

FS007161

**REPORT OF THE MARINE LICENCE VETTING COMMITTEE
(MLVC)**

ON

FORESHORE LICENCE APPLICATION FOR:

Site investigation works to determine the geotechnical, geophysical, metocean, wind resource and benthic characteristics of the proposed Sceirde Rocks Offshore Wind Farm site.

LOCATION:

Off the coast of County Galway

APPLICANT:

Fuinneamh Sceirde Teoranta

17th August 2023

The Marine Licence Vetting Committee (MLVC)

The Marine Licence Vetting Committee (MLVC) is a non-statutory multi-disciplinary committee which is convened, as required, for the purposes of undertaking a technical assessment and an environmental assessment of an application under the Foreshore Act 1933, as amended. Members undertake to participate in each instance voluntarily, as representatives of their individual organisations.

The Foreshore Section of the Department of Housing, Local Government and Heritage requested the MLVC to undertake the technical assessment detailed below for case FS007161.

This report has been compiled based on consideration of submissions made by prescribed bodies, departmental technical advisers and independent environmental consultants (as required), the information submitted by the applicant and submissions made by the public to make an integrated recommendation on the proposal before the Minister.

1.0 Project Overview

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 it is anticipated that this project will be prioritised through the Foreshore License process, the MAC award process and subsequently will be one of the first projects eligible for the first ORESS-1 auction. 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.

2.0 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 km², 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. A summary of the proposed programme of surveys to be undertaken within the Foreshore Licence Area can be found in Table below

SURVEY	METHODS	PURPOSE AND SCOPE
Geotechnical	Borehole Sampling	Provide geotechnical data to aid with preliminary engineering, foundation design and array layout. Up to 60No. boreholes required using Cable Percussive Sampling and/or Rotary Coring techniques (depth of borehole will not exceed 70m).
	Down-hole Acoustic Imaging	Imaging of rock structure within boreholes to determine the nature, orientation and spacing of rock discontinuities and assess zones of core loss.
	Shallow sampling	Shallow sampling (60No. locations) may be used to determine the near surface sediment properties. This could utilise a combination of grab samples, Vibrocores, and gravity cores. These techniques would typically range from 0.5 to 6m penetration and would extract a shallow sample for further lab testing and visual descriptions.
	Cone Penetration Tests (CPT)	CPTs are used to derive in-situ geotechnical parameters. CPTs will be targeting Quaternary and pre-Quaternary sediments, where present. Up to 60No. CPT locations using Seafloor CPT methodology.
Preliminary bathymetric and geophysical	Contiguous acquisitions	Multi-sensor survey to include some of the following: multibeam echosounder (MBES), side scan sonar (SSS), magnetometer, sub-bottom profiler (SBP) and a seismic survey using Ultra High Resolution Seismic (Boomer/Sparker).
Metoccean	Metoccean measurement devices (e.g. Wave buoys)	Up to three metoccean measurement devices (for example, wave buoys may be deployed at three different locations covering an extreme case and a site representative case to define wave height and direction).
Wind resource	Floating LiDAR Buoy	Floating LiDAR used to measure the wind resource within the Foreshore Licence Area. Up to two measurement locations considered due to the size of the area.
Benthic Ecology	Drop Down Video/Camea	Drop down video surveys provide visual data on environment epibiota and sediment type, this will be used to provide an overview of the

SURVEY	METHODS	PURPOSE AND SCOPE
		seabed habitat. In addition, dive surveys may be required where a potential reef environment is identified.
	Water Sampling	Used to provide data on suspended sediment concentrations within water column. This information will be used to inform decisions regarding coastal processes and sediment dynamics assessment. will be collected throughout the water column and over different cycles
	Grab Sampling	Used to investigate sediment habitat types and determine physico-chemical characteristics (such as organic content and particle size) and day grabs. Up to 40 grab sample stations (using day grab or van grab) will be acquired across the site

3.0 Other Relevant Consents and Relevant Government policy

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.

