

Response to Prescribed Body Observations

Summary: Summary Response document on Celtic Offshore Wind Foreshore Licence Application Prescribed Body Observations

ESB Wind Development Limited (Ltd), has applied for a Foreshore Licence to undertake marine site investigations to inform feasibility assessments and design relating to the Celtic Offshore Wind project to the south of County Cork and to the southwest of County Waterford. These site investigation works include Geophysical surveys, Geotechnical surveys, Metocean surveys, Environmental/Ecological and Archaeological surveys.

A public consultation was undertaken as part of the foreshore licensing process between 6th March 2023 and 4th April 2023 and 10 observations were received from the following prescribed bodies:

- Observation 1: Department of Agriculture, Food and the Marine National Seafood Centre
- Observation 2: Underwater Archaeology Unit FEMDAU, National Parks and Wildlife Service NPWA (DAU)
- Observation 3: Marine Survey Office
- Observation 4: Marine Institute
- Observation 5: Inland Fisheries Ireland
- Observation 6: Marine Advisor (Engineering)
- Observation 7: Irish Lights
- Observation 8: Cork County Council (Ecology Team)
- Observation 9: Sea Fisheries Protection Authority
- Observation 10: Marine Advisor (Environment)

ESB Wind Development Ltd (ESB) welcomes all responses received and addresses each one below either alone or collectively depending on the content of the response.

Responses to Prescribed Body Observations

Observation 1: Department of Agriculture, Food and the Marine National Seafood Centre

ESB notes the points raised in this submission. A response to the comment is provided in the table below.

Submission Comments	ESB Response
The Marine Engineering Division of DAFM has no objection to this application	ESB has no comments in relation to this observation.

Observation 2: Underwater Archaeology Unit FEMDAU, National Parks and Wildlife Service NPWA (DAU)

ESB notes the points raised in this submission. A response to the comment is provided in the table below.

Submission Comments	ESB Response
<p>The application documentation does not adequately assess the archaeological potential of the application area and the sufficiency or otherwise of the proposed mitigation cannot therefore be addressed without further information. The Department notes that the proposed Foreshore Licence application area contains numerous 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. Similarly, the area of Cork Harbour has known palaeolandscapes deposits and the application area adjoins a suite of Recorded Monuments on the east side of the harbour. The monuments are subject to statutory protection in the Record of Monuments and Places established under Section 12 of the National Monuments (Amendment) Act 1930-2014. In light of the above the Department recommends the following Conditions be included with any Foreshore Licence that may issue:</p>	<p>ESB respects and notes the concerns in relation to known and unknown wrecks. It is planned that a suitably qualified and experienced underwater archaeologist will be appointed to advise on the findings of the Geophysical survey and in relation to the proposed SI works.</p>
<p>1. A desk study Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded by the licensee to this Department 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</p>	<p>ESB have no objection to this condition.</p>

<p>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 this Department for review and no works shall be undertaken until a response has been received</p>	
<p>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 are avoided.</p>	<p>ESB confirm that the proposed geophysical surveys shall be carried out in advance of any geotechnical works.</p>
<p>3. A Protocol for Archaeological Discoveries shall be agreed in advance of the commencement of any geophysical or geotechnical works with this Department</p>	<p>ESB have no objection to this condition.</p>
<p>4. Geophysical survey of all geotechnical and potential areas of physical impact is required. At a minimum geophysical survey shall include side scan, sonar, magnetometer and multibeam echo sounder that are targeted at the recording of underwater cultural heritage. 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 and approval to this Department. No surveys shall be undertaken in advance of receipt of licences.</p>	<p>ESB have no objection to this condition.</p>
<p>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.</p>	<p>ESB have no objection to this condition.</p>
<p>6. An Underwater Archaeological Impact Assessment (UAIA) report shall be forwarded to this Department for review and approval prior to the geotechnical works taking place. The UAIA shall include the following:</p> <ol style="list-style-type: none"> 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 archaeology and to ensure no samples or cores are taken from an area where a wreck site/underwater cultural heritage 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. b) Outcome of a detailed visual walk-over survey of the foreshore/intertidal area accompanied by a metal detection survey of areas proposed for SI works on the foreshore/intertidal zone. c) 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. d) Once all surveys and interpretations have been completed, the full information should be compiled into a UAIA report and submitted to this Department 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 	<p>ESB have no objection to this condition.</p>

<p>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 this Department in this regard or in regard to any subsequent recommendations that may issue.</p>	
<p>7. 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 palaeolandscapes deposits are identified they shall be, where suitable samples are available, radiocarbon dated in agreement with this Department 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 postexcavation 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.</p>	<p>ESB have no objection to this condition.</p>

Observation 3: Marine Survey Office

ESB notes the points raised in this submission. A response to the comment is provided in the table below.

