

# FS007354 Kinsale Offshore Wind Ltd – Site Investigations for the proposed Kinsale Project offshore wind farm

## Prescribed Bodies Consultation

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## 1. Irish Lights



Commissioners of  
**IRISH LIGHTS** | Navigation  
and Maritime  
Services

Commissioners of Irish Lights  
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Co. Dublin, Ireland

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19 May 2023

Minister for Housing,  
Local Government and Heritage,  
Foreshore Section,  
Department of Housing,  
Local Government and Heritage,  
Newtown Road,  
Wexford,  
Y35 AP90

Dear Ing-Marie,

Thank you for contacting Irish Lights requesting observations on this foreshore licence application FS007354 dated 28<sup>th</sup> April 2023.

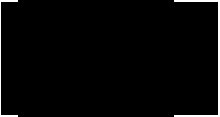
Irish Lights notes from the application that there may be a number of Aids to Navigation (AtoN) deployed: Wave buoys, Lidar buoys and Acoustic Doppler Current Profilers. Before any aid to navigation can be established, altered or disestablished consent in the form of Statutory Sanction under the Merchant Shipping Act must be obtained from the Commissioners of Irish Lights. The aid must be coloured and marked as per IALA (International Association of Marine Aids to Navigation and Lighthouse Authorities) Standards.

The foreshore license sought is located in a relatively high traffic density area. Irish Lights therefore advise consultation with local authorities and the Marine Survey Office (MSO), A Marine Notice should be published for the information of all local maritime users detailing the works, and any vessels which may be engaged in Site Investigation works.

The Schedule of works document refers to "Wave, Lidar and ADCP buoys". Any Appropriate Assessment activity conducted as part of this licensing process should include the impact of the deployment of surface marking buoys and associated moorings which are required as part of the project.

If you have any queries, please do not hesitate to contact myself or a member of the team.

Yours sincerely,



***Navigation Services Manager***

## 2. Marine Survey Office

**From:** [REDACTED] (Transport) <[REDACTED]@transport.gov.ie>  
**Sent:** Wednesday 24 May 2023 17:20  
**To:** Ing-Marie Shore (Housing) <[REDACTED]@housing.gov.ie>  
**Cc:** Transport MSO <MSO@transport.gov.ie>; [REDACTED] <[REDACTED]@housing.gov.ie>; [REDACTED] <[REDACTED]@housing.gov.ie>; [REDACTED] <[REDACTED]@housing.gov.ie>; [REDACTED] (Housing) <[REDACTED]@housing.gov.ie>; [REDACTED] <[REDACTED]@npws.gov.ie>  
**Subject:** RE: PB Notice for FS007354 Kinsale Offshore Wind Ltd, Site Investigations for the proposed Kinsale Project offshore wind farm, off County Cork

Good day Ing-Marie,

After careful consideration the Marine Survey Office has no objection to the above referenced application from a navigational safety perspective.

However the following points shall be of note;

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 Ports of Cork and Kinsale on planned operations considering the proximity of the site investigation area to the approaches to the ports.
- 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](mailto:hdc@hdc.hydro.gov.uk))

Regards,

[REDACTED]

*Nautical Surveyor  
Marine Survey Office*

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**An Roinn Iompair**  
*Department of Transport*

**Lána Líosain, Baile Átha Cliath, D02 TR60**  
Leeson Lane, Dublin, D02 TR60

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Office + [REDACTED]  
Mobile + [REDACTED]

[REDACTED]@transport.gov.ie  
[www.gov.ie/transport](http://www.gov.ie/transport)



#### **MARINE LICENCE VETTING COMMITTEE:**

**RE: Request for observations FS007575 Kinsale Offshore Wind Limited Site Investigations for Export Cable Corridor for proposed Offshore Wind Farm, off County Cork**

**And FS007354 Kinsale Offshore Wind Ltd, Site Investigations for the proposed Kinsale Project offshore wind farm, off County Cork**

**Request for observations from Ms. Ing Marie Shore (DHLGH) dated 28.04.2023**

#### **Overview:**

##### Cable corridor:

To gather further information on seabed and sub-seabed conditions.

- To gather sufficient geotechnical data on the stability of soils, sediments, clays and gravels to allow the characterisation of the sub-seabed strata to inform design.
- To provide the project team with baseline information on the environmental conditions along the export cable corridor, including marine ecology, bird, mammals and benthos.
- To provide the project team with information on the archaeological conditions along the export cable corridor.

##### Site investigations

To gather further information on seabed and sub-seabed conditions.

- To gather sufficient geotechnical data on the stability of soils, sediments, clays and gravels to allow the characterisation of the sub-seabed strata to inform design.
- To collect accurate wind and metocean (wave, current, tide and water levels) information.
- To provide the project team with baseline information on the environmental conditions at the site, including marine ecology, bird, mammals and benthos.
- To provide the project team with information on the archaeological conditions at the site.

#### **IFI Comment**



For FS 007354 the NIS does not mention diadromous fish species despite the Blackwater River SAC, Lower River Suir (SAC), River Barrow and River Nore SAC, containing diadromous species which can be affected by noise as they are undertaking their migration journey. These species are covered in the SISAA report and in the non environmental report but not sure why it is not referred to in the NIS.

