

From: [REDACTED] [REDACTED]@gmail.com>

Sent: Thursday 10 November 2022 13:55

To: Housing ForeShoreORE <foreshoreORE@housing.gov.ie>

Cc: [REDACTED] [REDACTED]@irishsouthandwest.ie>; [REDACTED] <[REDACTED]@hotmail.com>; [REDACTED] [REDACTED]@irishsouthandwest.ie>; [REDACTED] ([REDACTED]@gmail.com) <[REDACTED]@gmail.com>

Subject: Re: FS00Re: 6859 - DP Energy Inis Ealga MEP Foreshore Application for Site Investigations - Notice

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Dear Sir/Madam,

Given the extent of the area proposed to be Licensed stretching from just east of the Bandon River Valley Estuary at Kinsale and having examined where the documentation is to be available for inspection, can you please explain why the documents are not available for inspection at the Garda Station in Kinsale and/or, alternatively, at the Garda Divisional Headquarters at Bandon? Moreover, can you also please explain why the documentation is not available for inspection at the Head Offices of Cork County Council at Victoria Cross, Cork and at the Cork County Council Offices at either/both Kinsale and Bandon.

We await hearing from you as a matter of urgency given that a number of our Members who fish in the area proposed for this Development are based in and fish from Kinsale.

Yours faithfully,

[REDACTED]
**Irish South & West Fish Producers Organization,
Castletownbere,
County Cork
Ireland**

Tel: +353 [REDACTED] (Mob)

From: [REDACTED] <[REDACTED]@gmail.com>
Sent: Friday 11 November 2022 00:22
To: Housing ForeShoreORE <foreshoreORE@housing.gov.ie>
Subject: Establishment of Floating Wind Turbine field off Cork Coast Youghal area.

Sir,

As a former Irish naval mariner my main concern is any restriction in safe navigation for all shipping and any adverse effects on Defence now or in future. In a fixed turbine field the units are often in shallow water away from deep traffic but in any event vessels in safe depths could approach within 50m or so from a turbine.

Floating turbines with spread anchors require more clearance by passing vessels which may mean you cannot passage through an established floating field. Floating field design may further complicate matters if it is decided to have the turbines sharing moorings so that each turbine is linked to an adjacent unit. This would mean the total perimeter of the field may be an exclusion zone.

The field will be more than 20km off shore and will need robust support vessels for technical support transfer perhaps on a daily basis. This will mean port and adjacent workshop and stores facilities.

Defence needs to be considered such as any decision to put in defence mine fields on approaches to key ports or areas.

Regards

[REDACTED]

Commander Rtd. Irish Naval service

From: [REDACTED] <[REDACTED]@gmail.com>
Sent: Friday 11 November 2022 09:49
To: Housing ForeShoreORE <foreshoreORE@housing.gov.ie>
Subject: Re: Establishment of Floating Wind Turbine field off Cork Coast Youghal area.

If I could continue with DEFENCE aspects. In a Floating field we are dealing with 2000 tonne units each producing up to 15MW of power. The proportion of national Power demand being met will be quite high. The Defence of such fields has to be a consideration, as loss of output would be critical as we become more dependent on our own resources.

regards

[REDACTED]

From: [REDACTED] [REDACTED]@gmail.com>

Sent: Monday 14 November 2022 10:27

To: [REDACTED] (Housing) <[REDACTED]@housing.gov.ie>

Subject: Re: FW: Establishment of Floating Wind Turbine field off Cork Coast Youghal area.

Dear [REDACTED],

I am commenting on the proposal to establish a Float Turbine Field off the South eastern Cork coast. The references are centred on the effects of flora and fauna and some emphasis on fishing, however there seems to be NO consideration on DEFENCE or Security. Unlike the Channel between UK/France we do not have a VTS real time system with overflights, for surface traffic control. If we have the intended field established then we have an obligation to warn errant or ignorant traffic of permanently closed areas. As the field will be 20km plus depth of field it will be on the passage area of West bound traffic from The Irish Sea and Bristol Channel to the Atlantic and the Americas. Defence is a factor for such a national energy source and some plan must be allowed for it's preservation in time of potential conflict.

regards

[REDACTED] Commander Rtd.

