities and the Marine Survey*

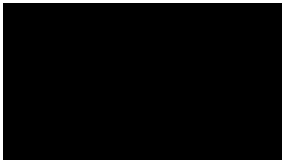
*Office (MSO), A Marine Notice should be published for the information of all local maritime users detailing the works and any vessels which may be engaged in Site Investigation works. Due to the large degree of commercial traffic in the vicinity of the proposed survey works, the need to increase the conspicuity of any buoys deployed is advised.*

*Within the proposed Investigative Foreshore Licence Application area there are a number of 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.”*

**Shelmalere Offshore Wind Farm Ltd. Response:** Shelmalere Offshore Wind Farm Ltd. notes the Commissioners of Irish Lights’ submission and will seek consent in the form of Statutory Sanction under the Merchant Shipping Act before any aid to navigation is established, altered or disestablished. Further, Shelmalere Offshore Wind Farm Ltd. will give timely notice before commencement of the proposed site investigations through the publication of Marine Notices and through its ongoing engagement with fisheries.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,



Environment Project Manager



DoHLGH File Reference: [FS007261](#)



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9<sup>th</sup> January 2023

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Y35 AP90

**Re: FS007261 Shelmalere Offshore Wind Farm – Site Investigations off Counties Wexford and Wicklow: Shelmalere Offshore Wind Farm Ltd.’ Response to Public & Prescribed Body Submissions on Public Consultation in accordance with Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011**

Dear [REDACTED]

I refer to your email dated 3<sup>rd</sup> January 2023 in relation to application for Foreshore Licence FS007261, and the submission made to your office by the Department of Agriculture, Food and the Marine (DAFM) dated 22<sup>nd</sup> December 2022. Please note Shelmalere Offshore Wind Farm Ltd.’s response to that submission as follows:

**Submission:** Bord Iascaigh Mhara point contained within DAFM submission

*“As there are fisheries subject to a Fisheries Natura Plan (Fisheries Natura Plan for mussel seed (Mytilus edulis) in the Irish Sea 2018-2023) in the area of the proposed site investigation works and aquaculture activities subjected to Appropriate Assessment (Wexford Harbour-see attached) near the proposed site investigation works an appropriate assessment for this application would need to take into account any “in combination effect” that the proposed site investigation works would have on Natura 2000 sites covered by the area of this application.”*

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Directors: [REDACTED]

## **Shelmalere Offshore Wind Farm Ltd. Response:**

Section 3.2 Fisheries and Aquaculture of the document entitled '*Supporting Information for Screening for Appropriate Assessment*' submitted in support of the application for Foreshore Licence identifies one aquaculture operation located off Kilmichael Point, approximately 1.5 km from the Foreshore Licence Application Area. The licence relating to that aquaculture operation is held by Irish Mussel Seed Company Ltd. for the collection of mussel spat using long lines between Clogga Bay and Kilmichael Point (Licence Reference No. T32/27), and the subsequent cultivation of that mussel seed.

The only potential in-combination effects on Natura 2000 sites identified in the document entitled '*Supporting Information for Screening for Appropriate Assessment*' in relation to the proposed site investigations are due to noise from geophysical survey activities. Such in-combination effects would only arise if two or more geophysical survey equipment operators are operating within close proximity, and would be dependent on the specification of the equipment being used as much of noise falls outside the hearing range of Annex II species. To the best of our knowledge, the operations of Irish Mussel Seed Company Ltd. does not include geophysical survey activities.

As outlined in Section 4.1 of the document entitled *Supporting Information for Screening for Appropriate Assessment* submitted in support of the application for Foreshore Licence, potential effects on Natura 2000 sites from the proposed intrusive site investigation activities (geotechnical drilling or benthic grab sampling) are considered extremely localised (immediate footprint of drilling or sampling equipment) with very small volumes of sediment disturbed (drilling) or substratum loss (benthic sampling). Therefore, unless these activities are undertaken within or immediately adjacent to a Special Area of Conservation (SAC), there is no pathway identified that could cause any effect on any protected Annex I feature for any SAC. The document entitled '*Supporting Information for Screening for Appropriate Assessment*' submitted in support of the application for Foreshore Licence outlines that the proposed site investigations are sufficiently distanced from SACs that the conservation objectives of their Annex I Habitats will not be affected.

As such, Shelmalere Offshore Wind Farm Ltd. does not see how the proposed site investigations described within the document entitled *Schedule of Activities* submitted in support of the application for Foreshore Licence FS007261 could cause any in-combination effects with the type of aquaculture activities at Kilmichael Point on any SAC. Shelmalere Offshore Wind Farm Ltd., with the support of its FLO, will continue engage with Irish Mussel Seed Company Ltd. as the project progresses. A log of the contact made with Irish Mussel Seed Company Ltd. to-date is appended to this letter for reference.