IFI believe that as twaite shad can be found feeding in coastal areas and they are hearing specialist; taking the precautionary approach twaite shad for the following SAC's should be screened in Munster Blackwater SAC, Lower Suir SAC and River Barrow, Nore SAC. The following mitigation measures should be applied to reduce the impact the planned surveys will have on these species.

The mitigations for fish should cover:

- Reduction in the number of sound-requiring test types to be employed
- 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
- duration of noise-generating surveys to be reduced to the minimum necessary to collect results of sufficient quality
- Agreed timing of works so as not to interfere with migration times of fish life stages
- Short sampling window to mitigate long term effects

The south and south east coast of Ireland is a world renowned location for recreational angling with angling centres and charter skippers. The impact of works on the recreational fish species and their habitats should be taken into account.

A project environmental management plan (PEMP) will be developed and adherence to this should be a condition of the foreshore licence to ensure no adverse effects to the natural environment as a result of this work.

We ask that the local IFI office is informed 5 days before the start of surveys.  
[macroom@fisheriesireland.ie](mailto:macroom@fisheriesireland.ie)

██████████ (IFI R&D) and ██████████ (IFI)  
26.05.2023

## 4. DHLGH Marine Advisor (Environment)



An Roinn Tithíochta,  
Rialtais Áitiúil agus Oidhreacht  
Department of Housing,  
Local Government and Heritage



Dear Ing-Marie Shore,  
Foreshore Unit,  
Department of the Housing, Local Government and Heritage,  
Newtown Road, Co. Wexford  
30<sup>th</sup> May 2023

### **Prescribed Bodies Consultation - Environmental Report**

**Re:** FS007354 to conduct site investigation surveys to assess the suitability of the area for the installation of a proposed windfarm array off the coast of Co. Cork.

**Applicant:** Kinsale Offshore Wind Limited

Dear Ing-Marie,

Your email of the 28<sup>th</sup> of April 2023 refers to this licence application to conduct site investigation surveys to assess the suitability of the area for the installation of a proposed windfarm array off the coast of Co. Cork.

The coastline and islands in this area are of ornithological importance for breeding seabirds. The Old Head is the largest seabird colony on the south coast between the Bull Rock, Co. Cork and the Saltee Islands, Co. Wexford. Kittiwake, Guillemot, Fulmar, Shag, Herring Gull and Razorbill have breeding sites along this coast. Sovereign Islands SPA is of ornithological importance mainly for the breeding colony of Cormorant. While the mudflats of Courtmacsherry and Clonakilty for the wintering waders and wildfowl hosting international important numbers of the Black-tailed Godwit.

### **Assessment Process**

The Minister for Housing, Local Government and Heritage, is responsible for carrying out environmental screening and any environmental assessments determined as being required following screening, in accordance with the requirements set out in Directive 92/43/EEC (**Habitats Directive**) and Directive 2009/147/EC (**Birds Directive**), in respect of applications under the The Foreshore Act 1933, as amended. Chough and Peregrine also use this coastline for breeding.





## Habitats Directive

The Appropriate Assessment process (AA) is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European Site (Natura 2000 site). The focus of AA is targeted specifically on Natura 2000 sites and their conservation objectives.

Article 6(3) and 6(4) of the **Habitats Directive** place strict legal obligations on Member States to regulate the conditions under which development that has the potential to impact on European Sites can be proceed. It requires that an Appropriate Assessment be carried out of plans or projects, not directly connected with or necessary to the management of a site as a European Site, but which are likely to have a significant effect thereon, either individually or in combination with other plans or projects. An AA Screening assessment is carried out to determine whether a plan or project is likely to have a significant effect on a European Site.

- Article 6.3 states that: *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*
- Article 6.4 states: *“if, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

*Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”*

In giving effect to the above as a matter of Irish law, the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011, as amended) (**Birds and Natural Habitats Regulations**) provide as follows:-

Regulation 42(1) of the Birds and Natural Habitats Regulations states that: *“A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site”.*



Regulation 42(2) provides that: “A public authority shall carry out screening for Appropriate Assessment under paragraph (1) before consenting for a plan or project is given, or a decision to undertake or adopt a plan or project is taken”.

The Birds and Natural Habitats Regulations further provide as follows at Regulation 42 (6) and 42 (7):-

*(6) The public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.*

*(7) The public authority shall determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it can be excluded on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.*

Furthermore, under section 42A (13) of S.I. No. 293 of 2021 an Appropriate Assessment, including the specified public consultation, must be carried out before the public authority makes a decision to undertake or adopt the proposed plan or project.

### **Risk Assessment for Annex IV Species**

Article 12 of the Habitats Directive (92/43/EEC) affords strict protection to species listed in Annex IV of the Directive wherever they occur. Outside of designated Natura 2000 sites, the waters around Ireland’s coast are a suitable habitat for a number of Annex IV species. Where necessary a Risk Assessment for adverse effects of the proposed works on these species must be undertaken and a report produced.

The purpose of the Risk Assessment is to examine the possibility that the proposed project either individually or in combination with other plans and projects, may result in the deliberate disturbance or destruction of any of the species listed in Annex IV which may be present in the works area. The Risk Assessment should take into account the status (e.g. as indicated in the latest Article 17 reporting for Ireland, NPWS 2019) and sensitivities of relevant Annex IV species to potential impacts associated with the proposed project.