**Inis Ealga Marine Energy Park Foreshore Licence Applications FS006859 &
FS007404 - Consultation on Stage 2 AA**

**Foreshore Licence Application Dated 10th November 2022 of
IEMEP Limited Preliminary to Offshore Wind Energy Project
Known as Inis Ealga Project for DP Energy Ireland Limited**

Submitted by : DP Energy Ireland Limited, 2nd Floor, 1 Horgans Quay, Waterfront Square, Cork City
T23 PPT8 on behalf of IEMEP Limited

To: The Minister for Housing, Local Government and Heritage, Foreshore Unit, Department of
Housing, Local Government & Heritage, Newtown Road, Wexford, County Wexford

E-Mail: foreshoreORE@housing.gov.ie

Reference Number: FS006859 & FS007404

**Submission of Irish South & West Fish Producers Organization Limited
(IS&WFPO) The Pier, Castletownbere, County Cork**

**In respect of Appropriate Assessment to be conducted in accordance with
EU Habitats Directive & Birds Directive**

Having read the entire of the documentation relating to these Applications, it is clear that these Applications are in respect of:

“This Application is for site investigations to inform engineering and design related to a potential Offshore Wind Farm, Inis Ealga Marine Energy Park. The objective of the Site Investigations is to gather sufficient geophysical, geotechnical, environmental, archaeological and ecological information to inform development of export cable route within the Foreshore License Application Area

with “the Objective (being) to inform development of export cable route within the Foreshore License Application Area.

It must be noted, however that in the description of the “**Proposed Development Activity**” on the Department Webpage that “*DP Energy is investigating the feasibility of developing an offshore floating wind energy prospect off the south coast of Ireland, the Inis Ealga Marine Energy Park (IEMEP). DPEI intend to carry out Site Investigations within the prospect area, potential export cable corridors and landfall areas to assess the site and associated seabed.*” (our underlining and/of heavy type)

Preliminary Observations:

1. Having examined all documentation furnished in support of this Application, it is clear that no information whatsoever has been furnished in respect of any of the Development Works proposed or envisaged on the “Landfall Area”, either within the intertidal area or above the Median High Water Mark. We believe and so submit that the failure to furnish any information relating to these areas, both of Waters and of Land and the associated failure to provide all or any of the Environmental Information required to enable an Assessment to be performed on the Landfall within these areas represents a Fundamental Flaw in this process and we suggest that the Application must be readvertised to include all omitted Environmental Information related to the Landfall area.
2. Insofar as the Application discloses that the Area of Sea-bed sought to be assessed and licensed extends from the shoreline of the coast of County Cork to the Baseline it must be accepted that all Waters inside of the Baseline represent the Inland Waters of the State. The Charts accompanying the Application(s) must be withdrawn and re-lodged clearly delineating both the Waters within the Zone extending landwards from 12-mile limit to the Baseline and then delineating and differentiating the extent of the Inland Waters of the State inside of the Baseline that are sought to be Licensed. You will be aware that the Waters on the landward side of the Baseline and extending to the High Water Mark from the Baseline are Internal Waters of the State and subject to the jurisdiction of the Planning Authorities immediately adjoining the High Water Mark.
3. Arising out of 1 above, and having regard to the content of Section 224 of the Planning & Development Act 2000, we submit that the Works in respect of which a Foreshore License is sought and which are now subject to Appropriate Assessment in accordance with both the EU Habitats Directive and Birds Directive, are “Development” in accordance with the provisions of the Planning & Development Act 2000 (as amended) and accordingly, the Applicant or (more likely) IEMEP Limited must make contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works

proposed to be conducted and carried out in the Waters inside of the Baseline and stretching from the Baseline to the High Water Mark, such Waters representing the Internal Waters of the State.

4. We note that the Names and Signatures of Experts and Competent Authorities are pertinent Environmental Data with many such names and signatures being absent and appearing to have been redacted in the AA documentation. All such documentation must be unredacted and republished with the fact of the unredacted documentation being republished to the Public.

General Observations:

5. On 7th June 1991, Ireland declared that all Seas surrounding our Island and extending from the shoreline to the 200 Mile Limit were to be constituted a Whale and Dolphin Sanctuary.