Submission Comments	ESB Response
<p>The MSO reserves the right to raise concerns or not support of future planning applications relating to this project on the basis of safety of navigation. However the following points shall be of note;</p> <p>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.</p>	<p>ESB has no objection to these proposed conditions.</p>
<p>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.</p>	<p>ESB has no objection to these proposed conditions.</p>
<p>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.</p>	<p>ESB has no objection to these proposed conditions.</p>
<p>4. The Licensee shall ensure all appropriate measures are taken for the duration of any onsite 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.</p>	<p>ESB has no objection to these proposed conditions.</p>
<p>5. Engagement with the Ports of Cork, and Youghal on planned operations considering the proximity of the site investigation area to the approaches to the two ports.</p>	<p>ESB has no objection to these proposed conditions.</p>
<p>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.</p>	<p>ESB has no objection to these proposed conditions.</p>
<p>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)</p>	<p>ESB has no objection to these proposed conditions.</p>

Observation 4: Marine Institute

ESB notes the points raised in this submission. A response to the comment is provided in the table below.

Submission Comments	ESB Response
<p>The proposed site investigation methods are relatively standard and have been used previously in similar investigations in Irish waters and internationally.</p> <p>It is intended that the proposed survey works would be phased over a period of 3 years following award of licence and specific survey scope will range from 2 months to 3 years in duration.</p> <p>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. In addition, it is noted that 24hour operations are desired and on that basis the operators propose to utilise a Passive Acoustic Monitoring system with experienced operators in order to facilitate pre-start monitoring during night hours or periods of unsettled weather. The Marine Institute agrees with this approach.</p>	<p>ESB has no comments in relation to this observation.</p>
<p>It is the view of the MI that during assessment of likely effects, however, that the licencing body consider the in-combination effects on species (marine mammals and birds, in particular) that the proposed surveying activities may have with other similar activities likely to occur in the vicinity.</p> <p>Furthermore, we would consider that wider effects on habitats (outside of licenced area) also be assessed. In particular, it is our view that such ORE data gathering surveys be carried out in a coordinated fashion in order to avoid redundancy of effort and minimise disturbance while also broadening the baseline of information on habitats and species. In addition, having this baseline data will facilitate future assessment of impacts of OREs beyond the footprint of the licence/lease area.</p> <p>The MI notes the application FS007136 potential cable route into Cork Harbour overlaps this area, in part.</p>	<p>ESB has no comments in relation to this observation.</p>
<p>The MI is satisfied that such measures will mitigate any risk to marine mammals in the immediate area during the site investigations. However, it is advised that DHLGH identify any similar geophysical/geotechnical surveys that might be carried out in the vicinity and ensure that they not coincide with this survey. Furthermore, in light of the intensive nature of the methodologies proposed, it would be important that DHLGH consider the cumulative effects of these activities in light of the location and timing of similar activities along the South Coast (and other sites more further afield) and consider the likely longer term effects on marine mammals and biota, if any, and how these effect might be measured?</p>	<p>ESB has no comments in relation to this observation.</p>

Observation 5: Inland Fisheries Ireland

ESB notes the points raised in this submission. A response to the comment is provided in the table below.

