

Public Submissions Response

Response document to Public Submissions from prescribed bodies 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 licence 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 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 may not be used, but this will be subject to direction from DECC and Eirgrid.

As part of the foreshore licencing process, statutory and public consultation was undertaken for a period of 30 days between the 2nd May 2023 and 31st May 2023 and 12 responses were received from the following organisations:

- Response 1: Department of Agriculture, Food and the Marine (DAFM) (Marine Engineering Division)
- Response 2: DAFM – Marine Institute
- Response 3: DAFM - BIM
- Response 4: DAFM – Inshore Fisheries Department
- Response 5: DAFM – Felling Division
- Response 6: DAFM – Coordination unit
- Response 7: DAFM – Marine Institute
- Response 8: Underwater Archaeology Unit
- Response 9: National Parks & Wildlife Services
- Response 10: Marine Institute
- Response 11: Inland Fisheries Ireland
- Response 12: Marine Survey Office
- Response 13: Department of the Housing, Local Government and Heritage (DHLGH) - Marine Advisor Engineer and Marine Advisor Environmental
- Response 14: Irish Lights

Responses to Submissions Received:

Submission 1:

Department of Agriculture, Food and the Marine (DAFM) (Marine Engineering Division)	IOW Response 1
<ul style="list-style-type: none"> The Marine Engineering Division of this Department has no objection to this application 	Notes

Submission 2:

DAFM – Marine Institute	IOW Response 2
<ul style="list-style-type: none"> 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. 	<p>The concerns raised regarding cumulative effects of the project with other plans/projects in the area are recognised, particularly pertaining to fisheries and aquaculture.</p> <p>An in-combination assessment was undertaken in the 'Natura Impact Assessment' (NIS) (UB1019-RHD-ZZ-XX-RP-Z-0010) using the best available information at the time. The NIS concluded no potential for adverse effect with several other projects in proximity to the Wicklow cable route survey area. Wicklow Sea Wind Limited have been in consultation with local fishermen up to this point and a FLO is 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, including the inshore segment, and the measures required during the survey works.</p> <p>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, that the assessment and determination of</p>

	<p>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. This means that going forward, EirGrid is responsible for providing onshore grid connections and offshore substations for offshore windfarms and they will therefore be responsible for any cumulative effect assessments for proposed offshore cables with other projects in the area.</p>
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Submission 3:

DAFM – BIM	IOW response 3
<ul style="list-style-type: none"> • It is BIM's view that these applications for site investigation works would impact fisheries and aquaculture in the proposed survey areas. • 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. • 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. • 	<p>See IOW Response 2 above.</p>

Submission 4:

<p>DAFM – Inshore Fisheries Department</p>	<p>IOW response 4</p>
<ul style="list-style-type: none"> • Lack of VMS data regarding fishing in or near application area should not be considered representative of activities of the inshore segment of the fishing fleet • DAFM welcomes that a FLO has been appointed – urges timely consultation and active engagement with inshore fishers representatives which should follow the good practice Engagement Standards in the document <i>Summary Guide on Seafood / ORE Engagement in Ireland</i> • Strongly recommends consultation with organizations listed in point 6 (of original response) as well as the Marine Institute. • Recognition of sea-fisheries sector is recognized and given high priority as long-standing, pre-existing and traditional activity in the marine environment. • Potential impacts of projects on commercial sea-fishing and aquaculture activities need to be considered and evaluated at each stage of the consent process. 	<p>See IOW Response 2 above</p>

Submission 5:

DAFM – Felling Section	IOW response 5
<ul style="list-style-type: none">Developer must obtain a Felling Licence before trees are felled or removed	The felling of trees is not anticipated at any stage of the offshore investigation works. Please also see response to DAFM (reference 1b-1d) above for further information.

Submission 6:

DAFM – Environmental Coordination Unit	IOW response 6
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 recognized, supported, and taken into account.	Please see response to DAFM (response 2) above for further information.