The published Programme for Government had committed to achieving 5GW capacity in offshore wind by 2030 off Ireland's Eastern and Southern coasts. The Government has recently agreed to increase our 5GW ambition for offshore wind energy, with an additional 2GW dedicated to green hydrogen production, Furthermore, the National Marine Planning Frameworks states that "Proposals that assist the State in meeting the Government's offshore renewable energy targets including the target of achieving 5GW of capacity in offshore wind by 2030 and proposals that maximise the long-term shift from use of fossil fuels to renewable electricity energy, in line with decarbonisation targets, should be supported. All proposals will be rigorously assessed to ensure compliance with environmental standards and seek to minimise impacts on the marine environment, marine ecology and other maritime users."

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.

4.0 Public Participation

The Foreshore Section of the DHLGH conducted the public consultation. All consultation was undertaken to conform to the requirements of the Section 19 of the Foreshore Act 1933 as amended, Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 and the European Directive 2003/35/EC (known as the Public Participation Directive or “PPD”).

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.

A copy of the application and the relevant documents, maps, plans and drawings, were available for inspection, between Wednesday 04 January 2023 and Thursday 02 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
- 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 and the relevant documents, maps, plans and drawings, 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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Application documents and notice of the consultation were published in the appropriate locations on the Department's website.

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 and the relevant documents, maps, plans and drawings and updated NIS 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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Application documents and notice of the consultation were published in the appropriate locations on the Department's website.

Public Submissions and Assessment

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

26 Public submissions were received during the repeat consultation period.

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. All public consultation submissions and applicant responses can be found on the Department's website and their contents have been considered.

All submissions received have been considered. All public consultation submissions and applicant responses can be found on the Department's website.

The submissions essentially raised a range of similar concerns which can be grouped into the following points:

- The impact of a wind array on the natural landscape particularly in relation to visual amenity. Particular comment was made on the scale of the envisaged development, with some reference for the siting of any future array further off shore up to 22kms and be floating.
- Negative impacts on bird species population, protected habitats and other protected species including marine mammals.
- Negative effects on the fishing industry and detrimental effect on the marine species fished in the area. Possible future negative effects on tourism and island communities was raised
- Concerns raised in respect of the validity of the environmental assessments, including base data used.
- The level of detail provided with respect to indicative locations and borehole material.
- Reference was made to further need to take in combination effects into consideration, including the possible effects of previous surveys
- Possible impact on Atmospheric Research Station at Mace Head run by NUIG.
- Concerns of possible project splitting due to two applications for Site investigation activities- one for the cable routes and the other for the potential array location.

- The administration of the process, including lack of documents in the Irish language and the suggestion for wider public consultation along with improved details of any future development.
- Other issues raised included objection to the project being a designated project, the possible effect of any future development on mental health and that Galway Bay should be a marine protected area.

Response to issues raised from Public consultation.

As part of the Appropriate Assessment of the application all submissions were considered and the Appropriate Assessment report forms part of this assessment. In addition to the consideration of third party submissions in the appropriate assessment report it should be noted that this proposal which is under consideration solely relates to site investigation works, in this case for the location of an offshore wind array.

While the results of any investigations will inform the layout, location of and other engineering considerations of a potential layout and location of an offshore wind array and there is a concurrent application for site investigations to inform a future cable route from a proposed wind array to shore, it is considered these are site investigation activities that are temporary, of a surveying nature focused on ascertaining the ground conditions and given their nature do not fall within projects referred to in Annex 1 and 2 of the EIA directive.

Many of the submissions relate to possible impacts, in particular implications for visual amenity impacts of a windfarm development. This is not what is being proposed or considered as part of this application. Any future development proposal will be the subject of a separate assessment including appropriate environmental and amenity considerations. It will also be the subject of a separate public consultation procedure.

It is Government policy to support the appropriate development of off shore wind farms to support the wider decarbonisation of the electricity network, reduce the national reliance on imported fossil fuels and to improve national energy security. The preparation of any detailed application for an offshore wind farm array does require significant site investigation work. This is to allow for the identification of geotechnical, hydrological and environmental conditions in the general survey area which will allow for the appropriate location for any proposed wind farm array and electricity cable link to the national grid that takes appropriate account of the engineering, geotechnical, hydrological and environmental conditions. Detailed site surveying is a necessary and appropriate activity that is required to take place in advance of any project that involves a potential construction project.