The Risk Assessment for Annex IV Species should be precise, with definite findings, mitigation and conclusions removing all reasonable scientific doubt as to the effects of the proposed project on any Annex IV species. This assessment is separate to that undertaken under Article 6.3.



### **Conclusion/Recommendation**

In principle I have no objections to this application. On completion consultation process, I will furnish my final report with determinations. These may include any case specific conditions having regard to the information obtained from the consultation phase.

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Yvonne Leahy, Ph.D.  
Marine Advisor, Environment.

## 5. Cork County Council

### FS007354 Kinsale Offshore Wind Ltd, Site Investigations for the proposed Kinsale Project offshore wind farm, off County Cork

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**Project Description:** This investigative Foreshore Licence application seeks consent to conduct surveys to establish the potential for offshore wind development off the Cork coast.

#### Cork County Council Comments and Observations

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**Policy** - Having regard for all off-shore energy projects, foreshore applications and associated site investigations, consideration should be given to policy outlined in Cork County Council's **County Development Plan 2022**, including but not limited to:

*ET 13-9: National Wind Energy Guidelines;*

*ET 13-10: Development in line with Best Practice;*

*ET 13-11: Public Consultation and Community Support;*

*ET 13-16: Ocean and Off-shore Wind Energy;*

*ET 13-21: Electricity Network; and*

*ET 13-22: Transmission Network*

*BE 15-1: Support and comply with national biodiversity protection policies*

*BE 15-2: Protect sites, habitats and species*

*BE 15-6: Biodiversity and New Development (d)*

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The Natura Impact Statement, Risk Assessment for Annex IV Species and associated documents (i.e. IEC reviews and comments) provided for viewing in the [Foreshore Notice](#) have been reviewed and the following are comment and observations made by the Ecology Unit in Cork County Council:

Cork County Council does not have the relevant expertise to comment on the impacts caused to marine ecology by geophysical and geotechnical surveys.

It is acknowledged that there will be no spatial overlap with designated European sites and the closest Natura 2000 site is Old Head of Kinsale SPA, 14km north of the proposed survey area. I concur with the applicants screening conclusion that, with the scale and nature of the proposed site investigations and the distance, no likely significant effects to the Old Head of Kinsale SPA. The screening in of the Blackwater River (Cork/Waterford) SAC, and the other Special Areas of Conservation along the southern coast of Ireland and the Irish Sea is considered appropriate, due to migratory qualifying interest species. We note in the screening conclusion that, due to distance from the survey site it is highly unlikely that the surveys would act as a barrier to migration to Twaite Shad, and therefore no likely significant effects to the Blackwater River SAC are predicted.

The Screening for AA report, submitted by the marine advisor for the Dept of Housing, Local Government and Heritage, considers that due to the number of other ORE investigation surveys and the Kinsale Gas Decommissioning project, likely significant in-combination effects on the conservation objectives of a number of Natura 2000 sites, including those for which twaite shad is a qualifying interest, cannot be excluded and have determined that an NIS is required.

We acknowledge that the Natura Impact Statement submitted by the applicant assessed the potential impacts of the proposed site investigations, both alone or in combination with other projects and plans, and concluded that due to the low number of individuals potentially effected, and the low percentage of reference populations, there is no potential for adverse effect on harbour porpoise, bottlenose dolphin, grey seal and harbour seal. However, based on the screening report submitted by the Dept of Housing, Local Government and Heritage, Cork County Council would recommend that, as impacts to twaite shad cannot be excluded, a revised Natura Impact Statement is required.

[Redacted]

[Redacted]

Assistance Ecologist  
Cork County Council

## 6. DAFM (Inshore Sea-Fisheries)

Department of Agriculture, Food and the Marine (DAFM) Ref: FW.8.108

Kinsale Offshore Wind Limited., Site Investigations for Export Cable Corridor for proposed Offshore Wind Farm, off County Cork (DHLGH Ref: FS007575)

and

Department of Agriculture, Food and the Marine (DAFM) Ref: FW.8.109

Kinsale Offshore Wind Ltd., Site Investigations for the proposed Kinsale Project offshore wind farm off County Cork (DHLGH Ref: FS007354)

