

# Submission HLG 00457-23: 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: 21/08/2023

## Final comment

Read and approved by Minister O'Donnell 22/8/2023

## Action required

Ministerial approval is sought to grant a Foreshore Licence to Fuinneamh Sceirde Teoranta (FST) under Section 3 of the Foreshore Act 1933, as amended, to carry Site Investigations of the offshore array area at Sceirde Rocks, Co. Galway

## Executive summary

The approval of the Minister is sought to grant a Foreshore Licence to Fuinneamh Sceirde Teoranta (FST) under Section 3 of the Foreshore Act 1933, as amended for a term of five (05) years, to carry Site Investigations of the offshore array area at Sceirde Rocks, Co. Galway.

## Detailed information

Fuinneamh Sceirde Teoranta (FST), are applying for a Foreshore Investigation Licence from the Department of Housing, Local Government and Heritage (DHLGH) to undertake site investigations to determine the geotechnical, geophysical, metocean, wind resource and benthic characteristics of the proposed Sceirde Rocks Offshore Wind Farm site. This Foreshore Licence Application is for site investigation activities only, there will be no permanent structures erected as part of the proposed activities.

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 at the proposed wind farm array site for five years. The overall area which is the subject of this application is 141km<sup>2</sup>.

### Brief Description of Works

This Foreshore Licence Application seeks consent to conduct site investigation activities for the Sceirde Rocks Offshore Wind Farm located approximately 5km off the coast of county Galway. The Foreshore Licence Area site measures 141 km<sup>2</sup>, and covers the intended area required to deliver a 450MW offshore wind farm project.

The objective of the proposed Sceirde Rocks Offshore Wind Farm survey campaign is to determine geotechnical, geophysical, metocean, wind resource and benthic characteristics within the Foreshore Licence Area.

Further details of the proposed activity are outlined in the application form(attached) and at the link:

[gov.ie - FS007161 Fuinneamh Sceirde Teoranta - Site Investigations for the proposed Sceirde Rocks Offshore Wind Farm \(www.gov.ie\)](https://www.gov.ie/en/publication/fab8f-maritime-area-consent-mac/)

The Application form submitted by Fuinneamh Sceirde Teoranta (FST) is attached at **(Tab 01)**

The Foreshore Licence Map is attached at **(Tab 02)**

## Companion Consents:

A foreshore licence was granted to Fuinneamh Sceirde Teo for site investigations in 2002 and this was subsequently extended in 2007 (to May 2008). In addition, a further foreshore licence application was submitted in 2008. Both these previous applications did not cover the same coordinates as the Foreshore Licence Area in this application.

More recently, a foreshore licence application for site investigation in the Sceirde Rocks OWF export cable corridor (FS007543) was submitted in 2022.

## Consultations

### **Public Consultation under Section 19 of the Foreshore Act 1933, and Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended**

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 submitted by FST, the Screening for Appropriate Assessment 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:

[gov.ie](http://gov.ie) - FS007161 Fuinneamh Sceirde Teoranta - Site Investigations for the proposed Sceirde Rocks Offshore Wind Farm ([www.gov.ie](http://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 [evin.p.omalley@garda.ie](mailto:evin.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 above viewing locations and appropriate locations on the Department's website.

[gov.ie](http://gov.ie) - FS007161 Fuinneamh Sceirde Teoranta - Site Investigations for the proposed Sceirde Rocks Offshore Wind Farm ([www.gov.ie](http://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 were available for inspection, between Tuesday 2nd May 2023 and Wednesday 31st May 2023, at the above viewing locations and appropriate locations on the Department's website.

[gov.ie - FS007161 Fuinneamh Sceirde Teoranta - Site Investigations for the proposed Sceirde Rocks Offshore Wind Farm \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/publication/fs007161-fuinneamh-sceirde-teoranta-site-investigations-for-the-proposed-sceirde-rocks-offshore-wind-farm/)

### 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 2<sup>nd</sup> 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 in respect of all consultation periods:

- 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

Observations were forwarded to the applicant **(Tab 11 & 12)** and there were no objections in principle to the proposed works. The submitted observations and the applicant's response to these Prescribed Body observations **(Tab 13 & 14)**, have been considered as part of the Appropriate Assessment.