The possible effects of future wind energy developments on fishing activities is a matter which will require ongoing consideration. With respect to this particular application, as referred to above it is considered prudent and reasonable that in line with Government policy that information is obtained that will inform future development proposals that will allow such applications to be made in a robust and informed manner.

It is considered reasonable and appropriate that in the interests of balancing the needs of existing users of the marine environment with that of the prospective future users that appropriate liaison structures be established. In this regard the appointment of a fisheries liaison officer should be a condition of any licence that may be granted.

With respect to environmental concerns raised concerns have been considered as part of the environmental assessment which have been referred to in other parts of this assessment. The environmental considerations of this particular application have been extensively considered and have included the undertaking of an appropriate assessment which was the subject of additional public consultation referred to above. Those submissions have been considered as part of the appropriate assessment which forms part of this overall assessment report. With respect to cumulative effects these have been considered in detail as part of the accompanying environmental reports and assessments. It is recommended that a condition be attached to reflect mitigating any potential in combination effects that may arise

An issue raised in a number of submissions is the indicative nature of the proposed site surveying locations. This is considered to be reasonable as the purpose of site investigations is gain a more complete understanding of the undersea and under seabed conditions, this will require flexibility as to the siting of particular borehole locations which will be governed by the specific local conditions. It is considered that the outline of the survey area is clear and the environmental considerations have been assessed appropriately. As this is for temporary activates in pursuance of site investigations the submitted information is considered to be both reasonable and acceptable.

With respect to potential negative effects on atmospheric research, it should be noted that this application is for site investigations in the marine environment. The activities proposed generally relate to subsea investigations. There is considered to be no potential for these activities to have a negative effect on a research station that is located on shore and is dedicated to atmospheric research.

Reference was made to a range of issues that are not within the purview of the assessment of this application, these include possible effects on mental health and the designation of this project as a phase one project. The designation of this project was on foot of a decision by Government. With respect to the availability of documents these were carried out in accordance with the Foreshore Act. With respect to possible impacts of the proposed development on mental health. Mental health is a serious and complex issue. However this application is for site investigations at sea for a limited temporary period and as such matters relating to mental health are not considered to be relevant appropriate considerations for this assessment.

Submissions received have been considered as part of this assessment including the environmental assessment reports that have included a consideration of submissions relating to environmental assessment.

5.0 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:

- 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

All submissions made by the prescribed bodies have been considered as part of this assessment, including as part of the appropriate assessment report.

The prescribed bodies that responded had no objection, in principle, to the project and provided commentary which is listed in the Consolidated Prescribed Bodies and Public Submission document on the Department's website.

A number of the submissions from the Prescribed Bodies raised particular observations and put forward suggested conditions to be included in any consent issued, these will be considered for their appropriateness.

6.0 Environmental Assessment

As part of the comprehensive environmental assessment of this application, the Department's Marine Advisor's Environmental conducted assessment of the information provided by the Applicant, having regard to compliance with the Habitats Directive, the Birds and Natural Habitats Regulations and taking account of the public and prescribed bodies' consultations where relevant. This work has informed this assessment and the required environmental concluding decisions as required.

Environmental Impact Assessment (EIA) Regulations

The submitted application is for site investigations only. The environmental effects of the proposed activities have been considered by the Department's Marine Advisor's Environmental. This report forms part of the basis of this assessment and is considered robust, comprehensive and its conclusions are agreed with. Prospective environmental effects have been considered as has the received third party submissions. With respect to uses specified under the EIA directive. 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.

Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive)

Following a review of the proposed project, the Department's Marine Advisor's Environmental completed a Screening for Appropriate Assessment which concluded that a Stage 2 Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites.

Having considered the application and the Screening for Appropriate Assessment report which was prepared by the Department's Marine Advisor Environmental, the Screening for Appropriate Assessment and its conclusions is agreed with.

