

DoHLGH ref: FS006859



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18th January 2023

Mr [REDACTED]
Foreshore Unit
Department of Housing, Local Government and Heritage
Newtown Road
Wexford
Y35 AP90

Re: FS006859 DP Energy Site Investigations at Inis Ealga – Inis Ealga Marine Energy Park Ltd.’ Response to Public & Prescribed Body Submissions on Public Consultation in accordance with Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011

Dear Mr. [REDACTED]

I refer to emails from your office dated 13th December 2022, 4th January 2023 and 9th January 2023 in relation to the above application for Foreshore Licence (FS006859), and the submissions made to your office by the Public and by Prescribed Bodies. Please note Inis Ealga Marine Energy Park Ltd.’s response as follows:

Public Submissions

Submission 1:

“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.”

Inis Ealga Marine Energy Park Ltd. Response: The application for Foreshore Licence documents for FS006859 were put on display to the public at the following locations:

- Cork County Council, Municipal District Office - Youghal, Mall House, Youghal Lands, Youghal, Co. Cork;
- Cork County Council, Municipal District Office - Midleton, Youghal Rd., Park South, Midleton, Co. Cork;
- Anglesea Street Garda Station, Ballintemple, Cork City;
- Midleton Garda Station, Oliver Plunket Place, Midleton, Co. Cork; and
- Youghal Garda Station, O'Brien's Place, Youghal, Co. Cork.

Inis Ealga Marine Energy Park Ltd. selected these locations to reflect those areas most central to the Foreshore Licence Application Area. Inis Ealga Marine Energy Park Ltd. also ensured that the documents published on the Government of Ireland's Foreshore Notices website ([here](#)) were clearly linked in the Public Consultation notice made available online on the project website ([here](#)).

Public notices were published in the following national and local newspapers:

- Irish Independent
- Evening Echo
- Waterford News and Star.

An email alert containing a link to the documentation and the contact details for DP Energy's Community and Stakeholder Liaison Manager, was sent to the fish producer organisations and fishing representative bodies, as well as individual fishers, community individuals and community groups requesting that contact be made if further assistance was required with any aspect of this Public Consultation in accordance with Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011.

Submission 2:

“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.”

“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.”

“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.”

Inis Ealga Marine Energy Park Ltd. Response: The application for Foreshore Licence FS006859 pertains only to proposed site investigation activities, which are temporary and short term in nature. Prior to the proposed site investigations, timely notice including key information on the survey vessels being used (vessel name, vessel type, bridge telephone number, bridge email details, Call Sign and MMSI number), and also on the planned location/duration of the site investigations, will be communicated to maritime users (including Shipowners, Fishing Vessel Owners, Agents, Shipmasters, Skippers, Fishers, Yachtsmen, Yachtswomen, and Seafarers) through the publication of Marine Notices. Inis Ealga Marine Energy Park Ltd. has also appointed two specialist Fisheries Liaison Officers to work closely with the fishing community, and with Inis Ealga Marine Energy Park Ltd., in ensuring ongoing two-way engagement and to respond to fisheries concerns raised.

The submissions above reference potential impacts on navigation and defence/security due to the presence of a wind farm. Any proposed wind farm will be subject to full assessment within the Environmental Impact Assessment Report (EIAR) to be submitted to An Bord Pleanála in support of a future Development Permission application. This EIAR will include a dedicated chapter on potential effects of the wind farm on Shipping and Navigation receptors, including a Navigation Risk Assessment (NRA) to be informed by marine traffic surveys in line with available best practice guidance (incl. MGN654) and a Hazard Workshop. The Hazard Workshop will allow a variety of stakeholders to raise specific concerns, and work together with Inis Ealga Marine Energy Park Ltd. to assess potential risks and begin to identify appropriate mitigation measures. The output of the Hazard Workshop is a Hazard Log summarising the findings of the Hazard Workshop. This Hazard Log is included in the NRA which forms part of the EIAR. Stakeholders that will be invited to participate in the Hazard Workshop include the Naval Service, National Maritime College of Ireland, Commissioner of Irish Lights, Irish Cruising Club, Royal National Lifeboat Institute, Regular vessel operators (identified from marine traffic survey data) including private ferry operators, Fisheries representatives and local port operators including Port of Cork Company, Youghal Harbour and Ballycotton Harbour.