While the existing Kilmichael Point aquaculture licenced operation is in closest proximity to the Foreshore Licence Application Area, Section 3.2 of the document entitled '*Supporting Information for Screening for Appropriate Assessment*' submitted in support of the application for Foreshore Licence outlined that 15 no. aquaculture licences granted within Wexford Harbour were subject to appeal, according to the Aquaculture Licence Appeals Board (ALAB) website accessed 16/08/2021, ahead of the submission of the application for Foreshore Licence. These 15 no. appeals remain '*Pending Determination*' on the ALAB website (accessed 09/01/2023). The eastern edge of Outer Wexford Harbour in which those licenced areas subject to appeal are located is a minimum distance of ca. 13 km from the Foreshore Licence Application Area. Due to the localised nature of any potential impacts associated with the proposed site investigations, the licenced aquaculture areas subject to appeal within Wexford Harbour were scoped out of consideration for in-combination effects.

Beyond the location of the aquaculture licenced sites (existing or under appeal), mussel seed fishing takes place within Natura 2000 sites subject to the Fisheries Natura Plan (*Fisheries Natura Plan for*

*mussel seed (Mytilus edulis) in the Irish Sea 2018-2023*). The temporal extent of these fishing activities is restricted by control measures outlined within the Fisheries Natura Plan. The spatial overlap between those fishing activities and the site investigations proposed under the Shelmalere Offshore Wind Farm Ltd. application for Foreshore Licence is limited as those mussel seed fishing activities are within/directly adjacent to designated Natura 2000 sites that do not overlap the Foreshore Licence Application Area.

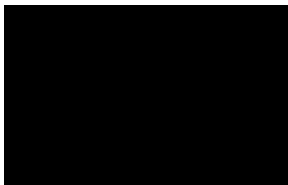
Potential in-combination effects due to mussel seed fishing subject to the Fisheries Natura Plan and the proposed site investigations would be limited to a potential increase in disturbance due to increased vessel activity and a potential increase in suspended sediments.

Given the transient nature of the proposed site investigations (see document entitled '*Schedule of Activities*' submitted in support of the application for Foreshore Licence), the restricted temporal periods for which mussel seed fishing takes place, and the lack of spatial overlap with aquaculture operations, it is considered unlikely that any increase in vessel activity resultant from in-combination effects would impact conservation features of Natura 2000 sites.

As outlined in Section 4.1 of the document entitled *Supporting Information for Screening for Appropriate Assessment* submitted in support of the application for Foreshore Licence, the proposed geotechnical sampling events are likely to cause insignificant deposition levels and an estimated area of only 1-2 m<sup>2</sup> is expected to be affected per borehole, representing the likely footprint of the drill pipe penetration equipment itself. Further, as the Foreshore Licence Application Area is extremely exposed and prone to strong sea currents, the proposed site investigations are expected to induce low levels of deposition that are within storm background levels of sediment migration in that area. Given the lack of spatial overlap with aquaculture activities (existing or under appeal) and the limited footprint of potential seabed disturbance, it is unlikely that any increase in suspended sediments due to in-combination effects would impact upon conservation features of the Natura 2000 sites.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,



Environment Project Manager



## Appendix

Shelmalere Offshore Wind Farm Ltd. has made the following contact with Irish Mussel Seed Company Ltd. seeking to engage on the Shelmalere Offshore Wind Farm development:

- 07/01/2021: Phone call between Fisheries Liaison Officer (FLO) for Shelmalere Offshore Wind Farm Ltd. and Irish Mussel Seed Company Ltd. Founder – General introduction;
- 08/06/2021: Phone call between FLO for Shelmalere Offshore Wind Farm Ltd. and Irish Mussel Seed Company Ltd. Founder – Project status update;
- 03/03/2022: E-mail from Shelmalere Offshore Wind Farm Ltd. to Irish Mussel Seed Company Ltd. Founder - Invite to register for virtual Public Information Evening for Shelmalere Offshore Wind Farm which then took place on 10/03/2022;
- 23/06/2022: E-mail from Shelmalere Offshore Wind Farm Ltd. to Irish Mussel Seed Company Ltd.– Alert to the publication of the [Environmental Impact Assessment Report \(EIAR\) Scoping Report](#) for Shelmalere Offshore Wind Farm;
- 24/06/2022: E-mail from EIAR Consultant to Irish Mussel Seed Company Ltd. – Alert to the publication of the [EIAR Scoping Report](#) for Shelmalere Offshore Wind Farm;
- 01/11/2022: E-mail to Irish Mussel Seed Company Ltd. Founder - Alert to Public Consultation in accordance with Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 on application for Foreshore Licence for the proposed site investigations (FS007261).