As a result of the outcome of the Screening for Appropriate Assessment, the Department's Marine Advisor Environmental carried out a review of the applicant's Stage 2 Appropriate Assessment. They concluded that the proposed development, individually or in-combination with other plans or projects, will not adversely affect the integrity of European sites outlined in the report in view of the said sites' conservation objectives.

With respect to the environmental considerations and observations raised as part of the public consultation process these have been considered as part of the environmental reports prepared and recommended by the Department's Marine Advisor Environmental. These reports form part of the overall assessment of this application. The responses to these submission is agreed and forms the considered response to issues raised by third parties in respect of environmental issues.

Having considered the application, the submissions from the public and prescribed bodies' consultations and the Department's Marine Advisor Environmental assessment and endorsement of the Screening for Appropriate Assessment and Stage 2 Appropriate Assessment, this assessment report supports and adopts the Marine Advisor (Recommending Officer) Appropriate Assessment Conclusion Statement and Determination. The Consent Authority (DHLGH) must publish this Appropriate Assessment Conclusion Statement and Determination as part of their obligations under the Directive.

Article 12 of the Habitats Directive (92/43/EEC) affords strict protection to those species listed in Annex IV, wherever they occur. Therefore a risk assessment to Annex IV species from a project must take place prior to commencement of works.

The applicant provided a Risk Assessment for Annex IV species in its Environmental Assessment and Environmental Impact Assessment Screening Report. This report stated that the protocols in the Guidance to Manage the Risk to Marine Mammals from Man-made Sound (DAHG 2014) will be followed at all times. It therefore concluded that it is very unlikely that any Annex IV species will be injured or disturbed as a result of the proposed works. Having considered the application by Fuinneamh Sceirde Teoranta and the applicant's Risk Assessment of Annex IV species the Department's Marine Advisor Environmental agreed with and accepted this conclusion.

In the interests of clarity this assessment accepts and adopts the conclusions with respect to environmental assessments carried out as part of the consent process for this application.

7.0 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.

National Marine Planning Framework.

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, I am 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.

8.0 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, I am satisfied that the proposed works are in the Public Interest.

9.0 MLVC Conclusions

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 in Section 10. 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, the MLVC recommend that the Minister issues a Foreshore Licence for the proposed site investigation activities as set out in the application, subject to the conditions set out below.

The MLVC also recommends that the Minister:

- 1) makes a finding that that the proposed site investigation activities, individually or in-combination with other plans or projects, will not adversely affect the integrity of European sites outlined in the report in view of the said sites' conservation objectives, and
- 2) Adopts the findings of the risk assessment to Annex IV species that has been carried out.

10.0 Recommended Conditions.

1. The Licensee shall use that part of the foreshore, the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever and shall ensure that the survey activities are carried out and completed in accordance with the plans and particulars lodged with the application.
2. The works shall be located as outlined on Map No: Map No: L100725-S00_Location_Foreshore.mxd, Date 6/04/2022 and entitled 'Figure 1 Rev 1 Foreshore Licence Map'
3. The Licensee shall notify the relevant regulatory Authority, currently the Maritime Area Regulatory Authority – (MARA) at least 14 days in advance of the commencement of any works (including geophysical or geotechnical surveys) on the foreshore. This is to be done by submitting documentary evidence to include details of any engagement and operational procedures agreed with other maritime users.