31/05/2023

### Inshore sea-fisheries observations:

1. The lack of VMS data regarding fishing in or near the application area should not be considered representative of the activities of the inshore segment of the fishing fleet. There are up to 1,700 vessels in the inshore segment, which is defined as sea-fishing boats less than 12 metres in length. Such vessels are not required to carry VMS systems, hence the lack of VMS data to show the sea-fishing activities of inshore vessels. This lack of VMS data cannot be taken to mean that inshore vessels do not fish in or near the application area. In fact, the Marine Institute has advised: *“There is also considerable effort by smaller vessels (<12m without VMS) that cannot be quantified here. Static nets, pots, lines and pelagic trawls are all used in this area by vessels u12m.”*
2. DAFM welcomes confirmation that a Fisheries Liaison Officer (FLO) has been appointed.
  - DAFM would urge that timely consultation and active engagement with the representatives of inshore fishers take place as early as possible and on an ongoing basis to ensure optimum coordination of activities and to limit disturbance (and avoid displacement) of inshore fishing activity as much as possible during the proposed surveys.
  - Consultation should follow the good practice Engagement Standards in the document *Summary Guide on Seafood / ORE Engagement in Ireland*. This document was developed by the Seafood/Offshore Renewable Energy (ORE) Working Group to provide ORE projects and seafood stakeholders with guidance on how to engage and co-exist in a meaningful and constructive manner throughout the lifecycle of an ORE Project. An open and clear dialogue with fishers’ representatives should assist in reducing the potential for confusion and friction with fishing stakeholders.
3. DAFM strongly recommends that the applicants consult with the organisations listed at point 6 below as well as the Marine Institute for further information on the inshore fishing that actually takes place in or near the application area. Certain inshore boats are required to carry GPS monitoring systems, which are provided by the MI. That agency may have gathered data from these GPS units that could be relevant to the application area. Also, the MI publishes information on inshore fisheries in reports such as its annual [Shellfish Stocks and Fisheries Review](#).
4. As the proposed development of this and other ORE projects continue, it is essential that the sea-fisheries sector is recognised and given a high priority as a long-standing, pre-existing, and traditional activity in the marine environment. Fishers are primary food producers dependent upon certain marine areas which are particularly important for food production. This primary production is critical to supplying the downstream indigenous seafood processing and export industries and in sustaining the livelihoods of coastal communities. The importance of these primary and secondary food production activities is reflected in the Government’s Food Vision 2030 policy.

5. The potential impacts of ORE projects on commercial sea-fishing and aquaculture activities need to be considered and evaluated at each stage of the consent process. Where commercial sea-fishing (and aquaculture activities) may be impacted, it is essential that early, effective and ongoing engagement takes place with stakeholders to afford them an opportunity for input/preparation. The principles in the National Marine Planning Framework (NMPF) of avoiding, minimising, or mitigating impacts on access to existing activities should be followed. Ideally, the design of ORE projects should incorporate the principle of maximising “co-use” of marine areas with existing activities, such as inshore fishing, to minimise the impacts of ORE projects on those activities.
6. Organisations representing inshore vessels (<12 metres in length operating within six nautical miles of the shore) include:
  - The National Inshore Fisheries Forum (NIFF): <https://inshoreforums.ie/niff/>;
  - The South West Regional Inshore Fisheries Forum (SWRIFF):  
<https://inshoreforums.ie/south-west-overview/>
  - The Irish Islands Marine Resource Organisation (IIMRO): <https://www.iimro.org/>;
  - The National Inshore Fishermen’s Association (NIFA): <https://inshore.ie/>.

Ends

## 7. DAFM (Felling Division)

Inis Offshore Wind Limited  
Unit 74, Penrose Wharf,  
Penrose Quay  
Cork T23HF51

31<sup>ST</sup> May 2023

**Re: Kinsale Offshore Wind Ltd, Site Investigations for the proposed Kinsale Project offshore wind farm, off County Cork**

Dear Sir/Madam,

The following are the comments from this Division in relation to the proposed development:

If the proposed development will involve the felling or removal of any trees, the developer must obtain a Felling License from this Department before trees are felled or removed. A Felling Licence application form can be obtained from **Felling Section, Department of Agriculture, Food and the Marine, Johnstown Castle Estate, Co. Wexford**. Email: [felling.forests@agriculture.gov.ie](mailto:felling.forests@agriculture.gov.ie) or Web [www.gov.ie](http://www.gov.ie) - [Tree Felling Licences \(www.gov.ie\)](http://www.gov.ie)

A Felling Licence granted by the Minister for Agriculture, Food and the Marine provides authority under the Forestry Act 2014 to fell or otherwise remove a tree or trees and/or to thin a forest for silvicultural reasons. The Act prescribes the functions of the Minister and details the requirements, rights and obligations in relation to felling licences. The principal set of regulations giving further effect to the Forestry Act 2014 are the Forestry Regulations 2017 (S.I. No. 191 of 2017).

The developer should take note of the contents of **Felling and Reforestation Policy** document which provide a consolidated source of information on the legal and regulatory framework relating to tree felling; [www.gov.ie - Tree Felling Licences \(www.gov.ie\)](http://www.gov.ie) As this development is within forest lands, particular attention should be paid to deforestation, turbulence felling and the requirement to afforest alternative lands.

In order to ensure regulated forestry operations in Ireland accord with the principles of sustainable forest management (SFM), as well fulfilling the requirements of other relevant environmental protection laws, the Department (acting through its Forest Service division) must undertake particular consultations, and give certain matters full consideration during the assessment of individual Felling Licence applications. This includes consultation with relevant bodies, the application of various protocols and procedures (e.g. Forest Service Appropriate Assessment Procedure), and the requirement for applicants on occasion to provide further information (e.g. a Natura Impact Statement).