Recommended conditions have been considered as part of the Appropriate Assessment and were also considered as part of the assessment of this application.

## **Environmental Assessments**

### **Screening for Appropriate Assessment**

As part of the assessment of the foreshore licence application, the Department's Marine Advisor (Environment) conducted a Screening for Appropriate Assessment (stage 1 screening) and, if required, an Appropriate Assessment (stage 2), of the likelihood of significant impact on European sites from the application for a foreshore licence. The Department's Marine Advisor (Environment) completed the Screening for Appropriate Assessment report (**Tab 03**) in November 2022, which 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.

### **Screening for Appropriate Assessment Determination:**

The Minister adopted the Screening for Appropriate Assessment report and determined that an Appropriate Assessment was required (see [HLG 00527-22 \(cloud.gov.ie\)](#))

### **Appropriate Assessment**

An Appropriate Assessment was undertaken by the the Department's Marine Advisor (Environment) in August 2023. The conclusion of the AA Report (**Tab 04**) stated measures to mitigate against the likely significant effects were identified and these measures have been included as licence conditions. 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.

### **Appropriate Assessment Determination:**

Upon a review of all materials of the application, the Minister concurred with the Departments Recommending Officer accepted and adopted the Appropriate Assessment conclusions. The AA Determination Submission was signed by the Minister on **21/08/2023 (Tab 17)**

(see [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](#) )

### **Risk Assessment for Annex IV:**

The Department's Marine Advisor (Environment) concluded the following in their Environmental Report (**Tab 05**):

Article 12 of Directive (92/43/EEC) (as amended) (Habitats Directive): A Risk Assessment for Annex IV species likely to occur in Irish waters was carried out by the applicant. The report states that all marine surveys will be carried out in accordance with the mitigation and guidelines provided in the 'Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters' (DAHG, 2014). The report concludes that the proposed site investigation activities will not have an adverse effect on the conservation status of the identified Annex IV species throughout their natural range.

### **Estate management**

All foreshore is presumed state owned unless proven otherwise. In this case there are no known established claims of private ownership of the foreshore at this location. Subject to no claims of private ownership arising out of the application and public consultation process, the foreshore the subject of this application is state owned. Section 3 of the Foreshore Act applies for the proposed site investigation. The licence area for the proposed works is shown outlined on the following map submitted by the applicant:

- Map No: L100725-S00\_Location\_Foreshore.mxd, Date 6/04/2022 and entitled 'Figure 1 Rev 1 Foreshore Licence Map'

The site investigation will have no permanent impact on other legitimate users or existing access arrangements. The applicant shall use that part of the foreshore, the subject matter of the application for the purposes as outlined in the application and for no other purposes whatsoever. Where relevant the foreshore and adjacent seashore area shall be restored to its natural state on completion of the works to the satisfaction of the Department of Housing, Local Government and Heritage

### **Environmental Impact Assessment EIA Regulations**

A number of boreholes are proposed as part of this activity to ascertain the soil conditions in the survey area. The proposed project is for site surveying including boreholes to test the suitability of the sub sea bed conditions. This activity which is to ascertain soil stability does not fall within the classes defined under Annex I or Annex II of the EIA Directive and it is concluded based on the referred to report and the developments outlined in the Annex's of the EIA directive that an EIAR is not required. The EIA pre -screening form completed by Department's Marine Advisor (Environment) is attached at **(Tab 06)**.

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

### **National Marine Planning Framework (NMPF)**

The National Marine Planning Framework (NMPF) is a national plan for Ireland's marine area including the Foreshore. It sets out, over a 20-year horizon, how we want to use, protect and enjoy our marine area. The NMPF sits at the top of the hierarchy of plans and sectoral policies for the marine area and provides a coherent framework in which those sectoral policies and objectives can be realised. All decisions on individual applications determined under the Foreshore Act, must secure and be consistent with the objectives of the plan, similar to the way that terrestrial plans form part of the decision-making tool-kit in the on-land planning process. NMPF objectives are supported by specific policies that articulate factors that can form part of objective consideration.

