

Submission HLG 00453-23: Appropriate Assessment Determination on Foreshore Licence Application FS007161 Fuinneamh Sceirde Teoranta (FST) for Site Investigations of the offshore array area at Sceirde Rocks, Co. Galway

TO: Minister of State O'Donnell
STATUS: Completed
PURPOSE: For Decision and Signature

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DIVISION: Foreshore
DECISION BY: 17/08/2023

Final comment

Read and approved by Minister O'Donnell 21/8/2023

Action required

Ministerial Determination on Appropriate Assessment, and signing of the Appropriate Assessment Conclusion Statement (Tab 01), if approved.

Executive summary

Fuinneamh Sceirde Teoranta (FST) have applied for a Foreshore Licence under Section 3 of the Foreshore Act 1933 to conduct site investigations off County Galway to inform the engineering and design of a potential Sceirde Rocks Offshore Wind Farm.

As part of the assessment of this application the then Minister of State Burke was required to make a Screening for Appropriate Assessment determination in accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations').

The Appropriate Assessment Screening process determined that an Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect the integrity of European sites.

See: [HLG 00527- 22 Screening for FS007161 Fuinneamh Sceirde Teoranta \(FST\) for Site Investigations of the offshore array area at Sceirde Rocks, Co. Galway](#)

Having considered all relevant material a recommendation has been made that the Minister accepts and adopts the Appropriate Assessment Report (**Tab 02**) and determines that the proposed project, either alone or in-combination with other projects, will not adversely affect the integrity of European sites, in view of the said sites' conservation objectives.

Detailed information

Background

Corio Generation and Ontario Teachers Pension Plan are the owners of Fuinneamh Sceirde Teoranta (FST) and are progressing the development of the Sceirde Rocks Offshore Wind Farm. *(To note: Corio Generation is 100% owned by Green Investment Group which was referenced in the Screening for Appropriate Assessment submission)*

Sceirde Rocks Offshore Wind Farm is a fixed bottom offshore wind farm off the West Coast of Ireland and under the Transitional Protocol is recognised as a Relevant or Phase One project. As such, Sceirde Rocks Offshore Wind Farm is a high priority project and was one of the projects awarded a Maritime Area Consent (MAC) by Minister for Environment Climate and Communications on 23 December 2022. Details available at <https://www.gov.ie/en/publication/fab8f-maritime-area-consent-mac/> . Sceirde Rocks Offshore Wind Farm will be targeting an accelerated delivery programme for this offshore project to meet government renewable energy targets pre-2030.

This application specifically relates to a foreshore license for site investigation activities in the wind farm array area only. The objective of the proposed Sceirde Rocks Offshore Wind Farm site investigations is to determine geotechnical, geophysical, metocean, wind resource and benthic characteristics within the Foreshore Licence Area. Details of the site investigations, and

indicative locations, can be found in the 'Schedule of Activities' document submitted with this application.

If the Foreshore Licence Application activities, together with desktop studies and stakeholder engagement indicate the feasibility of developing an offshore wind farm, the project will be progressed at that point in accordance with the National Marine Planning Framework and other relevant legislation including the new consenting regime for offshore renewable energy the Maritime Area Regulatory Authority (MARA) which was established on 17 July 2023 as legislated for under Maritime Area Act 2021, as amended.

This Foreshore Licence Area in this application covers only the offshore array area. An additional foreshore licence application for the required offshore export cable route has been submitted separately (FS007543 Link to Department website: [gov.ie - FS007543 Fuinneamh Sceirde Teoranta - Site Investigations for the proposed Sceirde Rocks Offshore Wind Farm \(Export Cable Corridor\)](https://www.gov.ie/en/publications-and-statements/publication-FS007543-Fuinneamh-Sceirde-Teoranta-Site-Investigations-for-the-proposed-Sceirde-Rocks-Offshore-Wind-Farm-Export-Cable-Corridor/) (www.gov.ie))

Brief Description of Works

The proposed site investigations works will be undertaken over the course of a 5-year Foreshore licence period. The proposed works include geotechnical, geophysical, metocean, wind resource and benthic ecological surveys.