4. During the course of the works the Licensee shall ensure that existing public access arrangements are maintained, where possible, and all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation.
5. At the end of each phase and/or calendar year, the Licensee shall inform the relevant regulatory authority (MARA) of the work completed to date and the works planned for the coming year.
6. The Licensee shall submit, to the relevant regulatory authority (MARA), the 'as deployed' location for all monitoring devices.
7. On completion of the site investigation the Licensee shall ensure that all equipment and materials are removed and the foreshore is reinstated to its natural condition to the satisfaction of the Department of Housing, Local Government and Heritage.
8. The Licensee shall ensure that contractors, and their subcontractors, are made aware of all conditions and project specific requirements and they are required to have briefings on these to ensure all parties are fully aware of these requirements.
9. The licensee shall ensure that the mitigation measures set out in section 4.2 of the Natura Impact Statement of 14th of April 2023 shall be carried out in full.
10. The licensee shall ensure that there is strict adherence to the DAHG 2014 Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters when carrying out all geophysical and geotechnical surveys.
11. The licensee is required to provide details of all acoustic surveys undertaken to marine.env@housing.gov.ie. This data is to be provided in the reporting format of the OSPAR Noise Registry (see Impulsive noise reporting formats at: <https://www.ospar.org/work-areas/eiha/other/reporting-formats>
12. The licensee shall ensure that all vessels used are free of invasive marine species on their hulls and in their ballast water.
13. The licensee shall ensure that appropriate methods of operation are adopted in order to ensure that no spillages of fuel, hydrocarbons or other hazardous substance occur to the foreshore or surface waters during the site investigation. In the unlikely event of a spill occurring all relevant statutory bodies, including BIM, shall be notified as soon as possible.
14. The licensee shall appoint a Fisheries Liaison Officer who shall consult with relevant fisheries agencies and groups in addition to charter boat skippers in order that appropriate actions can be taken to avoid or minimize any interactions with ongoing fishing / angling and other tourism activities in the area and ensuring that survey activities can be completed safely and without damage to fishing gear, survey equipment or vessels during the course of the investigations.

15. The licensee shall ensure that the use of soft-start and ramp-up procedures for any sound-generating surveys undertaken – both on a day-to-day basis and on re-start after any stoppages within any day shall be undertaken.
16. The timing of the proposed works should be carefully considered in order to reduce potential interference with the natural movements of these diadromous species (salmon, eel and lamprey).
17. In the event of a pollution event occurring the licensee shall immediately contact the following SFPA offices;
 - Ros An Mhil Port Office; rossaveal@sfpa.ie +353 91 572405
 - Clonakilty Food Safety & Fisheries Support; sfpafood&fisheriessupport@sfpa.ie +353 238859300
18. (A) A desk study Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded by the licensee to the National Monuments Service of the Department of Housing, Local Government and Heritage for review and approval prior to the geophysical survey works taking place. The desktop assessment will allow for the identification of wrecks and other underwater archaeological features and areas of potential within the Foreshore Licence Application Area so that when geophysics is being undertaken, their locations will be known in advance and they can be targeted for specific survey methodologies, as appropriate. The assessment shall include a full inventory and mapping of the sites of all identified and recorded archaeological/cultural heritage features and structures (including industrial, vernacular and maritime/fishing structures) and any wrecks or potential wrecks within the Foreshore Licence Application Area identified from a review of the Wreck Inventory of Ireland Database and any previous geophysical survey data sets available. Where archaeological materials/areas of archaeological potential, wrecks are shown to be present, the report shall recommend mitigation measures and shall highlight how these areas will be targeted for detailed geophysical survey. Having completed the work, a written report shall be submitted to the National Monuments Service for review and no works shall be undertaken until a response has been received.
- (B) The proposed geophysical surveys shall be carried out in advance of any geotechnical works and in advance of the deployment of metocean monitoring equipment, to ensure all potential impacts to the underwater cultural heritage are avoided.
- (c) A Protocol For Archaeological Discoveries shall be agreed in advance of the commencement of any geophysical or geotechnical works with the National Monuments Service of the Department of Housing, Local Government and Heritage.
- (D) Geophysical survey of all geotechnical and potential areas of physical impact is required. At a minimum geophysical surveys shall include archaeologically applicable side scan, sonar, magnetometer and multibeam echo sounder. The geophysical surveys shall be licenced under the National Monuments Acts 1930-2014. A Dive Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required. Licence applications, accompanied by Method Statements, shall be sent for vetting to the National Monuments Service of the Department of Housing, Local Government and Heritage.