Submission Comments	ESB Response
<p>There is no comment on diadromous species within the NIS document despite the presence of these qualifying interest species within the zone of influence of the site investigations. There is no reference to twaite shad which is a hearing specialist, as they have an auditory apparatus</p>	<p>The accompanying Screening for Appropriate Assessment report considered the potential for LSE (Likely Significant Effects) on the Annex II diadromous fish QIs of the identified SAC sites with which there is potential for connectivity. Diadromous species including Twaite shad were screened out as the risk of injury or disturbance was assessed as negligible as shad generally inhabit coastal and estuarine areas which are outside the main area of survey effort which will be focussed on the array site. They are also highly mobile and will potentially move away from the area before injury can occur due to other noise sources associated with the work such as vessel noise. As such interaction is unlikely and any behavioural response to noise will not affect SAC populations as none of the work will affect key areas for their life cycle. Therefore, no LSE as a result of underwater noise (from geophysical survey work) can be concluded for the project.</p> <p>As no LSE as a result of any of the potential effects can be concluded for all the Annex II diadromous fish QIs of all of the relevant SACs for the Project, both alone and in combination with other plans/projects then diadromous species were not carried forwarded to the Natura Impact Statement (NIS).</p>
<p>The nearest significant rivers, in terms of potential use by anadromous fish species to proposed site are the Lee (Cork harbour), the Bandon (30km approx. west of Cork harbour) and Munster Blackwater rivers (30km approx. east of Cork harbour). All rivers support populations of migratory salmonids, European eel and migratory lamprey species. The Blackwater is a nationally important fishery for salmon (<i>Salmo Salar</i>) and Brown/sea trout (<i>Salmo trutta</i>) and is designated as an SAC (site code IE0002170) and includes the following fish species within its qualifying interests:</p> <ul style="list-style-type: none"> • Atlantic salmon (<i>Salmo salar</i>) • Sea lamprey (<i>Petromyzon marinus</i>) • River lamprey (<i>Lampetra fluviatilis</i>) • Twaite shad (<i>Alosa fallax</i>) <p>Anadromous fish species will typically spend time feeding in estuaries and coastal areas before entering fresh water. For example, glass (juvenile) eel gather in tidal estuaries such as those at the mouth of the Bandon river, nearby River Stick to the west and the River Dissour and Blackwater to the east of Cork harbour, before migrating upstream. Juvenile sea and river lamprey can remain in such estuaries and coastal areas for extended periods while lasting up to two years before migrating upstream</p>	<p>Anadromous/Diadromous fish Atlantic salmon (<i>Salmo salar</i>), Sea lamprey (<i>Petromyzon marinus</i>), River lamprey (<i>Lampetra fluviatilis</i>), and Twaite shad (<i>Alosa fallax</i>) were assessed in the accompanying Screening for Appropriate Assessment report. As no LSE as a result of any of the potential effects can be concluded for all the Annex II diadromous fish QIs of all the relevant SACs for the Project, both alone and in combination with other plans/projects then diadromous species were not carried forwarded to the NIS.</p> <p>Atlantic salmon (<i>Salmo salar</i>), Sea lamprey (<i>Petromyzon marinus</i>) and Twaite shad (<i>Alosa fallax</i>), migratory fish QIs are considered to have no sensitivity to underwater noise and there is no potential for significant effects to arise as a result of underwater noise. Therefore, no LSE as a result of underwater noise (from geophysical survey work) can be concluded.</p> <p>River lamprey are only found in rivers or estuaries and do not undertake lengthy at sea migrations or movements. Therefore, due to the distance from the SACs to the work, there is no connectivity (and thus no potential for LSE) in relation to effects on river lamprey.</p>