The text of the announcement from Oifig an Taoiseach stated:

The Taoiseach announced today that the Government have declared all our seas a Whale and Dolphin Sanctuary. This Declaration is in conformity with the Government's Environmental Action Plan Programme and the Dublin Declaration on the Environment which was adopted by the European Council during Ireland's Presidency of the European Community in June, 1990. It is a clear indication of Ireland's commitment to contribute to the preservation and protection of these magnificent creatures in their natural environment, and to do everything possible to ensure that they should not be put in danger of extinction but should be preserved for future generations. Ireland already has a comprehensive legal framework in place – the Whale Fisheries Act, 1937, and the Wildlife Act, 1976 - which empowers the Government to provide this sanctuary. Under this legislation, the hunting of all whale species, including dolphins and porpoises, has been totally banned within the exclusive fishery limits of the State i.e. out to 200 miles from the coast. The Declaration of the Whale and Dolphin Sanctuary within the exclusive fishery limits of the entire country is the first in Europe and will, hopefully, be followed by other maritime nations. The Taoiseach congratulated the recently - established Irish Whale and Dolphin Group for their role in promoting the study and conservation of whales and dolphins in Irish coastal waters.

At the recent meeting of the International Whaling Commission in Iceland, Ireland took the position that the moratorium on commercial whaling in international waters, begun in 1986, should continue. Some 10 years ago Ireland joined The International Whaling Commission, the aim of which is to provide for the proper conservation of whales throughout the world and for the orderly development of the whaling industry in that context. Ireland's efforts on both the national and international fronts, therefore, have ensured that we are making a significant contribution to the world-wide conservation of whales and dolphins.

6. Having thoroughly examined all documentation furnished to the Minister in support of this Application for Appropriate Assessment we discover that while Whales are mentioned on 5 occasions in the Appropriate Assessment Report with 4 in number of Species of Whale being identified as present on the Site of the proposed Route(s) of the Export Cable Corridor in the Report of **Hartley Anderson Limited** on **Annex IV Risk Assessment** dated July of 2022 namely Killer Whales, Minke Whales, Fin Whales and Humpback Whales.
7. No Information whatsoever is furnished on the Acoustic Impacts upon Whales, Dolphins, Juvenile Fish Stocks and Fish Eggs of the works proposed to be conducted on foot of any Consent issued by the Minister. The area the subject matter of this Application is one of the most important Spawning and Nursery Areas in Europe and we find it astonishing that significantly more detail is not provided on this specific issue throughout the documentation supporting this Application.
8. According to a Paper entitled : **“A review of potential impacts of submarine power cables on the marine environment: Knowledge gaps, recommendations and future directions”** published in **Elsevier** in November of 2018 it is stated that while “Overall impacts on ecosystems are considered minor or short-term, uncertainties remain, particularly concerning the impacts of electromagnetic fields.”
9. The US Department of Energy TETHYS Web-page – available at:

<https://tethys.pnnl.gov/summaries/electromagnetic-field-effects-marine-life?search=&page=0%2C1>

has listed a number of compelling published Scientific Papers on the many significant Adverse Impacts of sub-sea and sea-floor Cabling and **cautions that further research is needed** to refine our understanding of the effects of EMFs on wildlife – including on Marine Mammals and Cetaceans.

10. We are a **Fish Producer Organization** representing Fish Producers all along the south-west, south and east coast of Ireland from Dingle to Dundalk that was founded and has since operated pursuant to and in accordance with the provisions of the **Common Fisheries Policy** of the **EU**. We are one of four Irish Fish Producer Organizations and our Producer-Members fish in Boats ranging from smaller Inshore Fishing Boats to larger Trawlers of up to 37 Meters in length fishing for a multiplicity of Species in Fishing Grounds from the Coast of Norway to Rockall to the North Coast of Spain throughout the year. The Waters the subject matter of this Application are some of the most intensively fished Irish Waters, both by our Members and by Members of the 3 other Fish Producer Organizations and the Fish Stocks spawned within, contiguous with and/or emanating from these Waters represent one of the most significant assets of the Irish Fishing Industry and, of necessity of the Fishing Industry of the European Union.
11. Our Members are extremely concerned at the **geophysical and geotechnical** works proposed to be conducted by the Applicant as described in the **Application for License** and in the **Natura**

Impact Statement – the original is dated 19th December 2019 while there are a number of Updated documents.

12. Given that the power and responsibility for the **Rational Exploitation and Conservation of Fish Stocks** pursuant to the **Common Fisheries Policy of the EU** is vested in the European Union we believe and so submit that this is an Application that **MUST** be notified to and circulated among both the **EU Council, EU Commission and EU Parliament**, to **ICES, the International Council for the Exploration of the Sea** which conducts and assesses the **Scientific State of Fish Stocks in EU Waters** including those Waters stretching from the Baseline to the 12-mile Limit the subject matter of this Application and to each EU Member State. Moreover, the Application must be notified to and circulated among Fishers in each of those Member States whose Fishers fish in or depend on Fish Stocks derived from the Waters the subject matter of this Application for their livelihoods.

