

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

6 March 2023

Sent via email: [REDACTED]@housing.gov.ie

SSE
Renewables
Red Oak South
South County
Business Park
Leopardstown
Dublin 18
D18 W688

Dear [REDACTED]

SSE Renewables submitted an application to the Department of Housing, Local Government and Planning (now known as the Department of Housing, Local Government and Heritage) in March 2019 to undertake geophysical, geotechnical and environmental site investigation works off Bunmahon Bay, County Waterford and Bannow Bay, County Wexford. This letter responds to the submissions from the prescribed bodies that were received in relation to our Foreshore Licence Application (Reference: FS006983) and in response to the statutory consultation that was undertaken between 30 November 2022 and 9 January 2023 in accordance with Regulation 42 of the European Communities (Birds and Habitats) Regulations 2011.

We would like to thank this opportunity to thank those prescribed bodies that took the time to review our Foreshore Licence Application and provide submissions during the statutory consultation period. We welcome the observations made and provide our responses as follows:

1) Submission 1

- a. Summary of submission received – No further comment at this time.
- b. Response – We thank you for this response and note that no further response is required from ourselves in relation to this submission.

2) Submission 2

- a. Summary of submission received – The historic observations of the Marine Institute (dated 26/6/2019) still stand. Additionally, given the importance of this area as spawning grounds for herring, the need to tailor survey programmes to identify the sensitive times of the year along with the commercial value and their importance as food resource for mammals and seabird species which are qualifying interests in adjacent SPAs has been noted.

The Marine Institute advises 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, wider effects on habitats and species (outside of licenced area) are also recommended to be assessed. It is the Marine Institute's 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. It is also recognised that this baseline data will facilitate future assessment of impacts of OREs beyond the footprint of the licence/lease area.

In relation to cumulative effects with other activities, the Marine Institute note there are Aquaculture licenced areas adjacent including in Bannow Bay, Waterford Harbour, Ballyteigue Bay and Dungarvan Harbour. DAFM have overseen the production of appropriate assessment reports which consider interactions between Natura qualifying interests and aquaculture operations (existing and proposed) that have been carried out nationally and specifically in Bannow Bay and Dungarvan Harbour. It is noted that these reports can be found at the online (link provided), give an indication of likely aquaculture activities occurring in the general area and conclude on their likely impact on Natura 2000 sites. The Marine Institute has also drawn the Department's attention to fishery risk assessments relating to Natura qualifying interests that have been carried out nationally and specifically on the south and west coasts. A link has also been provided to access those reports which can give an indication of likely fisheries activities occurring in the area in question.

- b. Response – Sensitive times for fish species are understood as detailed in Table 3-3 of the Supporting Document submitted as part of this Foreshore Licence Application (i.e. "Supporting document – Revised" available on the DHLGH application page under FS006983 with Document Reference: LF000037-REP-002_P2278_R4673_Rev4). The first response from the Marine Institute (in 2019) has been referred to in this response as it has raised a similar concern. The previous response to this 2019 submission also applies to this submission (available on the DHLGH application page under FS006983: SSE Renewables Celtic Sea):

"The proposed surveys will have a minimal effect on the seabed. The proposed surveys will be short-term and temporary activity and will not cause any permanent change to the seabed. Furthermore, the proposed seabed sampling as part of the survey works are likely to be carried out between the months April and October, outside of the pelagic herring and sprat spawning seasons (November – March) and therefore, will not have a significant effect to spawning habitats.

The assessment of effects (Ref: LF000037-REP-002_P2278_R4673_Rev4) have concluded that the marine survey will not have a significant impact on fish species. As stated under section 4.5.1.1 "Any loss of individuals (adults or juveniles) within the immediate area of the survey is considered to be unlikely and given the wider geographic extent of the spawning and nursery areas, the effect will be slight. Therefore, the effects of the marine survey on the Celtic Sea Herring Stock have been assessed and shown to not be detrimental".