<p>The overall area the subject of this Foreshore Licence application is 617 km² and extends significantly eastwards from Cork Harbour. The proposed works have the potential to affect anadromous fish species as they feed and migrate along the coast by:</p> <ul style="list-style-type: none"> • way of noise pollution/vibration • suspended sediment • pollution via drift of contaminated sediment or by accidental oil/fuel spills during works. <p>IFI would point out that the mitigation measures and guidance of NPWS in regard to marine mammals are not transferrable to fish species. The fish remain invisible to any shore- or boat-based observer. Mitigation measures should aim to reduce the sound generated, in intensity and duration. 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 should be undertaken. This measure should be a condition of the foreshore licence. The comments of IFI in this regard relate to fish species of conservation significance and of leisure angling significance all of which constitute part of IFI’s brief.</p>	<p>The Project will comply with mitigation measures such as ramp-up procedures as recommended in the Guidance to manage the risk to marine mammals from man-made sound sources in Irish waters (DAHG, 2014)¹. A ramp-up/soft start procedure is the gradual ramping up of power over a set period of time with the aim to deter animals from the area before the full volume is reached so that noise exposure and the risk of potential injury are reduced. It should be noted that not all equipment has this capability inbuilt therefore the ramp-up procedure will be followed if the equipment has the capacity to do so. The expected fleeing behaviour of fish from the area affected when exposed to high levels of noise and the soft start procedure employed will ensure that fish have sufficient time to vacate the areas where they may be affected prior to noise levels reaching maximum level.</p>
<p>To avoid the possibility of accidental spillage of oil/fuel associated with machinery or inshore shallow water vessels, a series of mitigation measures compatible with best practice should be followed (Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters’ (DAHG, 2014).</p>	<p>ESB will ensure that its contractors implement pollution prevention control measures as standard when carrying out activities. This includes review and approval of risk assessment method statements (RAMS) for individual activities in accordance with the Vessel’s pollution management plan.</p>

¹ DAHG. 2014. Guidance to manage the risk to marine mammals from man-made sound sources in Irish waters. Underwater sound guidance Jan 2014.pdf (npws.ie)

Observation 6: Marine Advisor (Engineering)

ESB notes the points raised in this submission. A response to the comment is provided in the table below.

Submission Comments	ESB Response
<p>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.</p> <p>Coastal Processes The proposed site investigation works will have no impact on the existing coastal processes.</p> <p>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. Total area of foreshore the subject of the application is: 61,711.6h</p>	<p>ESB have no comments in relation to this observation.</p>
<p>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, subject to the conditions set out below, I am satisfied that the proposed works are in the public interest.</p> <p>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.</p> <p>Having reviewed and assessed the information on file 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 those outlined in Chapter 13 Energy</p>	<p>ESB have no comments in relation to this observation.</p>

<p>– Offshore Renewable. Accordingly, I am satisfied that this Site Investigation for ORE is aligned with and secures the objectives set out in the NMPF.</p>	
<p>Assessment & Conclusion The foreshore the subject of this application off the south coast is state owned, there are no conflicts with existing licences, leases or applications and the works as proposed are in the public interest and consistent with the NMPF. The works if completed as proposed and in accordance with the conditions set out below will not have significant adverse impacts on the public use of, access to and enjoyment of the foreshore, navigation, fisheries or the environment (subject to MLVC confirmation).</p>	<p>ESB have no comments in relation to this observation.</p>
<p>Recommendation I have no objection to the granting of Foreshore Licence under Section 3 of the Foreshore Act for this application subject to the following conditions;</p> <ol style="list-style-type: none"> 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. 2. The following drawing shall be attached to and referenced in the licence document; Foreshore Licence Map, Drawing Number: QS-000316-01-D460-002-001-001, Date 22/11/2021, Rev: 1. 3. The licensee shall notify the Department of Housing, Local Government and Heritage at least 14 days in advance of the commencement of any works on the foreshore. This notification shall include an up to date Programme of Works for the completion of the project. 4. During the course of the shore and nearshore site investigation works the Licensee shall ensure that public access to, use and enjoyment of the beach and shore is maintained and not hindered significantly and all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation. 5. The foreshore shall be restored to its natural condition on completion of the site investigation works to the satisfaction of the Department of Housing, Local Government and Heritage. 6. The Licensee shall submit, to the Department, the ‘as deployed’ location for all monitoring devices. 7. At the end of each phase and/or calendar year, the Licensee shall inform the Department of the work completed to date and the works planned for the coming year. 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 	<p>ESB have no objection to these proposed conditions. ESB confirm that during the shore and nearshore site investigation works the Licensee shall ensure that public access to, use and enjoyment of the beach and shore is maintained and not hindered significantly, and all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation’. As set out in the Accompanying report submitted with this Foreshore Licence application ESB confirm that the foreshore and adjacent seashore area shall be restored to presurvey conditions on completion of the works to the satisfaction of the Department of Housing, Local Government and Heritage.</p>

Observation 7: Irish Lights

ESB notes the points raised in this submission. A response to the comment is provided in the table below.

