

Prescribed Bodies Consultation – FS007588

April 2023

Wicklow Sea Wind Ltd.

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Dear Eoghan,

I refer to your request for comments/observations from this Department regarding the above applications on behalf of Wicklow Sea Wind Ltd and apologise for the late reply.

The Marine Engineering Division of this Department has no objection to this application.

1b Please note the comments provided by the Marine Institute below:

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.

In relation to cumulative effects with other activities, the Marine Institute wish to draw attention to Natura assessments

(conducted on behalf of DAFM) to consider interactions between Natura qualifying interests and

aquaculture and fisheries operations (existing and proposed) that have been carried out nationally

and more specifically, in areas adjacent to the proposed application area.

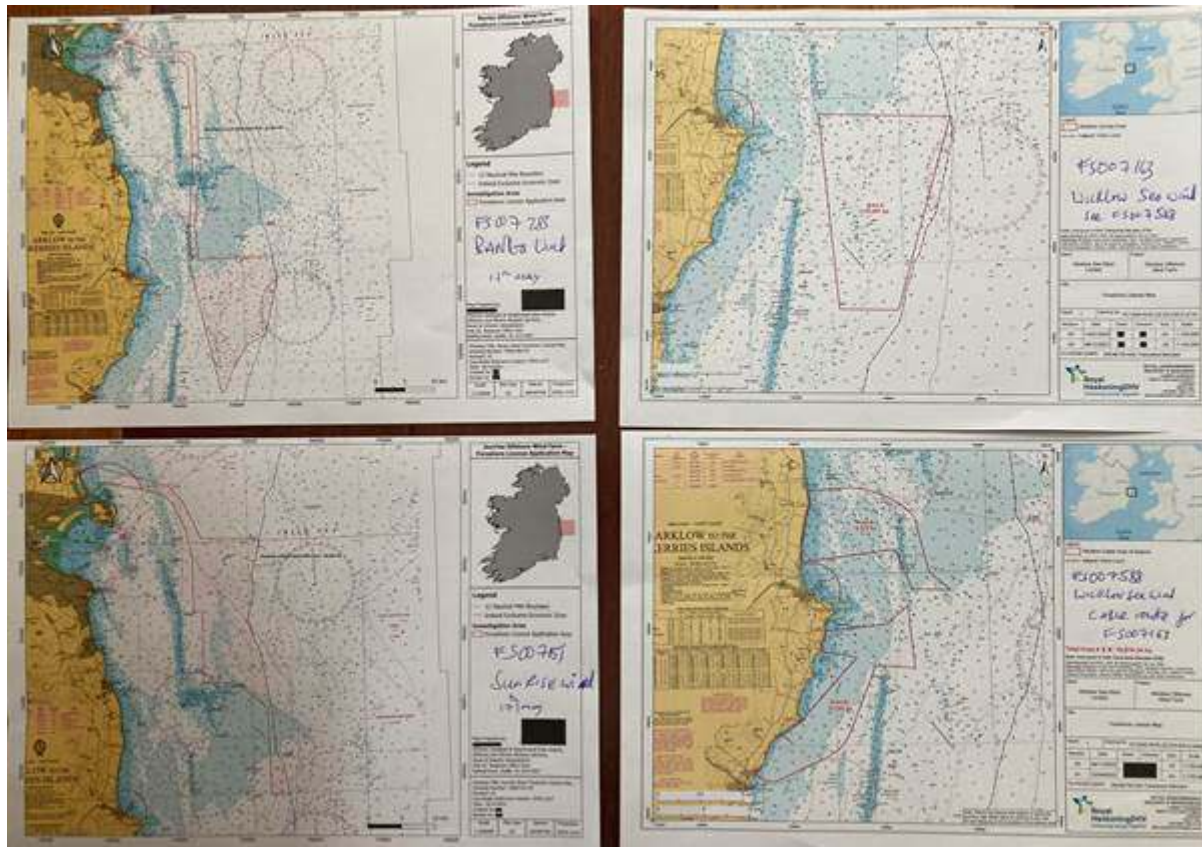
<https://www.gov.ie/en/publication/fcd20-aquaculture-foreshore-management/#appropriateassessments-carried-out>

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments>

BIM have examined the following foreshore applications for site investigations works together due to the substantial overlap in their proposed survey areas.