Consequently, when the Forest Service is considering an application to fell trees, the following applies:

1. The interaction of these proposed works with the environment locally and more widely, in addition to potential direct and indirect impacts on designated sites and water, is assessed. Consultation with relevant environmental and planning authorities may be required where specific sensitivities arise (e.g. local authorities, National Parks & Wildlife Service, Inland Fisheries Ireland, and the National Monuments Service);
2. Where a tree Felling Licence application is received, the Department will publish a notice of the application before making a decision on the matter. The notice shall state that any person may



make a submission to the Department within 30 days from the date of the notice. The notices are published online at: [gov.ie - Felling Licence Applications \(www.gov.ie\)](http://www.gov.ie)

3. Third parties that make a submission or observation will be informed of the decision to grant or refuse the licence, and on request, details of the conditions attached to the licence, the main reasons and considerations on which the decision to grant or refuse the licence was based, and where conditions are attached to any licence, the reasons for the conditions. Both third parties and applicants will be also informed of their right to appeal any decision within 14 days to the Forestry Appeals Committee. Felling Licence decision are published online at: [gov.ie - Felling Licence Decisions \(www.gov.ie\)](http://www.gov.ie)

It is important to note that when applying to a **Local Authority**, or **An Bord Pleanála**, for planning permission where developments are:

- a) subject to an EIA procedure (including screening in the case of a sub-threshold development) and any resulting requirement to produce an EIAR; and/or
- b) subject to an Appropriate Assessment procedure (including screening) and any resulting requirement to a Natura Impact Statement (NIS); and
- c) the proposed development in its construction or operational phases, or any works ancillary thereto, would directly or indirectly involve the felling and replanting of trees, deforestation for the purposes of conversion to another type of land use, or replacement of broadleaf high forest by conifer species,
  1. that there is a requirement inter alia under the EIA Directive for an overall assessment of the effects of the project or the alteration thereof on the environment to be undertaken, including the direct and indirect environmental impact of the project;and
  2. pursuant to Article 2(3) of the EIA Directive, the Department of Agriculture, Food and the Marine strongly recommends that, notwithstanding the fact that a parallel consent in the form of felling licence may also have to be applied for, any EIAR and/or NIS produced in connection with the application for planning permission to the Local Planning Authority or An Bord Pleanála, should include an assessment of the impact of and measures, as appropriate, to prevent, mitigate or compensate for any significant adverse effects direct or indirect identified on the environment arising from such felling and replanting of trees, deforestation for the purposes of conversion to another type of land use, or replacement of broadleaf high forest by conifer species.
  3. Please note that there must be absolute spatial consistency between the felling licence areas submitted to DAFM (second authority) and all related planning documents submitted to the first authority in respect of the felling area(s)

Yours sincerely,

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**Felling Section**  
**Department of Agriculture, Food and the Marine**  
**Johnstown Castle**  
**Co Wexford**

## 8. NPWS and Underwater Archaeology Unit

**From:** [REDACTED] (Housing) <[REDACTED]@npws.gov.ie>  
**Sent:** Tuesday 6 June 2023 10:45  
**To:** Housing Foreshore <foreshore@housing.gov.ie>  
**Subject:** Foreshore Licence application FS007354

A Chara,

Below please find the Archaeological 7 Nature Conservation recommendations.

### **Nature Conservation**

The proposed survey works at and around Kinsale Offshore Wind Ltd target area have been evaluated by a Natura Impact Statement and other documents. The conclusion of the document to support the decision on Article 6(3) is that the proposed works are unlikely to pose a significant likely risk to nature conservation interests in the vicinity if specified mitigating measures are applied. It is recommended that the application of “Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters” should be implemented in full as a condition of consent (available to download [here](#) or updates that might occur).

It is noted that the operators have already made a Regulation 54 consent application and have received Ministerial consent with respect to those specific legal obligations.

### **Underwater Archaeology**

The Underwater Archaeology Unit (UAU) of the National Monuments Service, Department of Housing, Local Government and Heritage has reviewed the submitted documentation in relation to the above Foreshore Licence application for marine site investigation surveys in support of a future offshore wind development offshore of county Cork. The Foreshore Licence Investigation Area includes the proposed export cable investigation area. The proposed investigations will provide mapping of the seabed geology, relief and features, metocean conditions, baseline environmental mapping (habitats and species) and the results will be used for selection of the windfarm area and cable route(s), landfall option(s) and will provide baseline data for future Environmental Impact Assessment Report and other environmental impact assessments. The marine investigative surveys proposed within the Foreshore Licence Investigation Area include a range of geophysical surveys and geotechnical surveys:

- Multibeam Echosounder (MBES)
- Side Scan Sonar (SSS)
- Magnetometer
- Sub-bottom Profiling (SBP)
- Higher Energy Sound Sources (for example: Sparker systems, eSource)

The geotechnical survey would require boreholes, cone penetration tests, and vibrocores.

Section 3.12 of the application document ‘Non-Statutory Environmental Report’ (July 2022) provides an overview of the archaeological potential of the proposed survey area and proposed mitigation. It is noted that the proposed Foreshore Licence application area contains wrecks protected under Section 3 of the 1987 National Monuments (Amendment) Act within the Application Area. The Wreck Inventory of Ireland Database (WIID) is the

official register of historic shipwrecks protected under the National Monuments Acts. All wrecks over 100-years old are protected under the 1987 and 1994 (Amendment) Acts of the National Monuments Acts. Over 18,000 wrecks have been recorded to date within the WIID, ranging from small fishing boats, logboats and coastal traders to steamships and ocean-going ships. Though earlier sources have been included where obtainable, the Inventory is largely based on documentary sources available from after 1700AD. As such, it is important to stress that previously unrecorded wreck sites, including those dating to earlier periods, may await discovery in the application area under consideration here. National policy, as set out in *Frameworks and Principles for the Protection of the Archaeological Heritage* states 'there should always be a presumption in favour of avoiding developmental impacts on the archaeological heritage' and, given the archaeological sensitivity of the application area, this core principle should be proactively enshrined within the design process. In addition, submerged palaeolandscape features and deposits, which are of archaeological and palaeoenvironmental interest, have been previously recorded within the environs of the foreshore licence application area and require consideration within the context of further assessment, as described below. We concur, broadly, with the proposed mitigation embedded within the investigations and recommend the following CONDITIONS be included with any Foreshore Licence that may issue:

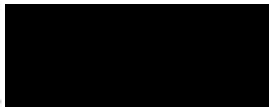
1. A desk study Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded by the licensee to the National Monuments Service of the Department of Housing, Local Government and Heritage for review and approval prior to the geophysical survey works taking place. The desktop assessment 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), any wrecks or potential wrecks and submerged palaeolandscape deposits/materials within the Foreshore Licence Application Area identified from a review of the Wreck Inventory of Ireland Database and any previous geophysical survey data sets and other investigations that are available. Where archaeological materials/areas of archaeological potential, wrecks, submerged palaeolandscape materials are shown to be present, the report shall recommend mitigation measures and shall highlight how these areas will be targeted for detailed archaeological 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.
2. The proposed geophysical surveys shall be carried out in advance of any geotechnical works to ensure all potential impacts to the underwater cultural heritage by the latter are avoided. Avoidance will be secured through the implementation of Archaeological Exclusion Zones around all potential areas of impact to underwater cultural heritage.
3. A Protocol For Archaeological Discoveries shall be agreed in advance of the commencement of geotechnical works with the National Monuments Service of the Department of Housing, Local Government and Heritage.

4. Geophysical survey of all geotechnical and potential areas of physical impact is required. At a minimum geophysical surveys shall include 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 approval to the National Monuments Service of the Department of Housing, Local Government and Heritage.
5. 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.
6. 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:
  - a. 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 underwater cultural heritage. 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. The assessment will include all proposed geotechnical investigation locations. It is essential that this work is undertaken by a suitably qualified and experienced 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.
  - b. 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.
  - c. 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 intertidal area, for example, shall also be included. If potential or identified wrecks, sites, features, submerged palaeolandscape materials, 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.

7. Following the completion of all geotechnical works and associated archaeological mitigation 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, scientifically dated and analysed 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.

Regards,



**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta**  
**Department of Housing, Local Government and Heritage**  
*Executive Officer*

**Aonad na nIarratas ar Fhorbairt**  
*Development Applications Unit*

**Oifigí an Rialtais**  
*Government Offices*

**Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90**  
Newtown Road, Wexford, County Wexford, Y35 AP90



Foreshore Unit,  
Department of the Housing, Local Government & Heritage,  
Newtown Road,  
Co. Wexford.

19/06/2023

**File Ref:** FS007354

**Re:** Foreshore Licence application to conduct site investigation activities for potential offshore renewable energy development and associated works.

**Applicant:** Kinsale Offshore Wind Limited

**Site Location:** Off the coast of County Cork

**Supporting information considered:**

- Application Form.

### **Marine Advisor Assessment and Review**

#### **Appropriate Minister**

As the proposed activity/works are not in relation to a fishery harbour centre, or an activity which is wholly or primarily for the use, development or support of aquaculture, or sea-fishing including the processing and sale of sea-fish and manufacture of products derived from sea-fish the appropriate minister under the Foreshore Acts is the Minister for Housing, Local Government & Heritage.

#### **Coastal Processes**

The proposed site investigation works will have no impact on the existing coastal processes.

#### **Estate Management**

#### **Site Consent and Application History**

The area proposed for licence is shown on the Foreshore Licence Map submitted with the application. All foreshore is presumed state owned unless proven otherwise. There are no known or established claims of private ownership of the foreshore within the proposed licence area. Therefore the foreshore the subject of this application is currently presumed state owned and proposed development does not conflict with the existing overlapping and adjacent consents or applications nor does it significantly injure the public use of, access to and enjoyment of foreshore.

The proposed site investigations under this application will not conflict with any existing consented activities, developments or any applications under consideration.

#### **Public Interest and National Marine Planning Framework**

Section 2 and 3 of the 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 state owned foreshore is a finite and valuable state resource and a 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 resource. Having considered and assessed the relevant issues associated with the proposed site investigation, I am satisfied that the proposed works are in the public interest.

The Government has recently decided that, arising from the Policy Statement on the Framework for Phase Two Offshore Wind approved by Government on 7 March 2023, and the move to a fully plan led approach to offshore energy development that the assessment and determination of existing consent applications relating to prospective ORE site investigation activity should be paused until the Offshore Renewable Energy (ORE) Designated Marine



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Area Plans (DMAPs) have statutory effect. In light of this I am currently unable to complete my Marine Advisor's Engineering Report to make a recommendation on approval of this application. Once the DMAPs process has been completed, I will be in a position to review the application, conduct a site inspection if necessary and complete my final Marine Advisor's Engineering Report with proposed conditions.