Consideration was given to other planned activities in the area (at the time of submission of the application) that could interact to cause cumulative impacts (which the response has referred to as in combination impacts). It should be noted that operational and licensed activities in relation to aquaculture developments are already in existence and therefore not new or additional to the existing conditions. Aquaculture activities have therefore been considered to represent the 'baseline environment' and as such are not subject to cumulative (or in-combination) assessments. They are thus considered as part of the assessment of the proposed site survey and investigations on the baseline – i.e. as described in Sections 4.9.1 of the Supporting Document. Notwithstanding, we appreciate the information provided in relation to Appropriate Assessment reports and fisheries risk assessments. We will co-ordinate with any developers that are granted a Foreshore Licence

within the region on the timing of site investigation site survey and investigation to minimise cumulative impacts.

3) Submission 3

- a. Summary of submission received – the appropriate assessment screening report does not include the Barrow SAC despite the presence of the investigative works happening just outside this catchment.
- b. Response – Ballyteigue Burrow SPA (IE004020) and the River Barrow and River Nore SAC (IE002162) have been considered and assessed within Appendix A of the Supporting Document. This assessment concluded that there would be no Likely Significant Effect to the conservation objectives of these sites. Notwithstanding, it is noted that the River Barrow and River Nore SAC has not been considered and assessed within the Department’s assessment that was undertaken by Roughan O’Donovan on their behalf.

4) Submission 4

- a. Summary of submission received – There are aquaculture activities subjected to Appropriate Assessment (Bannow Bay and Ballyteigue) where the mouths of these bays are immediately adjacent to where the eastern arm of the foreshore site reaches land an appropriate assessment would need to take account of “in combination effects” that the proposed site investigations works would have on Natura 2000 sites covered in the area of this application.
- b. Response – The effect of the proposed site investigations on commercial fisheries habitats was considered within Section 4.9.1.2. Operational activities conducted at these licensed aquaculture sites are already in existence and therefore not new or additional to the existing conditions. Aquaculture activities have therefore been considered to be ‘baseline environment’ and as such are not subject to cumulative (or in-combination) assessments. They are thus considered as part of the assessment of the proposed site survey and investigations on the baseline – i.e. as described in Sections 4.9.1 of the Supporting Document. Further, Ballyteigue Burrow SPA (IE004020) and the River Barrow and River Nore SAC (IE002162) have been considered and assessed within Appendix A of the Supporting Document.

5) Submission 5

- a. Summary of submission received – No further Underwater Archaeology observations at this time and previous 2019 observations remain in place.
Nature Conservation (Marine Science and Biodiversity) - The proposed site survey to support the development of the Celtic Sea Array has been evaluated by a Natura Impact Statement and other documents. The conclusion of the Natura Impact Statement document is that the proposed works are unlikely to pose a significant likely risk to nature conservation interests in the vicinity with the application of appropriate mitigation. National Parks and Wildlife Service concur with this conclusion in relation to marine Annex I habitats provided the stated mitigation is undertaken. It is noted that a derogation may be required under Regulation 54 of European Communities (Birds and Natural Habitats) Regulations SI477/2011.
- b. Response – We thank you for this response and note that no further response is required from ourselves in relation to this submission.

6) Submission 6

- a. Summary of submission received – The Marine Survey Office has no objection to the application from a navigational safety perspective but raised the following points:
 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.
 2. The promulgation and frequency of Navtex and radio broadcast warnings shall be agreed in advance with the Irish Coast Guard for the duration of the license period.
 3. The marking and lighting of any 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.
 4. 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.
 5. Engagement with the Port of Waterford on planned operations considering the proximity of the site investigation area to the approaches to the port.
 6. All vessels engaged in the above must conform to Irish Certification standards and the vessels be manned by suitably qualified personnel, additionally where equipment is carried an Irish Load line survey may be required. The applicant should contact the Marine Survey Office Dublin for clarification in relation to the above matters.
 7. On completion of operations the applicant shall be obliged to inform the United Kingdom Hydrographic Office (UKHO) providing bathymetry data so that appropriate charts can be updated. (Fax: 0044 1823 284077, email: hdc@hdc.hydro.gov.uk).
- b. Response – We note these observations on navigational safety and will comply with the points raised in this submission. We thank you for this response.