Submission 3: Submission of Irish South & West Fish Producers Organisation Limited (IS&WFPO)

IS&WFPO Submission Point 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.”

Inis Ealga Marine Energy Park Ltd. Response: The application for Foreshore Licence FS006859 pertains to proposed site investigation activities within the Foreshore as defined in Section 1 of the 1933 Foreshore Act (as amended). The Foreshore Licence Application Area is delineated in the Foreshore Licence Maps (entitled ‘*Foreshore Licence Map*’ and ‘*Figure 2 Geographic Co-ordinates*’) submitted in support of the application for Foreshore Licence. These maps were prepared in line with the Department’s guidance, listed in Section 2.1 and Section 2.2 of its document entitled ‘*Investigative Foreshore Licence Application (Offshore Renewable Energy)*’.

The IS&WFPO submission references an omission of information in respect of ‘*...Development Works proposed or envisaged on the “Landfall Area”...’*, which is not pertinent to this application for Foreshore Licence which proposes site investigations only within the foreshore. The proposed site investigations within the Foreshore Licence Application Area, including the potential drilling of boreholes related to potential landfall area(s) that lies within the Foreshore, are described in the document entitled ‘*Schedule of Survey Works*’ and appraised in the document entitled ‘*Natura Impact Statement*’ submitted in support of the application for Foreshore Licence.

IS&WFPO Submission Point 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.”

IS&WFPO Submission Point 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.”

Inis Ealga Marine Energy Park Ltd. Response: The relevant area subject of the application for Foreshore Licence is the foreshore as defined in Section 1 of the 1933 Foreshore Act (as amended): *“the bed and shore, below the line of high water of ordinary or medium tides, of the sea and of every tidal river and tidal estuary and of every channel, creek, and bay of the sea or of any such river or estuary”*. For clarity, the Foreshore Licence Maps (entitled ‘*Foreshore Licence Map*’ and ‘*Figure 2 Geographic Co-ordinates*’) submitted in support of the application for Foreshore Licence (referred to as ‘*Charts*’ in the IS&WFPO Submission Point 2 above) have been prepared in accordance with the Department’s guidance, listed in Section 2.1 and Section 2.2 of the document entitled ‘*Investigative Foreshore Licence Application (Offshore Renewable Energy)*’.

IS&WFPO Submission Points 2 and 3 make reference to the concept of “*Baseline*”, a term defined in Section 85 of the Sea Fisheries and Maritime Jurisdiction Act, 2006 (“SFMJA 2006”). The SFMJA 2006 was promulgated to achieve a number of various purposes including the consolidation of a diverse array of acts relating to the jurisdiction of the sea. It is notable that the Foreshore Act, 1933 does not appear in the list of acts referred to in the SFMJA 2006. In short, the concept of “*the Baseline*” and, more broadly, the contents of the SFMJA 2006 have no relevance to the application for Foreshore Licence.

Based upon the incorrect conclusion reached by the IS&WFPO in Submission Point 2, that the application for Foreshore Licence includes site investigation activities within “*Internal Waters of the State*”, an assertion is then made in IS&WFPO Submission Point 3 that a ‘*contemporaneous Application to the Planning Authorities for both County Cork and County Waterford for Grants of Planning Permission in respect of all Works proposed*’ is required. Inis Ealga Marine Energy Park Ltd. believes that the assertion in IS&WFPO Submission Point 3 is incorrect as it is based on an incorrect conclusion in IS&WFPO Submission Point 2.

IS&WFPO Submission Point 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.”