- FW.4.58 DHLGH Ref: FS007151 – Sunrise Wind
- FW. 5.16 DHLGH Ref: FS007283 – Banba Wind
- FW.5.17 DHLGH Ref: FS007163 – Wicklow Sea Wind
- FW. 5.18 DHLGH Ref: FS007588 - Wicklow Sea Wind Cable Route

Below is a scanned image of all four applications illustrating the level of overlap of the proposed survey areas.



It is BIM’s view that these applications for site investigation works would impact fisheries and aquaculture in the proposed survey areas.

Impacts to fishing

BIM consider it important to highlight the cumulative impact of the proposed surveys on fishers operating in this geographical area. The predominant fishery that occurs is pot fishing for whelk with 30 to 40 boats from south county Dublin through to county Wicklow Inshore coastal areas.

The areas in question are key fishery locations for much of the inshore fishing fleet from the east coast ports from Dun Laoghaire extending south to Courtown (including Wicklow and Arklow ports) and which also supports sizeable employment ashore from processing/adding value.

The following fisheries will be impacted:

- the main fishery is a pot fishery for whelk which is fished throughout all the indicated sites on all four applications,
- pot fisheries for lobster and brown crab in areas particularly close to Wicklow town/Head,
- Bi-valve fisheries for king (*Pecten maximus*) and queen (*Aequipecten opercularis*) scallops in the vicinity of the Kish Bank
- More dispersed whitefish and pelagic fisheries throughout the area.

Fishers are concerned that these works could negatively affect the financial viability of their fishing enterprises. The main concerns as with all ORE applications commented on to date include:

1. Fears of the impact of the survey techniques (such as Sparker/boomer/seismic) in driving key commercial fish species from their known fishing locations/beds for short to medium/long term with resulting drop-in catch rates and incomes.
2. Loss of fishing time, incomes and impact on markets when fishing/landings are stopped/reduced.
3. Displacement impact when fishers are moving gear out of survey area into locations fished by other fishers, which will be exacerbated by four separate overlapping projects.
4. Fears over impact of construction and operations of successful windfarm and cable route applications. While exclusion zones may not be stated as a requirement by ORE developers, fears exist among fishers that these will become a reality due to safety concerns, incidents that may occur and the inability of fishers to set and work their gear between turbines due to tidal conditions etc.
5. Concern the due to uncertainty for the future prospects for their business should any of these projects proceed which will cause deferment of necessary investment.

Among the principal concerns for fishers is the cumulative impact of these four projects, but also along with all the previously applied for windfarm sites in this overall area (7 such ORE applications listed in the application documents of one application viewed), and the likely additional ones that straddle this important fishing area. Fishers state that much of what is deemed consultation to date has been ineffective/incomplete in not being able to give clear answers to their concerns.

In considering awarding foreshore licences to carry out site investigations the following needs to be considered:

- Independently verified studies are required on the impact of survey techniques, construction and operation of wind farm sites and the associated cabling required to connect the turbines and bring the power ashore.
- Effective planning to minimise disruption to fishers, and displacement of fishing effort due to the scale and number of corresponding applications. Ideally the timing of all four applications should be coordinated to minimise impact and ideally information shared between developers/contractors to avoid duplication and repetition where overlap occurs.
- Meaningful consultation/communication with fishers is required, which should be clear about which project they are representing throughout all stages. Fishers have stated dismay at much of the consultations that have taken place on other ORE projects describing it as 'tick box' in nature. At the very least such consultation must comply with the protocol agreed at the Seafood ORE Working Group.
- Applicants must adequately research fisheries activities and to consult with stakeholders in order to:
 - Validate the extent of fisheries.
 - Outline the extent of their intended application and potential impacts of both survey methods, construction and long-term impacts.
 - Take on board the input of the fisheries sector at an early state.

Impact to Aquaculture

FW.5.16 Banba Wind Ltd. - The proposed survey area in this application overlaps with historical mussel seed beds that occurred on the India Bank (green outlined box on attached Banba map no. 1). As such the area within the green box is crucially important for the bottom mussel industry nationally. Site investigations within this green area during January to September could interfere with either the formation of a mussel bed (larval settlement and growth) or reduce survival of an established mussel bed prior to harvest by the bottom mussel fleet.