Submission Comments	ESB Response
<p>Irish Lights notes from the application that there will be a number of Aids to Navigation (AtoN) deployed: wave buoys, Lidar buoys and the possibility of guard buoys for the acoustic monitoring equipment. 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. We note from the document 'Schedule of works' that the word 'amber' is used. We would advise when applying for Statutory Sanction that this be replaced with 'yellow' as per the IALA guidelines.</p>	<p>ESB note the recommendation for when applying for Statutory Sanction that the word 'amber' be replaced with 'yellow' as per the IALA guidelines.</p>
<p>The foreshore license sought is located close to shipping routes and a relatively high-density area for maritime traffic. Irish Lights would take cognisance of shipping routes in evaluating any application for the placement of aids to navigation, including data acquisition buoys.</p>	<p>ESB has no comments in relation to this observation.</p>
<p>Cork Harbour is a busy shipping Port, any activities within the proposed foreshore application area would require careful planning to avoid any obstruction of the Port and the operation of lifeboat services. Irish Lights therefore advise consultation with local Port authorities.</p>	<p>ESB has no objection to these proposed conditions. ESB will consult with relevant stakeholders where appropriate prior to the commencement of the site investigation and survey work.</p>
<p>Within the proposed Investigative Foreshore License Application area, there are a number of aids to Navigation. Irish Lights request mariners navigating around the coast of Ireland to exercise the greatest care to avoid damage to Aids to Navigation. Mariners should give all Aids to Navigation a wide berth, paying particular attention to the strength of wind and tide.</p>	<p>ESB has no comments in relation to this observation.</p>

Observation 8: Cork County Council (Ecology Team)

ESB notes the points raised in this submission. A response to the comment is provided in the table below.

Submission Comments	ESB Response
<p>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:</p> <p>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</p> <p>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</p>	<p>ESB has no comments in relation to this observation.</p>
<p>The Natura Impact Statement, Risk Assessment for Annex IV Species and associated documents (i.e. Screening for Appropriate Assessment) 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: It is acknowledged that, while there will be no spatial overlap with designated European sites, the FLA survey area will be proximal to Cork Harbour SPA and within 15km of Great Island Channel SAC, Ballycotton Bay SPA, Old Head of Kinsale SPA and Sovereign Islands SPA.</p>	<p>ESB has no comments in relation to this observation.</p>
<p>Regarding Cork Harbour SPA, we agree that the precautionary approach of not conducting any surveys within 1km of the SPA between September and March, the timing of survey works, no significant impacts to overwintering Special Conservation Interest species will occur. Regarding Common Tern, we also note and welcome that a 200m buffer will be in place during the breeding season. The applicants should note that BirdWatch Ireland has up-to-date IWeBS data for overwintering birds in Cork Harbour and that the Port of Cork should be contacted regarding the most recent information in relation to common tern breeding sites, population status, etc. Cork County Council does not have the relevant expertise to comment on the impacts caused to marine ecology by geophysical and geotechnical surveys.</p>	<p>ESB has no comments in relation to this observation.</p>
<p>I note that the Screening for Appropriate Assessment report, submitted by the applicant, screened out potential impacts, namely injury and Disturbance from underwater noise, for twaite shad (<i>Alosa fallax</i>). However, the Screening for Appropriate Assessment report, prepared by the Marine Advisor, asserts that 'in accordance with the precautionary principle the possibility of likely significant effects as a result of underwater noise from the proposed project on migratory fish species cannot be excluded'. The Natura Impact Statement, submitted by the applicants, does not account for potential impacts to Annex II migratory fish species. It is unclear whether an addendum/revised NIS will be requested by the Foreshore section to include Annex II migratory fish species. Should it be the case that an addendum to the current</p>	<p>ESB has no comments in relation to this observation.</p>

<p>Natura Impact Statement or a revised NIS is to be prepared, the Ecology Unit of Cork County Council will review the Natura Impact Statement and provide input and observations when it is published</p>	
<p>Regarding Annex IV Species, Cork County Council welcome the precautionary approach to mitigate against the potential effects of auditory injury resulting from noise arising from survey works on the marine mammals and recommend that mitigations outlined in the Risk Assessment for Annex IV Species and the Natura Impact Statement be made conditions of licensing.</p>	<p>ESB has no comments in relation to this observation.</p>

Observation 9: Sea Fisheries Protection Authority

ESB notes the points raised in this submission. A response to the comment is provided in the table below.