Inis Ealga Marine Energy Park Ltd. Response: Appendix A of the document entitled ‘*Natura Impact Statement*’ submitted in support of the application for Foreshore Licence sets out the Underwater Noise Assessment carried out to appraise the potential acoustic impacts of the proposed site investigations on Marine Mammals (‘*whales and dolphins*’, Section A.3) and Fish (Section A.2). Section 3 of the Natura Impact Statement describes the environmental baseline upon which that appraisal was undertaken, including, but not limited to, information on Fish Ecology (including ‘*Spawning and Nursery Areas*’; Section 3.4) and Marine Mammals (including ‘*whales and dolphins*’; Section 3.5).

IS&WFPO Submission Point 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”

IS&WFPO Submission Point 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.”

Inis Ealga Marine Energy Park Ltd. Response: The application for Foreshore Licence FS006859 pertains only to proposed site investigation activities, which are temporary and short term in nature. The submissions above reference potential impacts of ‘submarine power cables’ and concerns around potential impacts of electromagnetic fields originating from same which are associated with the presence of a wind farm, not the proposed site investigations.

Any potential impacts associated with the construction, operations and maintenance, and decommissioning of wind farm infrastructure will be subject to full assessment within the Environmental Impact Assessment Report (EIAR) to be submitted to An Bord Pleanála in support of a future Development Permission application. This EIAR will include assessment of potential effects of electromagnetic fields from cables, both offshore and onshore, associated with an offshore wind farm.

IS&WFPO Submission Point 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.”*

IS&WFPO Submission Point 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.”*

Inis Ealga Marine Energy Park Ltd. Response: To address specific concerns and recognising the importance of the fishing industry to coastal communities and the economy as a whole, Inis Ealga Marine Energy Park Ltd. has appointed two specialist Fisheries Liaison Officers (FLOs [REDACTED] [REDACTED]) to work closely with the fishing community, and with Inis Ealga Marine Energy Park Ltd., in ensuring ongoing two-way engagement and to respond to fisheries concerns raised.

Inis Ealga Marine Energy Park Ltd. is currently collating, assessing and responding to the concerns raised by the members of fishing industry concerning survey zoning and mitigation methods for the proposed site investigations, including the proposed geophysical and geotechnical works.

IS&WFPO Submission Point 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.”*

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. is not aware of any legal basis or mechanism whereby the application for Foreshore Licence should be subject to some form of ad hoc notification to ‘each and every one of the EU Bodies, EU Member-States & Fish Producers in those Member-States’ as suggested in the IS&WFPO Submission Point 12.

IS&WFPO Submission Point 13:

*“We submit that the Development Proposed, in respect of which a Foreshore Licence 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.”*

Inis Ealga Marine Energy Park Ltd. Response: The application for Foreshore Licence FS006859 pertains only to proposed site investigation activities, which are temporary and short term in nature. The submission above references potential impacts on future designation of MPAs due to the presence of a wind farm, which is not the subject of this application for Foreshore Licence.

IS&WFPO Submission Point 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.”

Inis Ealga Marine Energy Park Ltd. Response: To address specific concerns and recognising the importance of the fishing industry to coastal communities and the economy as a whole, Inis Ealga Marine Energy Park Ltd. has appointed two specialist Fisheries Liaison Officers (FLOs) [REDACTED] [REDACTED] to work closely with the fishing community, and with Inis Ealga Marine Energy Park Ltd., in ensuring ongoing two-way engagement and to respond to fisheries concerns raised.

Inis Ealga Marine Energy Park Ltd. is currently collating, assessing and responding to the concerns raised by the members of fishing industry concerning survey zoning and mitigation methods for the proposed site investigations.