Looking beyond the site investigation phase construction of wind turbines within the green area would remove the resource from the bottom mussel sector which should be avoided as seed mussel is a very valuable resource which underpins the sector.

FW. 4.58 Sunrise Wind Ltd. - As this application does not overlap with historical seed mussel beds, we do not anticipate any negative impacts on the bottom mussel sector with the proposed site investigations.

FW. 5.17 Wicklow Sea Wind farm. - As this application does not overlap with historical seed mussel beds, we do not anticipate any negative impacts on the bottom mussel sector with the proposed site investigations.

FW.5.18 Wicklow Sea Wind Cable route. - Both survey areas in this application overlap significantly with historical mussel seed beds and with recorded seed beds as recent as last year's settlement. However, the Wicklow bed was closed to seed fishing last year due to the proximity of the settlement to the Wicklow SAC by DAFM decision following MI advice. This SAC was designated for *Sabellaria spinulosa* (or honeycomb worm) population. The *Sabellaria* worm population extends beyond the current boundaries of the SAC as noted in the attached paper by *Firth et al.* If mussel dredgers cannot fish seed in the area due to the presence of this particular species, it would be interesting to see how a site investigation survey for a windfarm and cable route could take place in the similar area. It is also worth noting that the Wicklow head area is critically important reliable source of seed mussel for the Irish bottom mussel industry for decades (as shown on overlay map no. 2). Cumulative seed mussel area in Wicklow represents 26% of the total seed mussel bed surface for the east coast from 2010 to 2022 (second highest after Wexford/Rosslare area). Site investigations within the area during January to September could interfere with either the formation of mussel bed (larval settlement and growth) or reduce survival of an established mussel bed prior to harvest by the bottom mussel fleet. Looking beyond the site investigation phase laying of a cable might interfere with mussel seed harvesting either physically if the cable surfaces or on paper due to potential exclusion zone around it. BIM would be very concerned that site investigation and site development work would have significant negative impacts on seed mussel supply of the bottom mussel industry due to lack of access to fishing grounds.

In addition, a draft fishery natura plan on the Irish Sea Seed Mussel Fishery was submitted to the Marine Institute for review in November 2022 to replace the one that was due to lapse in December 2022. This is still awaiting approval by DAFM and the Bottom Grown Mussel Consultative Forum (BGMCF) . As there was a Fishery Natura Plan for Irish Sea Seed Mussel Fishery and a draft waiting for approval in the area of this application (FW.5.18) any appropriate assessment would need to take account of "in-combination effects" that the proposed application for site investigation works would have on Natura sites in the area of this application.

Kind regards,

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 may be 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.
 - The MI has advised that the proposed surveys “are likely to be disruptive to normal fishing activities”.
 - 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 East Regional Inshore Fisheries Forum (SERIFF): <https://inshoreforums.ie/south-east-overview/>;
 - The North East Regional Inshore Fisheries Forum (NERIFF): <https://inshoreforums.ie/north-east-overview/>;
 - The Irish Islands Marine Resource Organisation (IIMRO): <https://www.iimro.org/>;
 - The National Inshore Fishermen's Association (NIFA): <https://inshore.ie/>.
 - Bottom Grown Mussel Consultative Forum (BIM is Secretariat of the Forum): <https://bim.ie/aquaculture/advisory-services/bgmcf/>

Ends

Re: FW: FS007588 Foreshore Application on behalf of Wicklow Sea Wind/Site Investigations off the Coast off County Wicklow

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 or Web 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,


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

2b Good morning,

Commercial sea fishing is a long standing, pre-existing and traditional activity in the marine environment. It is essential that any negative impacts on fisheries are avoided. The evaluation of potential impacts on any commercial sea fishing activities needs to be given consideration as part of any planning/proposal process and during the development process itself. It is imperative that engagement should be sought with the fishing industry and other relevant stakeholders at as early a stage as possible to discuss any changes that may affect them to afford a chance for their input and to put in place avoidance, reduction, and mitigation measures. Fishers' interests and livelihoods must be fully recognised, supported, and taken into account.



Regards,

Environmental Co-ordination Unit

MI Observations on “FS007588 Site Investigations by Wicklow Sea Wind Ltd for Cable Route off County Wicklow”

██████████ – Marine Institute – Version 1– 31/05/2023

Background

The Marine Institute was requested on 04/05/2023 to comment on the “possible impacts on fisheries and spawning/nursery grounds for commercial species” of foreshore licence application FS007588 Site Investigations by Wicklow Sea Wind Ltd for Cable Route off County Wicklow.