7) Submission 7

- a. Summary of submission received – A summary of biodiversity (including Annex I habitats, Annex II migratory fish species, ornithology and ecosystems) and obligations under the Appropriate Assessment process has been described in this submission.
- b. Response - The Department for Housing, Local Government and Heritage will conduct an Appropriate Assessment of the activities proposed in this Foreshore Licence Application. Information to assist the assessment has been provided in Appendix A and Appendix B of the supporting document. The Screening Determination that has been signed by the Minister along with the Screening Report from the Independent Environmental Consultant, (Roughan O'Donovan were appointed on behalf of the Department of Housing, Planning and Local Government) and the supporting statement from the Marine Advisor has also been published on the webpage for this Foreshore Licence Application.

8) Submission 8

- a. Summary of submission received – Attention has been drawn to Appropriate Assessment Conclusion Statement by Licensing Authority in support of the Appropriate Assessment of Aquaculture in Bannow Bay Special Area of Conservation (SAC) (site code 000697), Bannow Bay Special Protection Area (SPA) (site code 004033), including consideration of Ballyteigue Burrows SPA (site code 004020), Keeragh Islands SPA (site code 004118) and Saltee Islands SPA (site code 004002 (Natura 2000 sites).
- b. Response – A summary of the information required and the Appropriate Assessment that was undertaken for the aquaculture activities in the relevant Natura 2000 sites has been provided. We note the conclusion and recommendation in relation to licensing those activities. However, it is considered that no further action or response is required given that this material has been provided for information to provide the context on the separate application that has been made for aquaculture activities in a separate location.

9) Submission 9

- a. Summary of submission received – Summary of the Conclusion Statement by Licensing Authority in support of the Appropriate Assessment of Aquaculture in Bannow Bay Special Area of Conservation (SAC) (site code 000697), Bannow Bay Special Protection Area (SPA) (site code 004033), including consideration of Ballyteigue Burrows SPA (site code 004020), Keeragh Islands SPA (site code 004118) and Saltee Islands SPA (site code 004002 (Natura 2000 sites).
- b. Response – A summary of the information required and the Appropriate Assessment that was undertaken for the aquaculture activities in the relevant Natura 2000 sites has been provided. We note the conclusion and recommendation in relation to licensing those activities. However, it is considered that no further action or response is required given that this material has been provided for information to provide the context on the separate application that has been made for aquaculture activities in a separate location.


10) Submission 10

- a. Summary of submission received – Several points were addressed by the Sea Fisheries Protection Agency (SFPA):
 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. Due to the non-invasive nature and short duration of the surveys the SFPA do not think the proposed activities would have a significant impact on the wild fisheries in the area.
 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. There are shellfish growing areas located in Bannow, in one of the survey areas. These will need to be taken into consideration when completing surveys. However, as the surveys are non-invasive this shouldn't interfere with these growing areas. There is no impact anticipated on seafood safety. The location are the wind farms themselves won't interfere with coastal shellfish sites due to 25km distance from the coast. The project should not impact on SFPA officials or cause any disturbance to shellsan sampling.

3. Possible impacts, if any, on seafood safety - There are no food business operators in close proximity to either survey site that could be impacted by these surveys or the proposed wind farms.
- b. Response – We note and appreciate the SFPA confirming that they also do not anticipate any impacts on wild fisheries in the area, shellfish growing areas, seafood safety and/or SFPA activities. Whilst the SFPA have referred to the proposed offshore wind farm, it should be noted that design development is ongoing (including siting). Further, an EIAR and relevant AA documentation would be prepared to provide the relevant assessments of the offshore wind farm and support any planning application(s) should the development progress to planning and consenting stages.

We would like to thank the Department for their ongoing support with this Foreshore Licence Application. We look forward to hearing from you and thank you for taking the time to consider these responses and the submissions that have been received.

Yours sincerely,



Consents Manager