IS&WFPO Submission Point 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.”*

Inis Ealga Marine Energy Park Ltd. Response: The potential effects of the proposed site investigations on marine mammals are considered in Section 4.3 and 4.4 of the document entitled ‘*Natura Impact Statement*’ submitted in support of the application for Foreshore Licence FS006859. This assessment and the potential effects of the proposed site investigations are described following a detailed assessment that identifies environmental sensitivities, including marine mammals in Section 3.5 of the *Natura Impact Statement* document. IS&WFPO’s Submission Point 16 states that the assessment is “*remarkably deficient*”, though it

provides no description on what detail is believed to be omitted. Inis Ealga Marine Energy Park Ltd. can confirm that the most relevant data sources and literature, available at the time of submission of the application for Foreshore Licence, were used to assess potential impacts on environmental sensitivities proportionate to the proposed site investigations to which the application for Foreshore Licence pertains.

IS&WFPO's Submission Point 16 described how the Natura Impact Statement and Risk Assessment are deficient "... in respect of Spawning and Nursery Stocks of Fish and Migratory Stocks of Fish including Bluefin and Albacore Tuna and Swordfish". On the latter, the submission refers to a Risk Assessment for Annex IV Species prepared by the Independent Environmental Consultant in relation to the Foreshore Licence application FS007404, as set out in response to same, fish species are not Annex IV species and would therefore not be discussed within a Risk Assessment for Annex IV Species. Within the assessments set out in the documents submitted by Inis Ealga Marine Energy Park Ltd. in support of the application for Foreshore Licence FS006859, potential effects of the proposed site investigations on Fish and Shellfish are considered in detail within Section 4.3 and 4.4 of the *Natura Impact Statement* document. These potential effects are described in consideration of a detailed assessment of environmental sensitivities, including Section 3.4 Fish of the '*Natura Impact Statement*' document. Further, to address specific concerns, and recognising the importance of the fishing industry to coastal communities and the economy as a whole, Inis Ealga Marine Energy Park Ltd. has appointed two specialist Fisheries Liaison Officers (FLOs) [REDACTED] to work closely with the fishing community, and with Inis Ealga Marine Energy Park Ltd., in ensuring ongoing two-way engagement and to respond to fisheries concerns raised.

IS&WFPO Submission Point 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."*

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. does not believe that the omission of reference to the 2015 Marine Institute report entitled '*The effects of fisheries on Qualifying Interests in Special Areas of Conservation in Irish coastal waters*' has resulted in a gap for the application for Foreshore Licence FS006859. The aforementioned Marine Institute report draws from several data sources on fishing activity (incl. Vessel Monitoring Systems and logbooks) to support Appropriate Assessments and Risk Assessments on the impact of fishing activity occurring within designated sites, specifically "...against the conservation objectives (COs), and more specifically on the version of the COs that are available at the time of the Assessment, for designated ecological features, within the site, as defined by the National Parks and Wildlife Service (NPWS)". As such, the Marine Institute report, and a large proportion of the literature cited within focuses on the impacts of fishing activity on designated sites and is not directly relevant to the proposed site investigations to which the application for Foreshore Licence pertains.

Nonetheless, the document entitled '*Natura Impact Statement*' submitted in support of the application for Foreshore Licence, and the report outlined in IS&WFPO Submission Point 17, do

share similar data sources where relevant. Specifically, common sources are used with respect to the abundance and distribution of marine species (e.g., SCANS reports; Irish Whale & Dolphin Group (IWDG) sightings and NPWS reporting), as well as some overlapping potential impacts the proposed site investigations and fishing activity may have e.g., introduction of underwater noise. It is important to highlight that the document entitled ‘*Natura Impact Statement*’ submitted in support of this application for Foreshore Licence contains more recent sources of data sources and literature that have since superseded some of the sources of information that were available at the time of publication of the 2015 Marine Institute report.

IS&WFPO Submission Point 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.”*

Inis Ealga Marine Energy Park Ltd. Response: Section 4.3.2 of the document entitled ‘*Natura Impact Statement*’ submitted in support of application for Foreshore Licence sets out a justification for the Zone of Influence and search area identified for each potential receptor. Table 4-1 within Section 4.3.2, copied below, sets out the expected Zone of Influence of the potential impacts associated with the proposed site investigations, demonstrating (i) the alignment with the recommendation in Irish Guidance ¹ that Natura 2000 sites within 15km should be screened and (ii) the consideration of a larger search area for mobile species i.e., migratory fish species, seabirds and marine mammals.