<https://www.gov.ie/en/foreshore-notice/1ec5c-fs007588-site-investigations-by-wicklow-sea-wind-ltd-for-cable-route-off-county-wicklow/>

Note that this application does not concern the development of the wind park itself but site investigations in the form of a number of surveys.

Comments on Site Investigation activities

The proposed site investigations (SI) consist of a number of surveys listed in section 1.4 of their application. These vary in terms of potential effects and spatial footprint. Most aspects of the SI works are relatively routine and are not a major concern. One of the key risks with SI is related to underwater noise created by multibeam/side-scan sonar/sub-bottom profiling and geophysical activities like sediment coring. A review of SI impacts is currently being carried out by Bluewise Marine Ltd. funded by the ORE industry in consultation with the DHLGH Seafood-ORE working group. This study may result in a more information on the risks associated with SI.

This SI schedule of work states that “*Note that no seismic survey is required or proposed.*”

Responses of animals to underwater noise vary with the distance from source, dose and response, the nature of the sound (i.e. sound pressure and particle motion) and the sensitivity of the receptor fish and shellfish species. There is a continuum of possible responses from death, physical and physiological effects, impaired hearing, masking biologically important sounds, to behavioural responses (Hawkins & Popper, 2017). In general, there are substantial knowledge gaps regarding both the bioacoustics and the responses of animals to sounds associated with pre-construction, construction, and operations of offshore wind (OSW) energy development (Popper, 2022).

MI comments / observations

Fishing activity in the application area

The main >12m fishing activity in the SI area A the more northern area is pot fisheries targeting whelk with effort ~1700 hours between 2018-22. There is also some mid water trawling (~160hours) and beam trawling (~60 hours), dredging (~50 hours) and very small amounts of effort by other gears ~30hours. Highest catches from area A were Whelks. In area B there is a hotspot of dredge fishing effort with ~300 hours effort, there is more dispersed potting (340 hours) and beam trawl fishing activity (~270 hours) and also other gears active (~160 hours).

There may be 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.

There is very minor activity by UK (48hrs) and Belgium (1hrs) vessels in the SI area over the last 5 years.

These surveys they are likely to be disruptive to normal fishing activities. Notwithstanding this, it is noted that the applicant states that “Ireland’s Marine Atlas shows that dredging, trawling, potting and seine nets occur surrounding and within the boundary of the cable AoS. Whelk fishing with pots is the predominant fishing activity within the cable AoS with some beam and bottom trawling activity also occurring” which is reasonably accurate. The EIAR states that “Due to the proposed surveys being short term and temporary, and due to the presence of alternative fishing grounds surrounding the foreshore licence survey area there are no significant impacts expected to commercial fisheries.” While this may be true this area is mainly fished by local vessels so some displacement may occur. The MI note that the EIAR states that “A Fisheries Liaison Officer (FLO) is engaged in the project and will work with the industry to fully understand the fishing activity within the offshore survey area and the measures required during the survey works. The duration of the survey will be kept as short as possible. The FLO will also assess Vessel Monitoring System (VMS) data.” The Marine Institute note that there is a “Summary Guide on Seafood / ORE Engagement in Ireland” which is intended to provide Offshore Renewable Energy 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.