Having reviewed and assessed the information on file for this application to conduct an ORE Site Investigation against the objectives of the NMPF, the MLVC was satisfied the proposed works do not act significantly against any objective within the NMPF. Furthermore, the project is aligned and secures key sectoral/activity objectives including Energy – Offshore Renewable. Of particular relevance is ORE Policy 2 as this application relates to a 'Relevant Project' as designated under the Transition Protocol. It is considered that ORE Site Investigation is aligned with and secures the objectives set out in the NMPF.

The Climate Action Plan recommits Ireland to the ambition to install 5GW of offshore wind capacity in our maritime area by 2030, and introduces a new objective, that by the same year, up to 80% of our electricity will be sourced from renewables. In addition to increasing our renewable energy share, these targets will support our carbon emission reduction commitments, meet anticipated increases in domestic electricity demand and increase our security of electricity supply.

### **Public Interest**

Section 2 and 3 of the 1933 Foreshore Act, as amended, states that a lease or licence of state foreshore may be granted "If, in the opinion of the Minister, it is in the public interest". As foreshore is a finite and valuable national resource and public amenity, it is important that each plan and project is fully assessed to ensure, that if consented to, it is a sustainable and proper use of that finite and valuable resource. Having considered and assessed the relevant issues associated with the proposed site investigation, while taking note that the state owned foreshore is finite resource which must be utilised sustainably, the MLVC was satisfied that the proposed works are in the Public Interest.

### **Marine Licence Vetting Committee (MLVC)**

This application is for the carrying out of site survey work to inform future development of off shore wind array. It is considered that this site surveying activity is required to inform an application for an off shore wind array, in the general area outlined on the submitted maps. It is further noted that this proposed array is a project that satisfies the definition of relevant maritime usage under the Maritime Area Planning Act and its progression through the various consenting process has been accorded a high priority.

Submissions by the public and the prescribed bodies have been considered and responded to by way of proposed conditions attached. In particular the issues raised through submissions have been considered both as part of this report but also as part of the environmental assessment reports, all of which form the overall assessment of this proposed application.

Significant appropriate consideration has been given to environmental matters which is reflected in this report. The supporting environmental reports formed part of this assessment. In combination effects have been considered.

The development of off shore wind developments is an important element of Government energy policy which has been further enunciated in the recently published energy security framework. It is both necessary and appropriate that surveying work be undertaken so as to site future proposed in locations technologies that is geotechnical safe. This application is such an activity and is considered to be necessary and appropriate.

It is concluded that taking account of the totality of the documentation on file and subject to compliance with the specific conditions set out below, the proposed works would will not adversely affect Fishing, Navigation or the Environment and is in the Public Interest.

Therefore it is recommended that the Minister issues a Foreshore License for the proposed site investigation activities as set out in

the application, subject to the conditions as set out below.

Therefore **the MLVC recommend that the Minister** having regard to the totality of the documentation on file relating to this proposed development, a foreshore license be granted for this proposed development subject to the recommended conditions **(Tab 16)**. The MLVC Report is attached at **(Tab 15)**.

The following submitted documentation were considered by the MLVC:

The following documents were considered and assessed:

Application form

Foreshore Licence Map

PBC obs and Applicant responses to PBC obs

Screening for Appropriate Assessment Report

EIA pre- screening

Natura Impact Statement

Updated Natura Impact Statement

Risk Assessment for Annex IV Species

National Marine Planning Framework Policy Compliance Assessment

Screening Stage Environmental Report

Screening Determination for Appropriate Assessment

Environmental Assessment and Determinations Report

### **Agreement of the Applicant**

The Applicant has agreed to the recommended conditions attached at **(Tab 16)**, which will be attached to the licence if granted.

### **Financial Considerations**

Fuinneamh Sceirde Teoranta (FST) have agreed to pay a once off fee of € [REDACTED]

### **Notification of Ministerial Determination**

If approval is granted by the Minister, Fuinneamh Sceirde Teoranta (FST) will be informed accordingly, an appropriate licence will issue for execution, and a Notice of Determination regarding the decision (including the reasons) will be published on the Department's website.

The Notice of Determination will address:

The outcome of the Minister's determination of the application.

The main reasons and considerations for the Minister's determination.

- A statement that all relevant documentation on which the determination is based is available for inspection on the website of this Department and at the Department's Wexford office.

- Confirmation that a review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's determination may be challenged, together with practical information on the review procedure.

#### **Submitted for approval 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 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

#### User details

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