Table 4-1 Search areas and zone of influence

Interest feature	Species	Search Area	Zone of influence
Fish	Atlantic Salmon; twaite shad	40km	2.2km
Birds	Most bird species	15km	2km
	Divers, seaduck	15km	4km
Cetacean	Harbour porpoise	Celtic and Irish Sea MU	2.6km (disturbance)
	Bottlenose dolphin	Irish Sea and Offshore Channel and SW England MU	
Pinniped	Grey seal	100km	
	Harbour seal	50km	

¹ Department of Environment, Heritage and Local Government (2010). Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities. [Guidance on Appropriate Assessment for Planning Authorities | National Parks & Wildlife Service \(npws.ie\)](http://www.npws.ie)

Prescribed Bodies Submissions

Submission 1: Department of Agriculture, Food and the Marine

“This Department has no further comments/observations on this application for Inis Ealga Marine Energy Park.”

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. thanks the Department of Agriculture, Food and the Marine for its comments to-date on the application for Foreshore Licence FS006859.

Submission 2: National Parks and Wildlife Service – Department of Housing, Local Government and Heritage

“NPWS have advised that their previous obs on this case still stand and they have no additional comment.”

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. thanks the National Parks and Wildlife Service for its comments to-date on the application for Foreshore Licence FS006859.

Submission 3: Underwater Archaeology Unit – Department of Housing, Local Government and Heritage

“... please be advised that UAU have no additional comments to add to their previous submission”

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. thanks the Department’s Underwater Archaeology Unit for its comments to-date on the application for Foreshore Licence FS006859.

Submission 4: Marine Institute

“In our previous submission (dated 27/05/2020), the Marine Institute considered that the activities, as proposed, were unlikely to have a significant impact on the environment and identified a number of conditions that may apply to a licence. We still hold this view.

It is the view of the MI that during assessment of likely effects, however, that the licencing body consider the in-combination effects on species (marine mammals and birds, in particular) that the proposed surveying activities may have with other similar activities likely to occur in the vicinity. Furthermore, we would consider that wider effects on habitats (outside of licenced area) also be assessed. In particular, it is our view that such ORE data gathering surveys be carried out in a 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 addition, having this baseline data will facilitate future assessment of impacts of OREs beyond the footprint of the

licence/lease area. While it appears that the proposed site investigation area does not contain any licenced aquaculture areas it would be advised to confirm this, at the time of assessment, by referring to the Aquaculture viewer at <https://dafm-maps.marine.ie/aquaculture-viewer/>

In relation to cumulative effects with other activities, we draw the Department's attention to Natura assessments to consider interactions between Natura qualifying interests and aquaculture operations (existing and proposed) that have been carried out nationally and more specifically, in areas adjacent to the proposed application area. These reports can be found at the following link and give an indication of likely aquaculture activities occurring in the general area.

Furthermore, we draw the Department's attention to fishery risk assessments relating to Natura Qualifying interests that have been carried out nationally and more specifically, on the south and west coasts. These reports can be found at the following link and give an indication of likely fisheries activities occurring in the area in question.

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

Inis Ealga Marine Energy Park Ltd. Response: The in-combination assessment included in the documents submitted in support of Inis Ealga Marine Energy Park Ltd.'s application for Foreshore Licence gave consideration to other developments including other applications for Foreshore Licence published on the Government of Ireland Foreshore Notices [website](#) and industry knowledge available online/through industry body working groups at the time of preparation of the application documents. The other developments deemed relevant for inclusion in the in-combination assessment were those with potential for in-combination effects with the proposed site investigations. The full list of developments considered in the in-combination assessment is set out in the following sections of the document entitled '*Natura Impact Statement*' submitted in support of the application for Foreshore Licence as:

- Section 4.3.3 In-combination effects
- Section 4.4 Screening of Natura 2000 sites