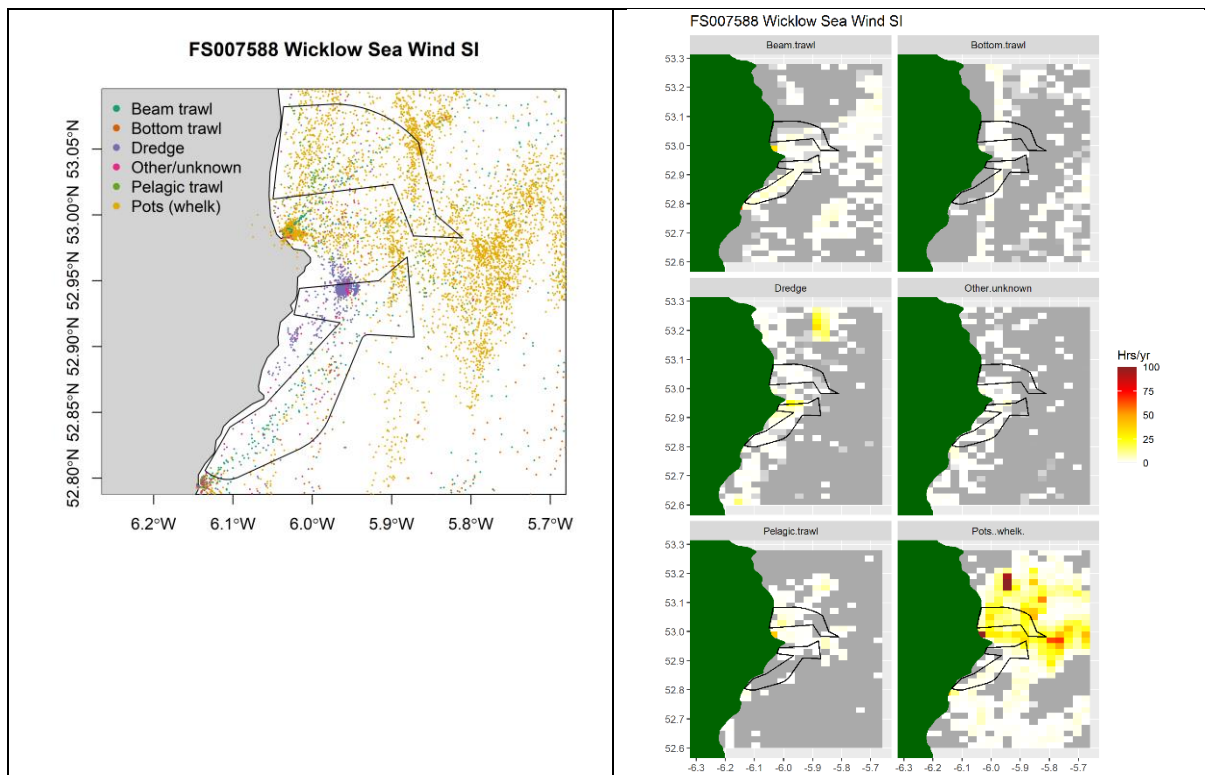


Figure 1. VMS (Irish vessels >12m) in vicinity of the FS007588 (2017-22) application. Left panel shows VMS pings coloured by gear and main species. Right panel shows a heat map of effort by gear and main species.

Spawning and nursery areas for commercial species

Section 3.6 of the non-statutory EIAR describes the spawning and nursery grounds overlapping or close to the foreshore licence survey area. The Applications States that “Data available from the Marine Institute, Ellis et al., 2010 and Coull et al., 1998 shows that there are spawning grounds for ling, sprat, lemon sole, sole, mackerel, cod, plaice, sandeel, whiting, haddock, and nursery grounds for, lemon sole, haddock, whiting, herring, sandeel, anglerfish, tope shark, spotted ray, thornback, plaice, spotted ray, cod, mackerel, and horse mackerel”. The Marine Institute note that these two

publications are mainly focused on UK waters and that whelk and scallops also occur in this area and the area is a spawning and nursery area for those species also.

The application EIA states that “... *underwater noise could potentially affect fish sensitive to noise and act as a barrier that could impede migration pathways (note that basking shark is an elasmobranch (sharks and rays) which is a group with generally low sensitivity to noise vibrations due to the fact they do not have a swim bladder (Popper et al., 2014; NatureScot, 2020) and noise disturbance is not expected to impact them). However, due to the fact that sound sources from the survey will not consist of significant rapid pressure changes, and considering the distance offshore and short-term temporary nature of the surveys, no significant impacts are expected in relation to fish and shellfish ecology due to the generation of underwater noise.*”

There are likely to be a large number of commercial or ecologically important species using this area for spawning or nursery activities. Essential fish habitat should be defined in space and time, where a particular area or habitat is important or required to complete a particular life-cycle stage or process. However, information on the relative importance of specific areas and their importance at a population level scale is normally lacking because this is often very difficult to quantify. Moreover, some species exhibit dynamic behaviours over space and time. The Marine Institute recommends a risk and precautionary based approach when carrying out impact assessments on site investigation activities. This might involve a prioritised listing the main species/receptors likely to be present (based on data and evidence where available otherwise based on local knowledge and expert opinion). The likely spawning time, spawning behaviour, preferred habitat etc. can be elucidated from the literature. All potential effects/pressures should be listed along with proposed mitigation measures.