The geotechnical surveys includes:

- * Borehole Sampling
- * Shallow Sampling
- * Down Hole Acoustic Imaging
- * Core Penetration Tests

Preliminary bathymetric and geophysical Surveys include:

- * Contiguous acquisitions including multibeam echosounder (MBES)
- * Side scan sonar (SSS), magnetometer, sub-bottom profiler (SBP) and
- * Seismic survey using Ultra High Resolution Seismic (Boomer/Sparker).

Metocean /Wind resource/Benthic Surveys include:

- * Wave Buoy devices
- * Floating LIDAR buoy
- * Drop Down Video/Camera
- * Water Sampling
- * Grab Sampling

Fuinneamh Sceirde Teoranta (FST) are seeking a Foreshore Licence to carry out site investigation activities for the Sceirde Rocks Offshore Wind Farm located approximately 5km off the coast of County Galway. This work will provide a detailed understanding of the existing seabed and sub-seabed conditions. The overall area which is the subject of this application is 141km²

This Appropriate Assessment (Stage 2) is being conducted in order to ascertain whether the application for a Foreshore Licence by FST, to undertake site investigation activities, will adversely affect the integrity of the Natura 2000 sites identified by AA Screening (Stage 1) for the likelihood of significant effects.

A foreshore licence, if granted, will permit those site investigation activities that will result in physical interaction with or disturbance of the Foreshore. The proposed site investigation activities which are the subject of this application are fully assessed under the relevant environmental legislation.

Environmental Assessment

Screening for Appropriate Assessment (Environmental Assessment)

As part of the assessment of this foreshore licence application, the Department's Marine Advisor (Environment) undertook a Screening for Appropriate Assessment (Stage 1 screening) of the likelihood of significant impact on European sites from the application for a Foreshore Site Investigation Licence.

Application documents submitted by Fuinneamh Sceirde Teoranta (FST) were examined by Department's Marine Advisor and informed the Screening for Appropriate Assessment.

The Department's Foreshore Notice page, currently containing the Application Form (**Tab 05**), Foreshore Licence Map (**Tab 06**) and all other supporting document are at:

gov.ie - FS007161 Fuinneamh Sceirde Teoranta - Site Investigations for the proposed Sceirde Rocks Offshore Wind Farm (www.gov.ie)

The Screening for Appropriate Assessment Report was completed by the Department's Marine Advisor (Environment) on the 8th November 2022. It concluded that likely significant effects as a result of this project, alone or in-combination with other plans and projects, on the conservation objectives of European sites cannot be excluded and therefore an Appropriate Assessment is required.

The following recommendation was made in relation to the Screening for Appropriate Assessment by the Minister:

In accordance with Article 6(3) of the EU Habitats Directive (Directive92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the Site Investigation surveys off the coast of County Galway individually or in combination with other plans or projects, would be likely to have a significant effects on any European site.

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is required as the project, individually or in combination with other plans or projects, is likely to have a significant effect the integrity of European sites, in view of the said sites' conservation objectives.

This determination is based on the location, scale, extent and duration of the proposed site investigations, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

A submission on Screening for Appropriate Assessment was made to the Minister of State for the Department of Housing, Local Government and Heritage, who made a determination following Screening that an Appropriate Assessment was required as the project individually or in combination with other plans or projects, was likely to have a significant effect on a European site. (Submission attached below).

The Department's Marine Advisor (Environment) drafted the Screening Determination for Appropriate Assessment which was approved and signed by the Minister.

Public consultation under Section 19 of the Foreshore Act 1933, and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011:

A public consultation period was held between Wednesday 04 January 2023 and Thursday 02 February 2023. Notification of the Public Consultation details were published in the Irish Examiner, Clare Champion and the Connacht Tribune.