The only potential in-combination effects on Natura 2000 sites related to the proposed site investigations are due to noise from geophysical survey activities and potential visual disturbance to breeding birds due to vessel presence. Such in-combination effects would only arise if two geophysical survey equipment operators are operating within close proximity and would depend on the specification of the equipment being used and the Zone of Influence associated with same. To the best of our knowledge, aquaculture operations in close proximity to the Foreshore Licence Application Area e.g., Ballymacoda Bay (Licence References: T05/491A Ballymacoda Bay, T05/395 Ballymacoda Bay, T05-482A Ballymacoda) do not include geophysical survey activities and are located greater than the 2 km from SPAs where visual disturbance may result in potential effects to breeding birds. Given the transient nature of the proposed site investigations set out in the document entitled '*Schedule of Survey Works*' submitted in support of the application for Foreshore Licence, it is considered unlikely that any increase in vessel activity resultant from in combination effects would result in significant effects on conservation features of Natura 2000 sites.

Potential effects on Natura 2000 sites from intrusive site investigation activities such as geotechnical drilling or benthic grab sampling are considered extremely localised (immediate

footprint of drilling or sampling equipment) with very small volumes of sediment disturbed (drilling) or substratum loss (benthic sampling). The proposed geotechnical sampling events are likely to cause insignificant deposition levels and an estimated area of only 1-2m² is expected to be affected per borehole, representing the likely footprint of the drill pipe penetration itself. Therefore, unless those activities are being undertaken within, or immediately adjacent to, a Special Area of Conservation (SAC) there is no pathway identified that could cause any effect on the conservation objectives of any Natura 2000 sites.

Inis Ealga Marine Energy Park Ltd. notes the reports linked in the Marine Institute's submission and has added same to the catalogue of project resources for future reference. The linked Risk Assessments draw information from several data sources on fishing activity (e.g., Vessel Monitoring System; logbooks) to support Appropriate Assessments and Risk Assessments on the impact of fishing activity occurring within designated sites, specifically "*...against the conservation objectives (COs), and more specifically on the version of the COs that are available at the time of the Assessment, for designated ecological features, within the site, as defined by the National Parks and Wildlife Service (NPWS).*". As such, the published reports, and a large proportion of the literature cited within, focus on the impacts of fishing activity on designated sites and are not directly relevant to the proposed site investigations to which the application for Foreshore Licence pertains. Nonetheless, the document entitled '*Natura Impact Statement*' submitted in support of the application for Foreshore Licence, and the Risk Assessments linked in the Marine Institute's submission, do share similar data sources where relevant. Specifically, common sources are used with respect to the abundance and distribution of marine species (e.g., SCANS reports; Irish Whale & Dolphin Group (IWDG) sightings and NPWS reporting), as well as some overlapping potential impacts the proposed site investigations and fishing activity may have e.g., introduction of underwater noise.

Submission 5: Sea-Fisheries Protection Authority (SFPA)

SFPA Submission Point 1:

"The applied area is in the fishing area known as the Celtic Sea. ICES Sub Area VIIG. Statistical rectangles 32E1 and 32E2. The application includes intertidal areas (exports cable corridors) and sub-tidal areas (wind and wave farm) in the less than 100m depth range.

The proposed applications are within recognised spawning and nursery areas for Gadidae, Clupeidae, Scombridae and Scopthalmidae species.

*Commercial fishing within the applied areas targets Demersal, Pelagic and Shellfish species. In addition to the species mentioned above, inshore fishing for *Sprattus sprattus* occurs on an annual basis within the inshore areas of the application.*

Mussel seed fishing has occurred within the inshore areas of the applied area in previous years. The fishing activity for this species is dependant on the availability of suitable seed in Cork Harbour and Youghal Bay.

The site investigations may cause spatial squeeze for both the inshore and offshore sectors of the fishing industry as access restrictions will be in place when the survey is underway

It is not envisaged that the site investigations will cause difficulties with conducting official controls for the SFPA within the applied area.”