The Supporting Information for Screening for AA states that “*The noise produced by survey vessels described in Section 1.2 of the Schedule of Works (Royal HaskoningDHV, 2022b – document reference UB1019-RHD-ZZ-XX-RP-Z-0011) during the implementation of the site investigation surveys, when considered cumulatively with existing shipping, shall not increase background underwater noise to levels that could disrupt communication due to masking or alter behaviour patterns of marine mammals, fish or birds in combination with the proposed works.*” The evidence base for this statement is not provided and the Marine Institute cannot assess if this is true or not.

Impacts on Marine Institute Surveys

The Marine Institute and other scientific agencies carry out regional and local scale fisheries surveys in the vicinity of the proposed Site Investigation works. The Marine Institute research vessel survey schedule is available on the following website: <http://www.marine.ie/site-area/infrastructure-facilities/research-vessels/vessel-schedules>. Information on previous surveys is available here: <https://oar.marine.ie/handle/10793/52>. It is recommended that the developer inform the Marine Institute of the Site Investigation schedule and liaise to minimise disruption.

Cumulative impacts of surveys

Section 7 of the Supporting Information for Screening for AA deals with “In combination” effects. 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 East Coast (and other sites more further afield) and consider the likely longer term effects on commercial and non-commercial fish and shellfish species, other biota and the broader marine ecosystem, if any, and how these effect might be measured?

References

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A chara

Please find below the Nature Conservation (Marine Science and Biodiversity) and Underwater Archaeology Unit observations and recommendations of the Department for the above mentioned application.

Nature Conservation (Marine Science and Biodiversity)

The proposed survey works at and around Wicklow Sea 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 Unit

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 Wicklow. The Foreshore Licence Investigation Area includes the proposed windfarm array area and proposed 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 are as follows:

- Geophysical Surveys: o Multibeam echosounder (MBES) o Magnetometer o Sub-bottom profiling (SBP) o Side scan sonar (SSS)
- Marine Benthic Ecology Surveys: o Day Grab and/or Hamon Grab o Drop-down video (DDV) and photographic stills
- Marine Mammal and Seabird Survey: o Aerial surveys (high- resolution digital photography and/or video) o Boat based surveys (if required)
- MetOcean survey (current and wave) o LiDAR units o Wavebuoys o Marker buoys o Acoustic Doppler Current Profilers (ADCP)
- Geotechnical Surveys o Cone Penetration Testing (CPT) o Vibrocores o Borehole sampling

Section 3.12 Marine Archaeology of the application document ‘Non-Statutory Environmental Report Wicklow Export Cable Corridor Foreshore Licence Application’ (June 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, 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. The archaeological mitigation set out in Section 3.12 Marine Archaeology of the application document 'Non-Statutory Environmental Report Wicklow Export Cable Corridor Foreshore Licence Application' (June 2022) shall be implemented in full.
2. 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 palaeolandscape 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, palaeolandscape materials are shown to be present, the report shall recommend mitigation measures and shall highlight how these areas will be targeted for detailed geophysical survey. Having completed the work, a written report shall be submitted to the National Monuments Service for review and no works shall be undertaken until a response has been received.
3. 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. Avoidance will be secured through the implementation of Archaeological Exclusion Zones around all potential areas of impact to underwater cultural heritage.
4. 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.
5. 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 mutibeam echo sounder. The geophysical surveys shall be licenced under the National Monuments Acts 1930-2014. A Dive Survey Licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required. Licence applications, accompanied by Method Statements, shall be sent for vetting to the National Monuments Service of the Department of Housing, Local Government and Heritage.
6. 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.

7. 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 archaeology and to ensure no samples or cores are taken from an area where a wreck site is located. The archaeologist should also be suitably experienced, with a track record in dealing with and the interpretation of marine geophysical data for archaeological purposes, including ensuring it is of sufficient specification for the identification of underwater cultural heritage. 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 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.
8. 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 palaeolandscapes are identified they shall be, where suitable samples are available, scientifically dated in agreement with the National Monuments Service and subject to approval of Licences to Alter and Export from the National Museum of Ireland. Following the completion of all geotechnical and archaeological works and any necessary post-excavation specialist analysis, the National Monuments Service shall be furnished with a final archaeological report describing the results of the works. All resulting and associated archaeological costs shall be borne by the developer.