We believe and so submit that unless and until **Formal Notification** of the making of this Application is made to each and every one of the EU Bodies, EU Member-States & Fish Producers in those Member-States as outlined above, this, or any amended Application must be deemed to be inadmissible. We submit that the Application should also be Notified to all such Fish Producers and Regulatory Bodies by Notice in the EU Journal.

13. We submit that the Development Proposed, in respect of which a Foreshore License is applied breaches the provisions of the **Marine Strategy Framework Directive (2008/56/EC)** of the European Union insofar as some, if not all of the Waters the subject matter of this Application may be required to be designated as MPA's in accordance with the Report produced by Professor Tasman Crowe of UCD who Chairs the Advisory Group on the expansion of Ireland's existing Marine Protected Areas.
14. A very considerable extent of Ireland's Territorial Seas and those Sea Areas lying inside of the Baseline that constitute the Inland Waters of the State including within the area(s) the subject matter of this Application with their extraordinary range of flora and fauna and specifically, their very extensive breeding stocks of Fish with their Spawning and Nursery Grounds, together with Shellfish and a quite extraordinary range of Marine Mammals and Migratory Species of Fish and Marine Mammals are due to be protected as Marine Protected Areas (MPA's) – with the period within which those Designations were due to have been proposed and completed having long since passed. We believe and so submit that proceeding to adjudicate on this Application and to conduct an Appropriate Assessment, absent Proposals for and Designations of MPA's by the appropriate Minister is patently ridiculous and almost as if designed to circumvent the requirement for Designation.
15. The Fishing Grounds and Fish Spawning Grounds of the Celtic Sea lying within the Area sought to be licensed are some of the most important Fish Spawning Grounds in Europe.
16. The Natura Impact Statement completed and dated 19th December 2019 which was Revised and Finalised on 17th February 2020 and which is now updated by the Report of **Hartley Anderson**

Limited on Annex IV Risk Assessment dated July of 2022 continues to be remarkably deficient, not only in respect of Whales, Dolphins, Cetaceans, Sharks and other such Marine Life but, from our point of view, in respect of Spawning and Nursery Stocks of Fish and Migratory Stocks of Fish including Bluefin and Albacore Tuna and Swordfish.

17. We are astonished by the failure to include reference to the Marine Institute Publication of July 2015 on **Article 6.2 (Habitats Directive) Risk Assessment The effects of fisheries on Qualifying Interests in Special Areas of Conservation in Irish coastal waters** published by the Marine Institute. While we may not be in agreement with everything stated by the Marine Institute, we believe the failure to include much of the Environmental Information referred to therein leaves a very large *Knowledge Gap* in any consideration of this Application.

18. In addition to the above, we note that there are a number of exclusions in the documentation furnished and, presumably, from this Assessment (see Exclusions set out at page 5 of AA screening)

"The Marine Institute, Sea Fisheries Protection Authority (SFPA), Department of Agriculture, Food and Marine (DAFM), the Underwater Archaeology Unit and the Marine Survey Office submitted consultation responses on the application, however, these are not considered relevant to this Screening for AA and are considered in full, along with recommended licence conditions in RPS's Screening for EIA Technical Review"

19. Meanwhile:

"National Park and Wildlife Services (NPWS)-Development Applications Unit (DAU) NPWS requested the utilisation of the guidance document "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" to help with potential interaction with marine mammals and it should be added as a condition of consent." (page 6)

Is the NPWS not partaking in this Assessment process?

20. We believe and so submit that the "Zone of Influence" in Screening was too limited ...

Page 6: *"While certain species of seabird can forage considerable distances from their colonies, **given the limited size, scale and duration of the proposed site investigations**, it is considered unlikely that there is a reasonable impact pathway to species from SPAs beyond 15km. Given the temporary nature and scale of the project, RPS considers that the level of precaution applied in identifying sites is appropriate."*

We submit that all or any **AA Screening Exclusions based on geography are contrary to Rulings and Case Law of the CJEU**

We would be grateful if you would acknowledge receipt in due course.

████████████████████

IS&WFPO

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Castletownbere

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