

Public Submissions Response

Response document to Public Submissions received for the Wicklow Foreshore License Application FS007588

Wicklow Offshore Wind Limited, on behalf of Inis Offshore Wind (IOW) Limited has applied for a foreshore license to undertake site investigations (SI) in the marine area to inform the feasibility assessments and design for a grid route for the Wicklow Offshore Wind project off the coast of County Wicklow. These SI works include Geophysical (acoustic) surveys, Metocean Surveys, Benthic surveys, Archaeological assessments, and geotechnical surveys.

There has since been a significant shift by the Government on the proposed deployment of offshore wind farms, with the acceleration to a 'plan-led' approach. Therefore, it should be noted that this application is likely not to progress as all future site investigation licenses will be granted by Maritime Area Regulatory Authority in line with policy implemented by DECC. Under the plan-led regime it has been proposed EirGrid will be responsible for developing, constructing and operating grid infrastructure both onshore & offshore for future offshore windfarms around the Irish coast.

As part of the foreshore licensing process, statutory and public consultation was undertaken for a period of 30 days between the 2nd May 2023 and 31st May 2023. Two responses were received from members of the public:

Public Submission 1 – East Coast Fishermen	IOW Response
<p>Objection to a number of projects on grounds of:</p> <ol style="list-style-type: none"> 1. “failure to properly take into account the cumulative effect of all the Irish Sea East Coast Windfarms and site investigation surveys on the Whelk, Lobster, Scallop and Crab fisheries”. 2. Need for spatial planning regarding Offshore Wind Farm location and layout in accordance with MSP directive and parliamentary comments. 3. Objection to all Windfarm applications due to concern over the cumulative effect of the all the windfarms on whelk, lobster and crab industry, particularly on the sand banks, disruption and restriction (500 metres or otherwise in all directions) during survey, construction and operation, and enforced additional competition among fishers, reduced commercial viability for processors and fishers and consequential overfishing and depletion of stocks to extinction due to displacement . 4. Appropriate compensation to be sought, through litigation or such other alternative compensation mechanisms the State deem fit, from the State and complain to EUCommission, based upon their report of 2/5/22 because of Irelands failure as a member state to properly implement the 2014 Maritime Spatial Areas Directive to take into consideration the cumulative effect of all the windfarms right up the Irish Sea and looking at the interactive map the Windfarms ran continuously from North Dublin to South Wexford. 5. Objection to all Windfarm applications due to concern over the 	<p>Inis Offshore Wind appreciates the time taken to respond to this Foreshore License application. We are committed to working with individual fishers and fishery representative organisations to ensure that survey activities have minimal impact on this industry. Additionally, Inis Offshore Wind intends to work with the fishing industry to put a plan in place that is acceptable to both parties during the development, construction and operations of any offshore wind farm.</p> <p>With regard to point 2, it is important to note that 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, 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.</p> <p>The designation of all future DMAPs under the plan-led regime will require Strategic Environmental Assessment and Appropriate Assessment prior to finalization.</p> <p>Inis is actively engaging with both government and industry to support the development of marine spatial planning in accordance with the National Spatial strategy being led by DECC.</p> <p>Separately, under the plan-led regime EirGrid will be responsible for developing, constructing and operating grid infrastructure both onshore &</p>

cumulative effect of the all the windfarms on whelk, lobster and crab industry, particularly on the sand banks,, disruption and restriction (500 metres or otherwise in all directions) duringsurvey, construction and operation, and enforced additional competition among fishers, reduced commercial viability for processors and fishers and consequential overfishing and depletion of stocks to extinction due to displacement .

6. Appropriate compensation to be sought, through litigation or such other alternative compensation mechanisms the State deem fit, from the State and complain to EU Commission, based upon their report of 2/5/22 because of Irelands failure as a member state to properly implement the 2014 Maritime Spatial Areas Directive to take into consideration the cumulative effect of all the windfarms right up the Irish Sea and looking at the interactive map the Windfarms ran continuously from North Dublin to South Wexford.
7. These site investigation surveys have a material effect of the fishing, stocks particularly Whelk, Crab and Lobster. The Habitat Directive and other EU Environmental Protection law and guidelines requires that proper environmental impact studies are carried out before a Member State can properly consider and grant foreshore site investigation survey licences in.the area.
8. Regarding ORE and Fisheries co-existence fishermen believe they are viewed as a mere nuisance by ORE developers. Acknowledgement given to essential role offshore wind energy will play in Irelands security however both the fishers and the Wind Farms derive their rights in the Irish Sea pursuant to their licences granted by the State. The fishers right to continue to hold and fish under such licences is a Constitutionally Protected Property Right. Constitutionally protected Property Rights may not be removed or significantly restricted by the State without a scheme of compensation for the loss of such rights.

offshore for future offshore windfarms around the Irish coast.

While DECC are in the process of designating DMAPs for future offshore wind development, active stakeholder engagement by Inis Offshore Wind has been reduced until there is clarity on the underpinning policy enablers for this project to proceed.