Regards

Executive Officer

Aonad na nIarratas ar Fhorbairt

Development Applications Unit

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta

Department of Housing, Local Government and Heritage

Oifigí an Rialtais

Government Offices

Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90



Date: 24/07/2023

To: Eoghan Kehoe, Foreshore - DHLGH

From: [REDACTED] Marine Institute

Re: Wicklow Sea Wind Ltd – Site investigation works for the proposed Wicklow Project offshore Windfarm off Wicklow - DHLGH Ref: FS007163, and Wicklow Sea Wind Ltd site investigation licence for cable route off County Wicklow - DHLGH Ref: FS007588

Inis Offshore Wind Ltd. have submitted foreshore applications for a series of site investigation works to be carried out in a defined area of the foreshore (FS007163; 22,681 ha) for a proposed offshore windfarm off the Co Wicklow coast. The second application (FS007588) covers two areas, A and B, of the foreshore (9,315ha and 10,559ha, respectively) within which is it expected that a cable route might pass.

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

In addition to the application forms 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 these current applications. 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 also used by the regulatory body (DHLGH) to generate baseline information in order to inform future monitoring and to this end the extent of the surveying be considered carefully by DHLGH.

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 site to any of the proposed areas is found south of Arklow approximately, 5km from the boundary of the foreshore application Cable Route B. 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.

In relation to cumulative effects with other activities, we draw the Department of Housing attention to Natura assessments to consider interactions between Natura qualifying interests and aquaculture and fisheries operations (existing and proposed) that have been carried out nationally and more specifically, in areas adjacent to the proposed application area.

<https://www.gov.ie/en/publication/fcd20-aquaculture-foreshore-management/#appropriate-assessments-carried-out>

<http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/>

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. In addition, 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)¹, 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."

¹ 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

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 environments². 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 Irish 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.

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 renewables³ and to assess the interactions between wet renewables and marine features (e.g., benthos and fisheries)⁴. 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 Belgium⁵. 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. In addition, it is recommended that standardised methods of data gathering among surveys be employed.

Notwithstanding the recommendations above, 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.

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

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

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

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



**Iascach Intíre Éireann
Inland Fisheries Ireland**

MARINE LICENCE VETTING COMMITTEE:

RE: Request for observations FS007374 Mainstream Renewable Power Ltd - Site Investigations off Co. Wexford

And

FS007588 Foreshore Application on behalf of Wicklow Sea Wind/Site Investigations off the Coast off County Wicklow

Request for observations from Mr. Eoghan Kehoe (DHLGH) dated 28.04.2023

Overview:

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.

2nd application relate to the cable route for proposed ORE.

IFI Comment

The NIS doesn't include the Slaney SAC or the Barrow SAC which have a number of fish listed as qualifying interest including the Twaité shad, salmon, river and sea lamprey. The targeted area encompasses some important sea trout rivers including the Dargle, Avoca, Vartry as well as within the migration route between larger rivers such as the Slaney and Boyne. Sea trout (post smolt and adults) from these rivers feed predominantly on fish (sand eel and sprat) in the coastal waters off the East coast of Ireland. There are concerns over the declines in the Sea trout stocks in Ireland. The migratory path for our diadromous species along the coast of Ireland both in a southerly or northerly direction past the proposed site investigations should be taken into account. There is a likelihood of significant effect of noise and potential increase in suspended sediment affecting these species.



Twaite shad are known to be sensitive to hearing, and can be impacted by underwater noise. There is a paucity of species-specific knowledge with regard to the effects of anthropogenic noise on fish, however, it is known that fish, including salmon, are sensitive to particle motion which is integral to hearing in all fish. Operations which emit underwater noise may result in changes to sound pressure and particle motion waves that propagate through water. Effects can include masking of biologically important sounds, hearing impairment, stress responses and behavioural changes.