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. thanks the SFPA for its observations on the application for Foreshore Licence.

The potential effects of the proposed site investigations on Fish, including commercially exploited shellfish, are appraised within Sections 3.4, 4.3 and 4.4 of the document entitled ‘*Natura Impact Statement*’ submitted in support of the application for Foreshore Licence. The proposed site investigations will be short in duration, and the area of foreshore occupied by survey vessels will be limited. The assessment concluded that the proposed site investigations are unlikely to cause any significant effects on fisheries due to the transient nature of the site investigations and the limited disruption to the seabed associated with these.

Inis Ealga Marine Energy Park Ltd. acknowledges that there is potential for some disruption to the fishers. To address specific concerns, and recognising the importance of the fishing industry to coastal communities and the economy as a whole, Inis Ealga Marine Energy Park Ltd. has appointed two specialist Fisheries Liaison Officers (FLOs), J [REDACTED], to work closely with the fishing community, and with Inis Ealga Marine Energy Park Ltd., in ensuring ongoing two-way engagement and to respond to feedback on fisheries concerns raised. Inis Ealga Marine Energy Park Ltd. is currently collating, assessing and responding to the concerns raised by the members of fishing industry concerning survey zoning and mitigation methods for the proposed site investigations.

Prior to the proposed site investigations, timely notice, including key information on the survey vessels being used (vessel name, vessel type, bridge telephone number, bridge email details, Call Sign and MMSI number) and also on the planned location/duration of works will be given to maritime users (all Shipowners, Fishing Vessel Owners, Agents, Shipmasters, Skippers, Fishers, Yachtsmen, Yachtswomen and Seafarers) through the publication of Marine Notices.

SFPA Submission Point 2:

“There are three Shellfish growing areas within or adjacent to the applied area. Dungarvan Bay, Ballymacoda Bay and Cork Harbour.

The main risk to the shellfish within the three growing areas is from contamination from a pollution event from the survey platforms.

The ability to conduct official controls within the applied area will be dependant on the response time from the applicant to the SFPA Clonakilty Port Office and SFPA Dunmore East Office should a pollution event occur.”

Inis Ealga Marine Energy Park Ltd. Response: SFPA’s Submission Point is noted, and Inis Ealga Marine Energy Park Ltd. will notify the SFPA if a pollution incident were to occur.

SFPA Submission Point 3:

“The site investigations for the proposed cable route corridors will use survey platforms in the form of vessels and barges. Contamination from a pollution spill is the main concern for the filter feeding shellfish grown in the three areas already mentioned. Effective communication between the applicant and its contracted parties with the SFPA

should a pollution event occur can reduce the risk of potentially contaminated shellfish being placed on the market for consumption.

The application crosses two SFPA Port areas, SFPA Clonakilty Port and SFPA Dunmore East.

Additionally from a National perspective, the Food Safety and Fisheries Support Unit of SFPA headquarters coordinates all communications on risk to both SFPA port officers and seafood producers.”

Inis Ealga Marine Energy Park Ltd. Response: SFPA’s Submission Point is noted, and Inis Ealga Marine Energy Park Ltd. will notify the SFPA if a pollution incident were to occur.

Submission 6: Inland Fisheries Ireland

“In response to the application it is noted that there is a likelihood of significant effects on Twaite shad. There are a number of mitigation measures that can be put in place to reduce this risk including the soft start and ramp up protocol for noise generating surveys.”

Inis Ealga Marine Energy Park Ltd. Response: While the 2014 DAHG guidance entitled ‘Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters’ is not targeted to Annex II species, Inis Ealga Marine Energy Park Ltd. will be adhering to, and considering any relevant updates to, this guidance for the proposed site investigations. The guidance reflects the same mitigation measures outlined in Inland Fisheries Ireland’s submission on a Ramp-Up Procedure using equipment where the output peak sound pressure level from any source exceeds 170 dB re: 1µPa @1m. As such, Inis Ealga Marine Energy Park Ltd.’s adherence to the guidance implies Inis Ealga Marine Energy Park Ltd.’s adherence to the mitigation measure set out in Inland Fisheries Ireland’s submission also.

