

REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)

on

**FORESHORE LICENCE APPLICATION FOR MARINE SITE INVESTIGATION
WORKS (FS006787).**

APPLICANT: HIBERNIAN WIND POWER LTD

**Mr. P. J. Shaw
Marine Licence Vetting Committee
26th November 2018**

Hibernian Wind Power Ltd – Foreshore Licence Application for Marine Site Investigation Works (FS006787).

Project Description

Hibernian Wind Power Ltd has submitted an application for a Foreshore Licence to carry out site investigations in the western Irish Sea in the general vicinity of Clogherhead, Co. Louth. The location of the proposed site investigations area is shown in the following drawing submitted by the applicant:

- Drawing number QS-000247-02-D460-001, "Foreshore Licence Map Admiralty Chart", dated 14/12/2017.

It is proposed that the site investigations will include:

- Archaeological Survey – This will include a desk study, identification and assessment of metallic and other targets using magnetometer and identification and assessment of targets using side-scan sonar and diving as required.
- Geophysical Survey - This will involve the use of multi-beam echo sounder, magnetometer, sub-bottom profiler and side-scan sonar.
- Geotechnical survey – This will involve cone penetration testing as well as the collection of grab samples and vibro-cores. It is proposed to carry out 160 cone penetration tests and collect 160 Vibro-cores and 80 grab samples within the study area, the locations of which would be subject to the results of the geophysical and archaeological survey.
- Deployment of wind measuring and current measuring devices

The indicative location of cone penetration testing and the collection of vibro-cores, as well as the proposed location for the deployment of the wind and current measuring devices are shown in the following drawings submitted by the applicant:

- Drawing number QS-000247-02-D460-002, Foreshore Investigation Licence – Study Area OSI Discovery Series, dated 14/12/2017
- Drawing number QS-000247-02-D460-003, Foreshore Investigation Licence – Study Area Admiralty Charts, dated 14/12/2017

The provisional programme for undertaking the surveys and site investigations, subject to weather conditions is outlined at 1.8 of the completed Foreshore Application Form and is as follows:

- Geophysical Survey -3 months max duration-
- Geotechnical Investigations -3 months max duration-
- Archaeological Survey -1 month duration-
- Ecological Surveys* -3 years duration seasonal-
- Wind resource Monitoring -1 year to max 3 years-
- Current resource monitoring -2 months duration-

*It is noted that it is also intended to carry out non-intrusive marine mammal and bird surveys, as well as drop down video surveys in the area as part of the overall ecological investigations. The proposed Marine and Benthic ecological surveys would be carried out seasonally and would be of 2 – 3 years in duration.

Details of the vessels to be used for these Surveys and Site Investigations will not be known until the award of the contract. All vessels taking part in the survey/investigation works will comply with full certification requirements and shall be of an adequate size and navigation ability to ensure the works are carried out in a safe manner. All buoys to be deployed within the survey area will comply with CIL standard navigation requirements with regard to lighting, positioning and mooring.

The overall aim of the site investigations is to collect the necessary data and information required to optimise the layout and design of an offshore windfarm in the area, finalise offshore foundation locations, select an optimum route for submarine electricity cables from the wind farm, allow cable design and the development of cable installation methodologies and to acquire baseline data on the wind resource and baseline environmental information in the area.

There is commercial fishing activity within the proposed site investigation area and therefore some interaction with fishing activity may occur. It is considered that that such interaction will be limited and overall will not be significant. It is recommended, however, that the applicants be required to appoint a Fisheries Liaison Officer who will consult with the SFPA and relevant fishermen's groups in order that appropriate actions can be taken to avoid or minimise interactions with ongoing fishing activity in the area during the course of the site investigations.

The project is not of a class that requires the submission of an Environmental Impact Statement.

There are a number of Natura 2000 sites adjacent to or within 20km of the proposed survey site. The sites are as follows:

- Dundalk Bay SPA (004026) (6.5 km from survey site area).
- Dundalk Bay SAC (000455) (11 km from survey site area).
- Boyne Estuary SPA (004080) (10 km from survey site area).
- Carlingford Lough SPA (004078) (12 km from survey site area).

- Clogher Head SAC (001459) (a small segment of the survey area encroaches into this SAC south of Port Oriel Pier).
- Stabannan-Braganstown SPA (004091) (19 km from survey site area).

A separate assessment of the impacts of the proposed site investigations on the Conservation Objectives of these Natura 2000 site has been carried out by this Department

Public Consultation

Public notices concerning this application were published in the "Irish Independent" on 29/01/2018 and in the "Drogheda Independent" on 30/01/2018. The public display documents were made available in both Drogheda and Clogherhead Garda Stations for the required period of twenty one (21) working days (29/01/2018 to 26/02/2018).

Four (4) public submissions were received on foot of the public consultation.

The main issues raised in the public submissions were:

- Impacts on fishing
- Impacts on cockle fisheries
- Visual amenity
- Impact on property prices.
- Noise and vibration disturbance to fishing operations and species.

Concerns expressed in relation to visual amenity and property prices relate to a Wind farm which is not the subject of this Application (i.e. this is for Site Investigations only). Concerns in relation to the potential impacts to fishing (including cockle fisheries) will be addressed by the appointment of a Fisheries Liaison Officer, for the duration of the Site Investigations, who will consult with the SFPA and relevant fishermen's groups in order that appropriate actions can be taken to avoid or minimise interactions with on-going fishing activity in the area during the course of the site investigations.