IFI believe given the lack of information on the effect of this work and the use of coastal habitat by diadromous species twaite shad should be screened in and mitigation measures implemented to reduce the potential impact on this Habitat Directive 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

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. The east coast is an important location for coastal recreational angling due to the large population centres close by. The importance of recreational angling to the economy of small villages and towns along the Wicklow and Wexford coastline should to be taken into account and efforts to ensure no detrimental change to these fish species. There are important elasmobranch habitat along this coastline and many sharks and rays are listed as having a threatened and endangered status. The proposed ecological surveys should include recreational fish and the presence of elasmobranch and their required habitat.

Mitigation measures in relation to the protection of the aquatic and marine environment outlined in supporting documents should be a condition of the foreshore licence.

8a Dear Eoghan

The above reference application has been assigned to me for comment on behalf of Marine Survey Office.

MSO notes that this application is linked to a separate Foreshore License (Wicklow Foreshore License Application: Reference: FS007163) in 2021 to cover the offshore wind generation assets.

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 in good time prior to operations starting.
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. It is noted from Schedule of Works that that NO proposed mooring buoys are planned. Should the unforeseen needs arise during surveys then the marking and lighting of 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. Robust operational risk assessments to be developed particularly for work in areas close to existing subsea cables.
6. Once vessel(s) suitable for survey have been sourced as per SoW then Marine Survey Office should be advised, and guidance sought for required survey and certification.

Kind regards



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 Dublin and Wicklow 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)

Regards,

Capt. [REDACTED]
*Nautical Surveyor
Marine Survey Office*

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

19/06/2023

File Ref: FS007588

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

Applicant: Wicklow Sea Wind Ltd

Site Location: Off the coast of County Wicklow

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.

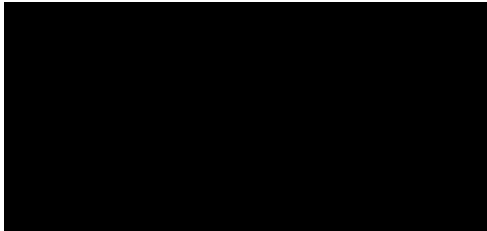
The proposed site investigations under this application will not conflict with any existing consented activities, developments or any applications under consideration.

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

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.



Engineering Inspector and Marine Advisor

Dear Eoghan Kehoe,
Foreshore Unit,
Department of the Housing, Local Government and Heritage,
Newtown Road, Co. Wexford
1st June 2023

Prescribed Bodies Consultation - Environmental Report

Re: FS007588 Site Investigation for the export cable corridor connecting a proposed windfarm array to the coastline at County Wicklow.

Applicant: Wicklow Sea Wind Ltd.

Dear Eoghan,

Your email of the 28th April 2023 refers to this licence application for Site Investigation for the export cable corridor connecting a proposed windfarm array to the coastline at County Wicklow.

This coastline is of conservation importance in Ireland for its wide range of coastal habitats. It is also important for both breeding and overwintering birds. There are a number of good examples dune systems with well-developed plant communities. At sea Wicklow reef is a good example of current-swept reef on cobble and boulder substrate.

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.

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

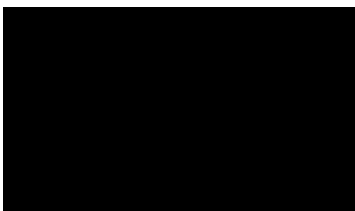
Article 12 of the Habitats Directive (92/43/EEC) affords strict protection to species listed in Annex IV of the Directive wherever they occur. Outside of designated Natura 2000 sites, the waters around Ireland's coast are a suitable habitat for a number of Annex IV species. Where necessary a Risk Assessment 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.



Marine Advisor, Environment.

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

Dear Eoghan,

Thank you for contacting Irish Lights requesting observations on this foreshore licence application FS007588 dated 28th April 2023.

Irish Lights has reviewed this application and have the following observations with respect to the project from a safety of navigation perspective. If any works necessitate the use of Aids to navigation, then consent in the form of Statutory Sanction under the Merchant Shipping Act from Irish Lights will be required via the Local Lighthouse Authority.

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.

The scope of the works mentions the use of DGPS by the survey vessel. In this regard, please note that the DGPS service previously provided by Irish Lights has been discontinued. Irish Lights Notice to Mariners 4 of 2020- Discontinuation of differential Global Positioning system (DGPS) refers.

Irish Lights recommends that a marine notice should be issued detailing the works and duration.

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