Inis Offshore Wind will continue to engage with the works of the ORE Seafood Working Group. It is the intention of the ORE Seafood Working Group to establish a standardized approach to engagement and compensation and Inis fully support this initiative.

Inis Offshore Wind is conscious that the fishing community is a long established industry in the marine space. It is our intention to work with this industry to ensure that their rights are not affected as a result of ORE development.

Inis has also been in consultation with local fishermen up to this point and a FLO has been engaged in the project. The objective of the FLO is to work with the industry to fully understand the fishing activity within the survey area. Given the move to a plan led system with Eirgrid developing all future grid infrastructure, engagement and communication with fisheries is likely to fall within the scope of Eirgrid's future development activities.

It is crucial for users of the maritime area in Ireland to work collaboratively to ensure the fisheries industry can continue to operate while developing an Offshore wind industry for Irelands energy future.

9. It appears that the State will grant Wind Farm Survey foreshore licences, followed by multiple MACS, resulting in 1100 to 1500 Turbines up the East Coast, in a manner which will displace licenced fishers and deny such fishers their continued right to a livelihood. The EU legislation, directives and reports flag clearly that each Member State should take into account and balance the interest of each of its regional fisheries and where there is displacement, which it is contented will occur here, that there be put in place a scheme of compensation. The State is empowered to make provision and impose levy or contribution on each Wind Farm Project 2 at each stage of survey, construction and operation of Wind Farms. It is respectfully submitted that it is and will be unwise of the State to grant any further survey licences without levying the Wind Farms sufficiently to finance the compensation necessary for the fishers. If no such levy is put in place the State will have to burden the tax payer for its failure for take into account the cumulative effect and displacement of this fisher industry by the Wind Farm Industry
10. Offer of compensation by Windfarms to date have been limited to where fishing gear is directly in the path of survey. This demonstrates that the applicant sees the fishers as a mere nuisance and does not take into account the sonic damage and displacement of fishing stocks caused by earlier wind farm site investigation surveys , the lasting effect of this on fish stocks and the cumulative effect of the all the windfarms which will end the whelk, lobster and crab industry off the East Coast through reduced suitable fisheries, replacement by Windfarms, disruption and restriction (500 metres or otherwise in all directions) during survey, construction and operation, and enforced additional competition among fishers, reduced commercial viability for processors and fishers and consequential overfishing and depletion of stocks to extinction due to displacement.

11. Object to granting of FSIL to Irish Sea East Coast Windfarms without conducting baseline fish surveys in 2021 and 2022 which were requested by the fishery industry. Fishers know first hand that stocks were depleted by these earlier surveys and that stock are only starting to recover many months after such surveys. The request for fish survey should be considered independently of the request for a further fish stock damaging sonic survey.

12. Request that a map of east coast of Ireland showing all windfarm applications for surveys and licences be issued with 1) cumulative area of fishing grounds to be taken up by Offshore Wind Farms and 2) reduction of suitable whelk, scallop, lobster and crab fishing grounds presently, during survey periods and after ORE development.

In order to address this concern and objection, consideration should be given to forced additional competition among fishers, reduced commercial viability for processors and fishers and consequential overfishing and depletion of stocks to extinction due to displacement and thirdly any mitigation measures proposed and fourthly proposals to compensate such fishers for this likely destruction of their livelihoods.

SUBMISSION 2-DOWN MUSSEL LTD.

Public submission 2- Down Mussel Ltd	IOW Response
<p>Ask to consider the location of historical seed mussel beds off the coast of county Wicklow when reviewing the application. Areas suitable for the development of mussels beds, as evidenced by historical data, should be excluded from the survey.</p> <p>Seed Mussels historically fished off of Wicklow head for Down Mussel Ltds aquacultural practice</p> <p>A cable or cables running through the mussel beds would severely limit our ability to fish. Request that survey area adjusted to exclude historical mussel beds.</p>	<p>Inis Offshore Wind appreciates the time taken to respond to this foreshore licence application. We are committed to working with individual fishers and fishery representative organisations to ensure that survey activities have minimal impact on this industry. Additionally, Inis Offshore Wind intends to work with the fishing industry to put a plan in place that is acceptable to both parties.</p> <p>It is important to note that following the policy statement on the framework for phase 2 issued in March 2023 the Government has accelerated the move to a fully plan led approach to offshore wind development. This means 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.</p> <p>Separately, since this application was lodged and DECC's shift to a plan-led regime, it has been proposed EirGrid will be responsible for developing all grid infrastructure for future offshore windfarms and associated surveying activities. Eirgrid will now be responsible for the assessment of proposed offshore cables for offshore projects in the area.</p> <p>While DECC are in the process of designating DMAPs for future offshore wind development, active stakeholder engagement has been reduced until there is clarity on the underpinning policy enablers for this project to proceed.</p> <p>The designation of all future DMAPs under the plan-led regime</p>

	<p>will require Strategic Environmental Assessment and Appropriate Assessment prior to finalization. We would encourage Down Mussel Ltd to engage with the Department of Environment, Climate and Communications during these processes.</p>
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