Submission Comments	ESB Response
<p>1. Possible impacts, if any, on existing wild fisheries in the area, with an emphasis on the possible implications for the SFPA conducting official controls and possible non-compliance issues that could arise.</p> <p>The applied area is in the fishing area known as the Celtic Sea. ICES Sub Area VIIG, Statistical rectangles 32E1 & 32E2. The application includes intertidal areas (export cable corridors) and subtidal areas (fixed wind farm) in the less than 100m depth range. Commercial fishing within the applied areas (proposed cable route corridors and wind farm) targets Demersal, Pelagic and Shellfish species. In addition to the species mentioned above, inshore fishing for <i>Sprattus sprattus</i>, <i>Clupea harengus</i> and <i>C. pilchardus</i> occurs on an annual basis within the inshore areas of the application.</p> <p>There are several small fishing ports from Cobh east to Dunmore East which are the home ports for vessels in the under 10m category and 12-15m category. Vessels greater than 10m are required to submit catch data to the SFPA. Vessels under 10m are not required to submit catch data at present. The lack of adequate catch data at a high resolution (greater than statistical rectangle) leaves a knowledge gap with regards to the level of fishing activity and catch rates by smaller sized vessels which has been recognised by the Offshore Renewable Energy Working Group for the whole of the island. The annual pelagic and gadoid fisheries in the applied area are important to the local fleets which are restricted by vessel size to target fish further afield. The site investigations are likely to cause spatial squeeze for both the inshore and offshore sectors of the fishing industry as access restrictions will be in place when the surveys are underway.</p>	<p>In line with the Summary Guide on Seafood/ORE Engagement in Ireland, ESB is committed to working with individual fishers and also with their representative Fish Producer Organisations and Inshore Fisheries Forums with the objective of ensuring that as many fishers as possible are made aware of our proposals, and also that survey activities can be completed safely and without damage to fishing gear, survey equipment or vessels and without long-term damage to fish and/or crustacean stocks.</p> <p>Additionally, ESB is developing a Commercial Fisheries Stakeholder Engagement Plan and has committed to sharing that with the Fish Producer Organisations as well as with NIFA and NIFO for review, comment and input with a view to having a Plan in place which would be acceptable to both interests. It will outline how ESB plans to engage with commercial fishers about the Celtic project throughout the project's life cycle – from initial assessment, through construction, into operation. It will also take cognisance of the Summary Guide mentioned above.</p> <p>Fishers are key stakeholders in any of ESB's offshore wind farm proposals and ESB is keen to ensure there are mutual benefits from the development of this project. Shared understanding will be essential in achieving this and also in the minimisation of risk to both parties.</p> <p>An Offshore Wind Stakeholder Manager, a Community Liaison Officer and a Fisheries Liaison Officer (FLO) have been appointed to support the project, and they have been actively engaging with the commercial fishing industry on a face-to-face basis and also in written correspondence, as well as with the local councils and locally elected representatives. ESB intends to continue this engagement with the fishing community throughout the duration of the project and will aim to minimise any impacts that the site investigation works will cause through the adjustment of</p>