In addition to the application documents and Natura Impact Statement (**Tab 15**) submitted by FST, the following documents were also on public display at the below locations between Wednesday 04 January 2023 and Thursday 02 February 2023 and published on the Department's website:

- Screening for Appropriate Assessment Submission
- Screening Determination for Appropriate Assessment
- Marine Advisor Environment Screening Stage Report
- Screening for Appropriate Assessment (prepared by MA)

gov.ie - FS007161 Fuinneamh Sceirde Teoranta - Site Investigations for the proposed Sceirde Rocks Offshore Wind Farm (www.gov.ie)

Display Locations:

- Clifden Garda Station, Galway Rd, Clifden, Co. Galway. 095-22500/085-8814626
- Carna Garda Station (by appointment only), Carna, Co. Galway (contact Eoin O Malley, 085-8814626 or eoin.p.omalley@garda.ie)

- Kilrush Garda Station, Ennis Rd, Kilrush, Co. Clare. 065-9080550
- Planning Department, Galway County Council, County Buildings, Prospect Hill, Galway. 091-509000
- Clare County Council, Planning Department, New Road, Ennis, Co. Clare. 065-6846232
- Clifden Library, Market Street, Clifden, Co. Galway. 091-509616
- Kilkee Library, O Connell Street, Kilkee, Co. Clare. 065-9056034

A second public consultation was held to correct a typographical error in the public notices relating to the closure date and the reference numbers of the initial public consultation, held between the dates of 4 January 2023 and 2 February 2023.

The second consultation was held between Monday 30 January 2023 and Tuesday 28 February 2023. Notification of the Public Consultation details were published in the Irish Examiner, Clare Champion and the Connacht Tribune.

A copy of the application, relevant documents, and Screening documents were available for inspection, between Monday 30 January 2023 and Tuesday 28 February 2023, at the following viewing locations:

- Clifden Garda Station, Galway Rd, Clifden, Co. Galway. 095-22500/085-8814626
- Carna Garda Station (by appointment only), Carna, Co. Galway (contact Eoin O Malley, 085-8814626 or eoin.p.omalley@garda.ie)
- Kilrush Garda Station, Ennis Rd, Kilrush, Co. Clare. 065-9080550
- Planning Department, Galway County Council, County Buildings, Prospect Hill, Galway. 091-509000
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- Clifden Library, Market Street, Clifden, Co. Galway. 091-509616
- Kilkee Library, O Connell Street, Kilkee, Co. Clare. 065-9056034

Application documents and notice of the consultation were published in the appropriate locations on the Department's website.

gov.ie - FS007161 Fuinneamh Sceirde Teoranta - Site Investigations for the proposed Sceirde Rocks Offshore Wind Farm (www.gov.ie)

Following receipt of the Public and Prescribed Body observations from the above consultations, the Applicant submitted an updated Natura Impact Statement to reflect the Department's Marine Advisor's Environmental recommendations. The updated Natura Impact Statement was examined by the Department's Marine Advisor Environmental and deemed to contain sufficient additional information to require further public consultation. Therefore a Repeat Consultation period was required under Section 19 of the Foreshore Act 1933, and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011.

The repeat consultation was held between Tuesday 2nd May 2023 and Wednesday 31st May 2023. Notification of the Public Consultation details were published in the Irish Examiner, Clare Champion and the Connacht Tribune.

A copy of the application, relevant documents, Screening documents and updated NIS (**Tab 16**) were available for inspection, between Tuesday 2nd May 2023 and Wednesday 31st May 2023, at the following viewing locations:

- Clifden Garda Station, Galway Rd, Clifden, Co. Galway. 095-22500/085-8814626
- Carna Garda Station (by appointment only), Carna, Co. Galway (contact Eoin O Malley, 085-8814626 or eoin.p.omalley@garda.ie)

- Kilrush Garda Station, Ennis Rd, Kilrush, Co. Clare. 065-9080550
- Planning Department, Galway County Council, County Buildings, Prospect Hill, Galway. 091-509000
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- Kilkee Library, O Connell Street, Kilkee, Co. Clare. 065-9056034

Application documents and notice of the consultation were published in the appropriate locations on the Department's website.

gov.ie - FS007161 Fuinneamh Sceirde Teoranta - Site Investigations for the proposed Sceirde Rocks Offshore Wind Farm (www.gov.ie)

Public Submissions and Assessment

In the interests of public participation any member of the public that had made a submission in the first period of public consultations was contacted individually to inform them of the second period of consultation. They were also contacted individually to inform them of the repeat period of consultation.

31 public submissions were received during the 1st consultation and the 2nd consultation.

These submissions were consolidated **(Tab 07)** and forwarded to the applicant. The applicant's response to the public submissions is at **(Tab 08)**.