Submission 7

DAFM- Environmental Marine Institute	IOW Response 7
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	Please see response to DAFM (response 2) above for further information.

Submission 8

Underwater Archaeology Unit	IOW response 8
<ul style="list-style-type: none">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.Previously unrecorded wreck sites may await discovery in the application area – as such the principle "there should always be a presumption in favour of avoiding developmental impacts	All comments noted. Please also see response to DAFM (response 2) above for further information.

<p>on the archaeological heritage” should be a core principle and enshrined within the design process</p> <ul style="list-style-type: none"> • We concur, broadly, with the proposed mitigation embedded within the investigations and recommend several conditions be included in any Foreshore Licence that may issue (<i>listed in original response</i>) • 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. <p>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.</p>	
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Submission 9

National Parks & Wildlife Services	IOW Response 9
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.	Noted.

Submission 10

Marine Institute	IOW Response 10
<ul style="list-style-type: none"> • Agrees, given the distance, it is unlikely the proposed activities will impact on shellfish culture operations • The outputs of the Seafood / Offshore Renewable Energy Working Group should be considered • The MI is satisfied that use of Marine Mammal Observers and soft start protocol 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 do not coincide with this survey. 	<p>All comments noted.</p> <p>With regard to extending baseline data collection beyond the actual footprint of infrastructure, two points should be noted. 1) the Foreshore Licence area represents an area of search not a defined route/footprint, therefore the survey will be broader than the immediate area that would be affected by potential infrastructure 2) the EIA and other assessments will use a wide range of data for the assessment with site-specific data providing high resolution information for the locations which would be directly affected, and publicly available information used to provide the broader picture. This is an appropriate and</p>

- 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).
- 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.
- Satisfied that the site investigations will not likely have a significant impact on the marine environment in the survey area.

proportionate approach.

Please also see response to DAFM (reference 1-4) above for further information.

Submission 11

Inland Fisheries Ireland	IOW Response 11
<ul style="list-style-type: none"> • The NIS does not include Slaney SAC or the Barrow SAC which have features such as Twaite 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. The migratory path for diadromous species along the coast of Ireland both in a southerly or northerly direction past the proposed site investigations should be taken into account as there is a likelihood of significant effect of noise and potential increases in suspended sediment affecting these species. • Twaite shad are sensitive to hearing – operations which emit underwater noise may result in changes to sound pressure and particle motion waves that propagate through water. Twaite shad should be screened in and mitigation measures implemented. • The importance of recreational angling to the economy of small villages and towns along the Wicklow and Wexford coastline should 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. 	<p>The Slaney River SAC is approximately 54km from the survey area by sea and approximately 21.5km by land. The River Barrow and River Nore SAC is approximately 122km by sea and approximately 54km by land. The Slaney River SAC is the closest of the SACs mentioned by Inland Fisheries Ireland, hence it was considered that this is the most relevant site to consider.</p> <p>Of the four fish species listed by Inland Fisheries Ireland, only Atlantic salmon and twaite shad are known to be sensitive to noise. Impacts from noise on the designated these features of the Slaney River SAC are addressed in the Supporting Information for Screening for Appropriate Assessment (SISAA).</p> <p>The justification for why underwater noise would not result in LSE was that sound sources from the survey will not consist of significant rapid pressure changes and will be short-term. As noted in Section 8.3 of the SISAA, Nedwell <i>et al.</i> (2012) estimated that seismic surveys could cause potential impacts to Atlantic Herring (a noise sensitive species) at a distance of up to 4km. Atlantic Herring is more sensitive to sound than salmon and is thought to be comparable with twaite shad, as for both species hearing involves the swim bladder and both are from the order of Clupeiformes (Nedwell <i>et al.</i>, 2008; Popper & Hawkins, 2019). Given the distance of the Slaney River SAC (and River Barrow and River Nore SAC) impacts to twaite shad, salmon, river and sea lamprey are not anticipated and therefore these SACs were not considered in the NIS.</p> <p>Good practice measures, as outlined in the Schedule of Works, include 'ramp up' procedures which will ensure that any fish (including migratory fish such as trout) in the survey area will flee before surveys commence.</p> <p>In terms of impacts to recreational angling and their habitats, although there will be a small disturbance to the seabed (which may cause increases in suspended sediment and turbidity in the water column), this will be localised, short term and temporary with turbidity levels expected to return to background levels quickly. No significant impacts to water quality are expected. A</p>