	survey lines, or sampling borehole locations if required to minimise disruption where possible.
The inshore potters targeting crustaceans concentrate their fishing effort all along the Waterford and East Cork coastline and effective communication from the applicant to the fishing industry operating in the applied area will be required well in advance of any survey taking place to ensure that the fishermen have time to move their fishing gear from the survey area.	ESB shall prepare a Fisheries Engagement and Coexistence Plan to manage engagement with commercial fishers about the Celtic Offshore Wind project throughout the project's lifecycle including SI activities. ESB has engaged a Fisheries Liaison Officer (FLO) and a Community Liaison Officer (CLO), both of whom shall maintain close liaison with the fishing community in the foreshore licence area to alleviate concerns and communicate planned activities. The FLO will attend survey vessels to facilitate communication between the survey team and fishers during survey works.
The main species caught within the applied area while not necessarily high in volume with regards to Ireland's total annual catch (quota share) are important to the local fishing community, there are annual landings recorded for the applied area for high value fish species such as Merluccius merluccius, Lophius spp., Melanogrammus aeglefinus, Gadus morhua and Lepidorhombus whiffiagonis. The applicant appears not to have included sufficient information at this stage on the fisheries in the area, which may be affected by the proposed site investigations, a general overview of the species presented has been alluded to but as highlighted above, high resolution of catch data is not available currently.	This Foreshore licence application relates to proposed SI works only. These works are temporary and short term in nature and no significant effects on fish species can be concluded and it can be noted that the effect of underwater noise generated from the site investigation activities on fish is therefore considered minor. The Project will also comply with mitigation measures such as ramp-up procedures as recommended in the Guidance to manage the risk to marine mammals from man-made sound sources in Irish waters (DAHG, 2014). A ramp-up/soft start procedure is the gradual ramping up of power over a set period of time with the aim to deter animals from the area before the full volume is reached so that noise exposure and the risk of potential injury are reduced. It should be noted that not all equipment has this capability inbuilt therefore the ramp-up procedure will be followed if the equipment has the capacity to do so. The expected fleeing behaviour of fish from the area affected when exposed to high levels of noise and the soft start procedure employed will be ensure that fish have sufficient time to vacate the areas where injury may occur prior to noise levels reaching that level. Fleeing behaviour would be short term and temporary and therefore would not impact on the population of fish within the licence area. There would be a minor effect on fish habitats within the licence area as the area which will be disturbed by the temporary SI activities.
It is not envisaged that the site investigations will cause difficulties with conducting official controls for the SFPA within the applied areas. The applicant has engaged a Fisheries Liaison Officer for the duration of the project.	ESB has engaged a Fisheries Liaison Officer (FLO) and a Community Liaison Officer, both of whom shall maintain close liaison with the fishing community in the foreshore licence area to alleviate concerns and communicate planned activities. The FLO will attend survey vessels to facilitate communication between the survey team and fishers during survey works.
2. Impacts, if any, on shellfish growing areas adjacent to or within the area and the possible impact on the ability of the SFPA to conduct official controls and possible non-compliance issues that could arise.	ESB has no comments in relation to this observation

<p>The proposed cable route into Cork harbour is adjacent to the classified bivalve mollusc production area of Rostellan (CK-CH-RN) The main species of bivalve mollusc harvested adjacent to the proposed cable route is Pacific Oyster, <i>Crassostrea gigas</i>. It is unlikely that the proposed site investigations will have any impact on the ability for the SFPA to conduct official control activities.</p>	
<p>3. Possible impacts, if any, on seafood safety. The main food safety concern during the site investigation works is the risk of an accidental pollution event occurring. The bivalve mollusc fishery for <i>C.gigas</i> is an all year round operation. The main Irish market for <i>C.gigas</i> is Europe and extends to Asia with live exports on a weekly basis throughout the year. Effective and immediate communication between the applicant and their operators with the SFPA is required if the risk of potentially contaminated shellfish being placed on the market is to be avoided. The applied area falls within the port areas of SFPA Dunmore East & Clonakilty Port Office. In addition to the Port Offices, The Food Safety & Fisheries Support Office of SFPA headquarters should also be contacted. Contact details for SFPA Offices within the applied area: Dunmore East Port Office; dunmore@sfpa.ie +353 51 383135 Clonakilty Port Office; sfpa clonakilty_port@sfpa.ie +353 23 8859300 Clonakilty Food Safety & Fisheries Support; sfpafood&fisheriessupport@sfpa.ie +353 23 8859300</p>	<p>Mitigation measures to prevent such an incidence occurring are set out in Section 6 of the NSER as submitted with this application. Should a pollution incident occur, the applicant will contact these SPFA offices (as relevant) immediately.</p>

Observation 10: Marine Advisor (Environment)

ESB notes the points raised in this submission. A response to the comment is provided in the table below.

Submission Comments	ESB Response
<p>Conclusion/Recommendation In principle I have no objections to this application. On completion of the consultation process, I will furnish my final report with determinations. These may include case specific conditions having regard to the information obtained from the consultation phase.</p>	<p>ESB has no comments in relation to this observation.</p>