Submission 7: Marine Survey Office

“It is noted that FS0006859 and FS 007404 have been submitted by the same operator with ‘similar licence application ‘areas. I hope the process is not been duplicated unnecessarily. 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. The frequency and promulgation of Navtex and radio broadcast warnings shall be agreed in advance with the Irish Coast Guard for the duration of the license period.*
- 2. 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.*
- 3. 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.”

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. notes the Marine Survey Office’s submission points and thanks the Marine Survey Office for its comments to-date on the application for Foreshore Licence.

Submission 8: Marine Advisor - Environment

“In principle I have no objections to this application. On completion of the Public and Prescribed Bodies’ Consultation I will furnish my final report with determinations. This may include case specific conditions having regard to the information obtained during consultation.”

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. notes the Marine Advisor Environment’s submission and welcomes their comment that they have no objection to the application for Foreshore Licence. Inis Ealga Marine Energy Park Ltd. recognises the ecological importance of the marine and coastal habitats off County Cork and can confirm that same has been thoroughly considered same within the assessments set out in the documents submitted in support of the application for Foreshore Licence.

Submission 9: Commissioner of Irish Lights

“Irish Lights notes from the application that there will be a number of Aids to Navigation (AtoN) deployed: Wave buoys, Lidar buoys and Acoustic Doppler Current Profilers. Before any aid to navigation can be established, altered or disestablished, consent in the form of Statutory Sanction under the Merchant Shipping Act must be obtained from the Commissioners of Irish Lights. The aid must be coloured and marked as per IALA (International Association of Marine Aids to Navigation and Lighthouse Authorities) Standards.

The foreshore license sought is located between Cork and Dungarvan which is a high traffic density area. Irish Lights therefore, advise consultation with local authorities and the Marine Survey Office (MSO). A Marine Notice should be published for the information of all local maritime users detailing the works and any vessels which may be engaged in Site Investigation works.

Within the proposed Investigative Foreshore Licence Application area, there are a number of aids to Navigation. Commissioners of 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.”

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. notes the Commissioners of Irish Lights’ submission and will seek consent in the form of Statutory Sanction under the Merchant Shipping Act before any aid to navigation is established, altered or disestablished. Further, Inis Ealga Marine Energy Park Ltd. will give timely notice before commencement of the proposed site investigations through the publication of Marine Notices and through its ongoing engagement with fisheries.

Submission 10: Cork County Council

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. notes that the submission made by Cork County Council in response to the Public Consultation in accordance with Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 for application for Foreshore Licence FS006859, is identical to that received for application for Foreshore Licence FS007404. As the content of the Cork County Council submission relates to application for Foreshore Licence FS007404, Inis Ealga Marine Energy Park Ltd. has provided its response to Cork County Council's submission within its response to submissions on application for Foreshore Licence FS007404, dated 18th January 2023.

Submission 11: Geological Survey Ireland

"With reference to your email received on the 10 November 2022, concerning the Inis Ealga Marine Energy Park Foreshore Licence Applications, Geological Survey Ireland would encourage use of and reference to our datasets. Please find attached a list of our publicly available datasets that may be useful to the environmental assessment and planning process. We recommend that you review this list and refer to any datasets you consider relevant to your assessment. The remainder of this letter and following sections provide more detail on some of these datasets."

Inis Ealga Marine Energy Park Ltd. Response: We note the Department's letter and its helpful inclusion of the publicly available datasets that Geological Survey Ireland recommends use of and reference to during future environmental assessments.

Submission 12: Marine Advisor and Engineering Inspector

"No further comments."

Inis Ealga Marine Energy Park Ltd. Response: Inis Ealga Marine Energy Park Ltd. thanks the Marine Advisor and Engineering Inspector for their comments to-date on the application for Foreshore Licence.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely,

[Redacted Signature]

✓

[Redacted Name]

Environment Project Manager