Concerns about noise and vibration from the surveys and site investigations were also expressed. These will be addressed by compliance with the NPWS Guidance Document entitled "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" which will be set as a Foreshore Licence Condition and is a requirement of DCHG.

Prescribed Bodies Consultation:

Observations on the project were received from this Department's Water and Marine Advisory Unit, the Development Applications Unit of DCHG (Nature Conservation and Underwater Archaeology), Aquaculture and Foreshore Management Division of DAFM, Marine Institute, Inland Fisheries Ireland, Sea Fisheries Protection Authority, Marine Survey Office, and Louth County Council.

There were no objections in principle to the proposed site investigations. Some of the submissions from the Public Bodies raised particular observations and put forward suggested conditions to be included in the Foreshore Licence to address their specific interests. The final list of recommended conditions as proposed below address these matters:

MLVC Assessment

The following documents were considered and assessed:

- Foreshore Licence Application and supporting documentation.
- Outline Contractor's Method Statement dated 18/12/2017.
- Written submissions from the Water and Marine Advisory Unit of DHPLG, the Development Applications Unit of DCHG (Nature Conservation and Underwater Archaeology), Aquaculture and Foreshore Management Division of DAFM, Marine Institute, Inland Fisheries Ireland, Sea Fisheries Protection Authority, Marine Survey Office and Louth County Council.
- The applicant's responses to the Prescribed Body submissions.
- The public submissions received
- The Applicant's responses to the public submissions
- Further information supplied by the applicant during processing of the application.

MLVC Conclusions

On the basis of the information provided by the applicant, the observations provided by the Prescribed Bodies as listed above, the MLVC concludes that, subject to compliance with the specific conditions set out below, the proposed works would not have a significant negative impact on navigation, fishing, the marine environment or protected species, would not impact on other legitimate uses or users of the foreshore area in question and would not have a significant

effect on the qualifying interests/conservation objectives of the adjacent Natura 2000 sites. The MLVC, therefore, recommends that a licence be granted.

Proposed Licence Conditions

1. The Licensee shall use that part of the foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.
2. The Licensee shall ensure that the works are carried out and completed in accordance with the plans and particulars lodged with the application.
3. The Licensee shall to appoint a Fisheries Liaison Officer (FLO) who will consult with the SFPA and relevant fishermen's groups in order that appropriate actions can be taken to avoid or minimise interactions with ongoing fishing activity in the area during the course of the site investigations
4. The Licensee shall notify the Department of Housing, Planning and Local Government at least 14 days in advance of the commencement of the works on the foreshore.
5. During the course of the Site Investigation/survey operations the Licensee shall ensure that all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation;
6. During the course of the Site Investigation/survey operations the Licensee shall ensure that existing public access arrangements to the general foreshore area shall not be impeded by any vessels, plant or materials used in connection with the site investigations/surveys, and where relevant this access should be made safe and guaranteed by the provision of appropriate signage/notices/barriers etc. to the satisfaction of the Department of Housing Planning and Local Government.
7. During the course of the Site Investigation/survey operations the Licensee shall ensure that procedures are adopted to ensure that the site investigations/survey operations are not injurious to fishing, navigation, adjacent lands or the public interest.
8. All vessels/floating plant shall comply fully with appropriate certification /manning requirements.
9. On completion of the Site Investigation works/surveys the Licensee shall ensure that all equipment and materials are removed and the foreshore is reinstated to its original condition, to the satisfaction of the Department of Housing Planning, and Local Government.

10. Marine notice, lighting and markings shall be carried out in consultation with the Maritime Safety Directorate, Department of Tourism, Transport and Sport, Leeson Lane, Dublin 2. The Licensee shall arrange with the Maritime Safety Directorate (MSD) the publication of a Marine Notice. This marine notice shall give a general description of operations, including locations and approximate dates of commencement and completion of works. In addition a notice to this effect shall be published in a National newspaper
11. All relevant Site Investigations and marine surveys shall comply with the NPWS (2014) "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" including the employment of a Marine Mammal Observer as appropriate.
12. No refuelling of equipment, machinery or plant shall take place on the foreshore.
13. No storage of machinery or plant shall take place on the foreshore.
14. The proposed geophysical surveys shall be carried out in advance of any geotechnical works. The geophysical data for all proposed geotechnical investigation locations (including the taking of vibro-cores and grab samples) shall be assessed by a suitably qualified archaeologist to ensure that the proposed works do not negatively impact on locations where there is known or potential archaeology and to ensure no samples or cores are taken from an area where a wreck site is located.
15. A report summarising the assessment of the geophysical data shall be forwarded to the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht for review prior to the geotechnical works taking place. Where archaeological material/features are shown to be present, preservation *in situ*, avoidance, preservation by record (archaeological excavation) or archaeological monitoring may be required. The Licensee shall be prepared to be advised by the Department of Culture, Heritage, and the Gaeltacht.
16. The proposed geophysical surveys and archaeological dive surveys shall be licenced under the National Monuments Acts 1930-2014. The dive survey shall be accompanied by a hand-held metal detection survey which shall also be licenced under the National Monuments Acts 1930-2014.
17. The results of the geotechnical investigations should be assessed by a suitably qualified archaeologist and this assessment should form part of the overall archaeological assessment of any proposed windfarm development.

18. During the course of the Site Investigation works the Licensee shall engage with the Irish Coast Guard in order to keep them fully informed of on-going activities