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Barry Mc Donald M.Eng. M.I.E.I.  
Engineering Inspector and Marine Advisor



**Date: 26/06/2023**

**To: Ing-Marie Shore, Foreshore - DHLGH**

**From: [REDACTED], Marine Institute**

**Re: FS007354 Kinsale Offshore Wind Ltd., Site Investigations for the proposed Kinsale Project offshore wind farm, and FS007575 Kinsale Offshore Wind Ltd., Site Investigations for Export Cable Corridor for proposed Offshore Wind Farm, off County Cork**

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Kinsale Offshore Wind Ltd. Have submitted two foreshore applications for a series of site investigation works to be carried out in a defined area (16,683 ha) of the foreshore off the Co Cork coast in addition to an area of the foreshore (44,513 ha) within which is it expected that a cable route might pass.

The Marine Institute observations relate to these two separate foreshore licence applications as the issue presenting will be similar for both.

In addition to the application form and mapping, the applicants submitted a number other documents including, *inter alia*:

- Natura Impact Statements.
- Schedule of Works.
- Supporting information.

It is communicated that the overall aim of the site investigations is to collect the necessary data and information required to inform the engineering and detailed design of the proposed windfarm area and the cable route ashore. The possible installation of a windfarm and associated infrastructure in the area in the future would be the subject of a separate Foreshore Lease / Licence application and is not the subject of this current application. The surveys are design to provide information on the nature and morphology of the seabed within the search areas. In addition, it is proposed to generate up-to-date wind resource and metocean data as well as environmental and ecological data to inform the Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) for any future offshore windfarm project that comes forward within and outside of the Foreshore Licence Application Area. The Marine Institute is of the view that the outputs of any surveys be used by the regulatory body (DHLGH) to generate baseline information in order to inform future monitoring.

Four types of surveys are proposed:

- Geophysical Survey (Mutibean Echosounder, Side Scan sonar, Magnetometer, Sub bottom profiler, Seismic sound source)
- Geotechnical Surveys including Boreholes, Cone Penetration Tests (CPTs) and VibroCores (VCs)
- Ecology Surveys – bird, fisheries and marine mammals survey including benthic grab sampling as appropriate
- Archaeological Surveys

The proposed site investigation methods are standard and have been used in similar investigations in Irish waters and internationally.

It is intended that the proposed survey works would be phased over a period of 3 years following award of licence.



There are no licenced aquaculture sites within the proposed site investigation area on the Foreshore. The closest licenced aquaculture sites to the proposed licence area are found in Cork harbour approximately 7km from the boundary of the foreshore application. Given this distance, it is unlikely the proposed activities will impact on the shellfish culture operations at the site. In addition, it is unlikely the shellfish culture operations will act in-combination with the proposed activities to impact on ecological features.

There is commercial fishing activity within the proposed site investigation area in the Foreshore and therefore, some interaction with fishing activity will occur. Notwithstanding this, it is noted that the applicant has appointed a Fisheries Liaison Officer who will engage with the fishing community in the area. The outputs of the Seafood / Offshore Renewable Energy Working Group should be considered in light of its role in facilitating discussion on the likely interactions of the seafood and offshore renewable energy industries, to promote and share best practice, and to encourage liaison with other sectors in the marine environment. Further to this, the input of the Department of Agriculture Food and the Marine should also be considered in relation to broader sea-fisheries interactions.

The NIS submitted identifies a number of risks to conservation features (e.g., marine mammals) likely to result from the proposed activity. As mitigation, a number of actions are suggested that should reduce the risk. Foremost among these is the use of marine mammal observers (MMO) during operations including a 'soft start' protocol. The MI is satisfied that such measures will mitigate any risk to marine mammals during the site investigations. It is advised that DHLGH identify any similar geophysical surveys that may be carried along the east coast be identified and that they not coincide with this survey. It would be important that any geophysical surveys be carried out in isolation so as to avoid any potential cumulative effects on marine mammals.

Establishing a baseline is critical to assessing likely impact of the activities as well as any future monitoring. These data will assist in identifying the likely impacts of the proposed development on the environment. However, it is the advice of the Marine Institute to DHLGH, that the scale of effects of the proposed development be considered beyond the footprint of the turbines and the licenced area. While it is important to identify specific habitat sensitivities in the immediate vicinity of any proposed turbines, it would also be important to consider effects in terms of ecosystem service provision. To this end, Wilding et al (2017)<sup>1</sup>, recommend that the scale of investigation to determine baselines and assess impact of offshore renewable be considered more broadly than that of individual turbines (or licenced areas). More specifically, it is noted that Wilding et al. (2017) advise, "In the case of Marine Renewable Energy Devices (MREDs), we argue that (benthic) monitoring programmes should consider the (ORE) development within the ecosystem and in the context of ecosystem-service provision. In this respect, the relevant scale for monitoring is likely to be large, extending well outside the boundary of any particular development, and will include numerous activities and developments including multiple MREDs."

The presentation and measurement of effects in terms of ecosystem services is an important and useful mechanism to communicate the likely consequences of MREDs in marine environments<sup>2</sup>. The consideration of effects at larger scales using ecosystem services as metrics of change will allow for a coordinated approach to development in the wider Celtic Sea, and ensure consistency in terms of measuring change. This should inform the definition of the extent of the 'zone of influence' as highlighted in the scoping document.

The consideration of effects at larger scale using ecosystem services as potential metrics may result in modification of the proposed receptors identified in any EIAR.