26 Public submissions were received during the repeat consultation period.

These submissions were consolidated **(Tab 09)** and forwarded to the applicant. The applicant's response to the public submissions is at **(Tab 10)**.

Prescribed Bodies Consultation

Foreshore Regulations 2011 (S.I. No. 353 of 2011) provides under regulation 3 that when considering a foreshore application, as set out under section 18A (1) of the Act of 1933, the Minister may seek observations from a number of prescribed bodies.

For this application, observations were requested from the following for all consultations :

- Marine Institute
- Marine Survey Office
- Department of Housing, Local Government, and Heritage Underwater Archaeology and Nature Conservation Units
- Department of Agriculture Food and the Marine
- Sea Fisheries Protection Authority
- Inland Fisheries Ireland (IFI)
- Galway County Council
- Clare County Council
- Irish Lights
- Water and Marine Advisory Unit – Engineering and Environment (DHLGH)
- Depart of Environment, Climate and Communications

The prescribed bodies that responded had no objection, in principle, to the project and provided commentary. Observations received were forwarded to the Applicant Collated responses from the first and second consultation periods are at Tab 11 and the final consultation at Tab 12 **(Tab 11 & 12)**. The Applicant provided a response to the Prescribed Body Observations **(Tab 13 & 14)**.

All submissions made by the prescribed bodies have been considered as part of the Appropriate Assessment.

Recommended conditions will be considered as part of the assessment of this application.

MLVC

Please note that the MLVC report **(Tab 17)** is being attached at AA Determination stage for information purposes only in matters

related to the environmental assessment process.

Appropriate Assessment

The Appropriate Assessment Screening process determined that that an Appropriate Assessment is required as the project, individually or in combination with other plans or projects, is likely to have a significant effect the integrity of European sites, in view of the said sites' conservation objectives and therefore a stage 2 Appropriate Assessment was required.

The Department's Marine Advisor (Environment) completed the Appropriate Assessment in August 2023 **(Tab 02)** and identified the mitigation measures required to ensure that the proposed project, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Europeans Site. The Department's Marine Advisor (Environment) provided an Environmental Assessment and Determination Report **(Tab 03)** and an Appropriate Assessment Conclusion Statement (Determination) for Signing by the Minister **(Tab 01)**.

Environmental Impact Assessment Regulations:

The proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive and therefore an Environmental Impact Assessment Report (EIAR) is not required. A Preliminary Examination for EIA document has been completed by the Department's Marine Advisors as part of their obligations under the EIA Directive, it is concluded having considered the information an EIAR is not required **(Tab 04)**.

Recommendation

A recommendation has been made that the Minister adopts the Appropriate Assessment Report and reaches the following Appropriate Assessment Determination:

The Appropriate Assessment Screening process determined that likely significant effects could not be ruled out with respect to disturbance from underwater noise to qualifying interests of a number of European sites within the Zone of Influence of the proposed project.

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage made a determination following screening that an Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect the integrity of European sites, in view of the said sites' conservation objectives.

Measures to mitigate against the likely significant effects were identified and these measures have been included as licence conditions **(Tab 18)**. Strict adherence to these measures is considered appropriate mitigation to avoid significant effects on conservation objectives of any European site.

It is therefore determined that the proposed project, either alone or in-combination with other projects, will not adversely affect the integrity of any European Site.

The Appropriate Assessment report prepared by the Department's Marine Advisor (Environment) is attached at **(Tab 02)** and the adoption of this report is recommended. The Appropriate Assessment Conclusion Statement prepared by the Department's Marine Advisor (Environment), for Ministerial Determination, is attached at **(Tab 01)** for signing.

Submitted for decision and Signature.

Related submissions

HLG 00527 -22: Screening for Appropriate Assessment Determination on Foreshore Licence Application FS007161 Fuinneamh Sceirde Teoranta (FST) for Site Investigations of the offshore array area at Sceirde Rocks, Co. Galway

HLG 00457 -23: Foreshore Licence Application FS007161 Fuinneamh Sceirde Teoranta (FST) for Site Investigations of the offshore array area at Sceirde Rocks, Co. Galway

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