Notice to Mariners will be issued for the duration of each survey, however, as noted above, surveys will be short term and take place within a large survey area - therefore no significant impacts to recreational angling is anticipated.

Potential impacts to elasmobranchs were addressed in the Annex IV Risk Assessment (UB1019-RHD-ZZ-XX-RP-Z-0013). As noted in the risk assessment, there are currently no population estimates for basking sharks in Ireland, largely because no measurable data sets exist to indicate population expansion or contraction trends. There is also no research on the behavioural/feeding habits of basking sharks within Irish coastal waters, their spatial and temporal distributions or the major factors influencing these practices (Speedie, 2003). A public sightings scheme was established in Ireland (1993) reported a total of 425 individual basking sharks in one year of observation, encompassing all Irish coasts (Berrow & Heardman, 1994). Data on distribution from MarLIN (Wilding *et al.*, 2020) has records for basking shark all around the Irish coast, therefore there is potential for them to be present in the cable survey area.

The basking shark 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). The hearing range of basking sharks is not known; however, five other elasmobranchs have been found to have a hearing range between 20 Hz to 1 kHz with greatest sensitivities at lower frequencies (Mickle *et al.*, 2020). This may or may not be transferable to basking sharks (Macleod *et al.*, 2011). As 20 Hz - 1 kHz only encompass a small proportion of the noise emitted during the proposed site investigation surveys, and given that the activities will be intermittent, noise disturbance is not expected to impact basking sharks. On this basis, the potential for noise emissions to impact upon basking sharks was screened out of further assessment.

Please also see response to DAFM (reference 1-4) above for further information.

Submission 12

Marine Survey Office	IOW Response 12
<ul style="list-style-type: none"> • No objection to referenced application from a navigational safety perspective • Marine notice should be issued detailing the works and duration • Promulgation and frequency of Navtex and radio broadcast warnings to be agreed in advance with the Irish Coast Guard • Lighting and marking of moored instructions to be carried out in consultation with Marine Survey Office and Commissioners of Irish Lights & compliant with International Association of Aids to Navigation (IALA) requirements • Appropriate measures to ensure safety of navigation is maintained • Robust operational risk assessments to be developed particularly for work in areas close to existing subsea cables • Once vessels have been sourced the MSO should be advised and guidance sought for required survey and certification 	<p>All comments noted.</p> <p>Please also see response to DAFM (Response 2) above for further information.</p>

Submission 13

DHLGH – Engineering Inspector and Marine Advisor	IOW Response 13
<p>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</p>	<p>All comments noted. Please also see response to DAFM (Response 2) above for further information.</p>
DHLGH - Marine Advisor Environmental	
<p>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.</p>	<p>All comments noted. Please also see response to DAFM (Response 2) above for further information.</p>

Submission 14

Irish Lights	IOW Response 14
<ul style="list-style-type: none">• Consent from Irish Lights will be required via the Local Lighthouse Authority for Aids to navigation, if required• Mariners to exercise care in order to avoid damage to Aids to Navigation• Careful planning required to avoid obstruction of the Port approaches and operation of lifeboat services – consultation with local Port authority advised• DGPS provided by Irish Lights has been discontinued Marine notice should be issued detailing the works and duration	All comments noted. Please also see response to DAFM (Response 2) above for further information.