- (E) Should any dive surveys be required in connection with proposed geophysical surveys and archaeological surveys these shall be licenced (Section 3 1987 National Monuments Act). Any dive survey shall be accompanied by a handheld metal detection survey which shall also be licenced (Section 2 1987 National Monuments Act). All archaeological diving shall comply with the Health and Safety Authority's Safety, Health and Welfare at Work (Diving) Regulations 2018/2019.
- (F) An Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded to the National Monuments Service of the Department of Housing, Local Government and Heritage for review and approval prior to the geotechnical works taking place. The UAIA shall augment the previous desk study assessment and shall include the following:
- I. Results of geophysical survey data sets assessment by a suitably qualified and experienced archaeologist to ensure that proposed geotechnical works do not negatively impact on locations where there is known or potential archaeology and to ensure no samples or cores are taken from an area where a wreck site is located. The archaeologist should also be suitably experienced, with a track record in dealing with and the interpretation of marine geophysical data for archaeological purposes, including ensuring it is of sufficient specification for the identification of underwater cultural heritage.
 - II. Outcome of a detailed visual walk-over survey accompanied by a metal detection survey of any areas proposed for SI works on the foreshore/intertidal zone.
 - III. Assessment of geophysical data for all proposed geotechnical investigation locations (including the taking of vibro-cores and grab samples). The assessment shall be undertaken by a suitably and demonstratively qualified archaeologist to ensure that the proposed works do not negatively impact on locations where there is known or potential archaeology and to ensure no samples or cores are taken from an area where a wreck site is located.
 - IV. Once all surveys and interpretations have been completed, the full information should be compiled into a UAIA report and submitted to the National Monuments Service for review and further comment, prior to undertaking any invasive geotechnical works. The UAIA Report should contain a detailed Archaeological Impact Assessment that addresses all identified potential impacts on underwater archaeological heritage and should also make recommendations on mitigation measures to avoid or mitigate all impacts. Potential secondary or indirect impacts, such as access roads or construction works to facilitate access to the waterways, for example, shall also be included. If potential or identified sites, features or artefacts cannot be avoided (preservation *in situ*) by geotechnical works, then the UAIA Report Recommendations should put forward an archaeological mitigation strategy to address this, including preservation by record (archaeological testing and/or full archaeological excavation). Where archaeological material/features are shown to be present, preservation in situ, avoidance, preservation by record (archaeological excavation) or archaeological monitoring may be required. The Licensee shall be prepared to be

advised by the National Monuments Service in this regard or in regard to any subsequent recommendations that may issue.

- (G) Following the completion of all geotechnical works the licensee shall furnish the project archaeologist with the results of all site investigation works and shall provide them access to site investigation cores and physical samples for review. Where potential submerged palaeolandscape deposits are identified they shall be, where suitable samples are available, radiocarbon dated in agreement with the National Monuments Service and subject to approval of Licences to Alter and Export from the National Museum of Ireland. Following the completion of all geotechnical and archaeological works and any necessary post-excavation specialist analysis, the National Monuments Service shall be furnished with a final archaeological report describing the results of the works. All resulting and associated archaeological costs shall be borne by the developer.
19. 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.
 20. 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.
 21. 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.
 22. 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.
 23. 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.
 24. 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)
 25. Prior to commencement of works dialogue must take place between Fuinneamh Sceirde Teoranta and other operators in the area to ensure no temporal overlap with surveys likely to produce in-combination effects. In carrying out this dialogue the licensee shall liaise with operators engaging in surveys likely to produce in-combination effects, including geophysical, geotechnical and seismic surveys within 60km of the boundary of the Foreshore Licence Application Area. The 60km zone reflects the importance of this area to the marine mammals considered in the Appropriate Assessment.

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Senior Adviser (Planning)
17/08/23

Note for applicant: It is a matter for the applicant to satisfy themselves that they have other appropriate regulatory consents that may be needed including Dumping at Sea permit required from the Environmental Protection Agency (EPA) and Annex IV Derogation Licence application which must be submitted to and determined by NPWS. Details available at <https://www.npws.ie/licensesandconsents/disturbance/application-for-derogation-licence>