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<sup>1</sup> Wilding T.A., A.B. Gill, A. Boon, E. Sheehan, J.C. Dauvin, J.-P. Pezy, F. O'Beirn, U. Janas, L. Rostin, I. De Mesel, Turning off the DRIP ('Data-rich, information poor') – rationalising monitoring with a focus on marine renewable energy developments and the benthos, *Renew. Sustain. Energy Rev.* 74 (2017) 848–859

<sup>2</sup> <http://www.waterjpi.eu/implementation/thematic-activities/water-jpi-tap-action/water-jpi-aquatap-es-ecosystem-services-approach-policy-brief.pdf>

The International Council for the Exploration of the Sea (ICES) have established a number of expert groups whose sole function to assist with planning of marine wet renewables<sup>3</sup> and to assess the interactions between wet renewables and marine features (e.g., benthos and fisheries)<sup>4</sup>. Outputs and reports from these groups will be a useful source of information.

In addition, we refer the Foreshore Section to the ongoing monitoring studies on offshore wind parks being carried out in Belgium<sup>5</sup>. These comprehensive studies (ongoing since 2005) will provide much information on the likely interactions with a range of marine features including mammals and birds and should guide the selection of useful and relevant metrics.

Finally, the following link is a very useful source of ongoing research and guidance as it relates to ORE in the marine environment - <https://tethys.pnnl.gov/>

On a broader note, and following from these previous observations, the MI advises DHLGH that similar data gathering surveys in the region 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, in particular. The extension of other ecological surveying (e.g. benthic and bird surveying) beyond the footprint of the foreshore licence application area might also be considered.

Notwithstanding, considering the nature, scale and location of the proposed site investigations the Marine Institute is satisfied that the site investigations as proposed will not likely have a significant impact on the marine environment in the survey area.

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<sup>3</sup> <https://www.ices.dk/community/groups/Pages/WGMRE.aspx>,  
<http://www.ices.dk/community/groups/Pages/WGMPCZM.aspx>

<sup>4</sup> <https://www.ices.dk/community/groups/Pages/WGMBRED.aspx>  
<http://www.ices.dk/community/groups/Pages/WGOWDF.aspx>

<sup>5</sup> <https://odnature.naturalsciences.be/mumm/en/windfarms/>

## 11. Sea Fisheries Protection Authority

**From:** [REDACTED] <[REDACTED]@agriculture.gov.ie>  
**Sent:** Friday 30 June 2023 12:06  
**To:** Ing-Marie Shore (Housing) <[REDACTED]@housing.gov.ie>  
**Cc:** Foreshore <Foreshore@agriculture.gov.ie>; [REDACTED]  
<[REDACTED]@agriculture.gov.ie>; [REDACTED] <[REDACTED]@agriculture.gov.ie>;  
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<[REDACTED]@agriculture.gov.ie>; Housing Foreshore <foreshore@housing.gov.ie>  
**Subject:** Our Ref: FW.8.109 Kinsale Offshore Wind Ltd -Site investigation licence for the proposed Kinsale project offshore windfarm off County Cork

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### **Our Ref: FW.8.109 Kinsale Offshore Wind Ltd -Site investigation licence for the proposed Kinsale project offshore windfarm off County Cork DHLGH Ref: FS007354**

Dear Madam,

I refer to your request for comments/observations from this Department in relation to this application for Kinsale Offshore Wind Ltd.

Please note the Marine Engineering Division of DAFM has no objections to this application.

The comments of the Marine Institute will have been sent directly to DHLGH.

Please see below received from the Sea Fisheries Protection Authority for your attention.

- Foreshore Licence application FS007354 is for feasibility study works and site selection for a fixed foundation offshore wind farm project to be conducted in an area Southeast of Kinsale commencing some 6.5 nautical miles Southeast of the Old head of Kinsale and extending to the 12nm limit in an area of some 16,683 hectares.
- Outlined in the schedule of work accompanying the application for the site investigation are a series of objectives which include works to:
  - To gather further information on seabed and sub seabed conditions.
  - To gather sufficient geotechnical data on the stability of soils, sediments, clays and gravels to allow the characterisation of the sub seabed strata to inform design.
  - To collect accurate wind and metocean (wave, current, tide and water levels) information.
- Some of these works require Geophysical surveys where Sub bottom profilers will be used to determine the geophysical properties of the area, Geotechnical surveys to determine the nature and mechanical properties of the superficial seabed sediments within the Foreshore Licence application Area. These investigations will include grab sampling, core penetration testing in multiple locations, and vibrocore samples using a high-performance corer (HPC). Such works will require the use of a Jack up barge.

- Additionally, the application states that survey vessels engaged in the proposed investigatory works are restricted in their ability to manoeuvre and require a minimum of 500m radial separation from other vessels.
- The Foreshore Licence application Area is an area extensively used by the fishing industry year-round for both crustacean and demersal fisheries.
- It is believed that such survey activities will negatively impact on existing fisheries as the identified means of conducting both Geotechnical and Geophysical surveys could significantly disrupt the existing crustacean fisheries from such benthic disturbances either through boomers and chirpers used for sub bottom profiling.
- It is also believed that such Geotechnical and Geophysical surveys will also cause disturbance to the existing demersal fisheries for the duration of the survey works.

Regards,

[REDACTED]

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