

1. Ms. Martina Gallagher, Higher Executive Officer *Martina Gallagher 12/12/18*
2. Ms Jeannine Dunne, Assistant Principal *Jeannine Dunne 12/12/18*
3. Mr. Roger Harrington, Principal *Approved RT 14/12/18*

**Foreshore Licence application by Hibernian Wind Power Ltd in respect of geophysical, geotechnical and archaeological site investigation works and the deployment of wind and current measuring devices off Clogherhead, Co. Louth**

**Ref: FS 006787**

1. **Application:** The approval of the Minister is sought to grant a licence for a term of five (5) years under Section 3(3) of the Foreshore Act 1933 to Hibernian Wind Power Ltd for the purpose of carrying out marine site investigation works off Clogherhead, Co. Louth.

The site investigation works proposed are:

- 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 purpose of the site investigation works 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.

A Foreshore Licence Map indicating the location of the proposed boreholes and survey works is attached at **Tab 1**.

2. **Companion Consents:** Planning permission is not required for Marine Survey works such as these.
3. **Public Consultation:** Public notices concerning this application were published in the "Irish Independent" on 29 January 2018 and in the "Drogheda Independent" on 30 January 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 January to 26 February 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.

4. **Prescribed Bodies Consultation:** Written submissions on the proposed development were received from this Department's Water and Marine Advisory Unit (WMAU), the Marine Institute, the Department of Agriculture, Food and the Marine, the Marine Survey Office, Inland Fisheries Ireland, Louth County Council, the Underwater Archaeology Unit and National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltácht, and the Sea Fisheries Protection Authority.

There were no objections to the proposed development.

5. **Environmental Assessment:**

**EIA Screening:** The proposed works are not of a class that requires a mandatory EIS under the EIA Directive. **Tab 2**

**Appropriate Assessment:** The project was screened for Appropriate Assessment (AA). An Appropriate Assessment Screening Report has concluded that there are not likely to be any significant effects as a result of the proposed works on the Conservation Objectives of the following adjacent Natura 2000 Sites, the Dundalk Bay SPA (Site Code: 004026), the Dundalk Bay SAC (Site Code: 000455), the Boyne Estuary SPA (Site Code: 004080), the Carlingford Lough SPA (Site Code: 004078), the Clogherhead SAC (Site Code: 001459) (a small segment of the survey area encroaches into this SAC south of Port Oriel Pier) and the Stabannan-Braganstown SPA (Site Code: 004091). **Tab 3.**

**Marine Lease Vetting Committee (MLVC) assessment and report:**

Considering the nature, scale and location of the proposed work the MLVC concludes that the proposed works would not have a significant negative impact on the marine environment, would not have a significant negative impact on any of the adjacent Natura 2000 Sites and therefore, is agreeable to the grant of the licence to facilitate the proposed works. See report attached at **Tab 4.**

6. **Financial Considerations:**

Hibernian Wind Power Ltd has accepted the licence fee of €

7. **Agreement of applicant:** Hibernian Wind Power Ltd has agreed to the specific conditions which would be attached to the licence, if granted. **Tab 5**

8. **Recommendation:**

Having regard to:

- the application for a Foreshore Licence together with accompanying documents;
- the submissions received from Prescribed Bodies;
- the applicant's responses to the submissions of the Prescribed Bodies;
- the public consultation undertaken;
- the public submissions received;
- the applicant's responses to the public submissions received;
- the AA screening performed;
- the EIA screening performed;
- the assessment of the proposed development by the Marine Licence Vetting Committee, and its conclusions and recommendations in this regard; and
- the consent conditions to be attached to the Foreshore Licence, if granted

it is considered that:

- the proposed works on the foreshore would not have a significant negative impact on the marine environment and the adjacent Natura 2000 Sites.

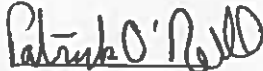
It is recommended that a Foreshore Licence be granted subject to the conditions recommended by the MLVC and the licence fee set out above.

**9. Notification of Minister's Determination:**

If approval is granted by the Minister, Hibernian Wind Power Ltd will be informed accordingly, an appropriate licence will issue and a Notice of Determination regarding the decision (including the reasons) will be published on the Department's website. The Notice of Determination will address:

- the outcome of the Minister's determination of the application;
- the main reasons and considerations for the Minister's determination;
- a statement that all relevant documentation on which the determination is based is available for inspection both on the website of the Department and at the Department's Wexford Office; and
- confirmation that a review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's determination may be challenged, together with practical information on the review procedure.

Submitted, please, to grant a licence under Section 3(3) of the Foreshore Act, 1933. The draft licence (in duplicate) in the pouch across is submitted for signing please.

  
Patrick O'Neill

12 December 2018



## Foreshore Guidance Document

### Screening for EIA

EIA Directive (85/337/EEC as amended by 97/11/EC and 2003/35/EC) requires that certain developments be assessed for likely environmental effects (environmental impact assessment) before consent can be granted. When submitting an application for such a development on the foreshore, the applicant must also submit an Environmental Impact Statement (EIS). General EIA requirements are set out in the EC (EIA) Regulations 1989 (as amended) including Schedules 1 and 3 inserted by the EIA regulations 1999 (S.I. No. 93 of 1999).

In the case of development which is under the relevant threshold, the consent authority is required to request an EIS where it considers that the proposed development is likely to have significant environmental effects. The decision as to whether a development is likely to have such effects must be taken with reference to the criteria set out in Schedule 3 inserted by the 1999 regulations and the national guidance developed to assist.

**Name of Proposed Development:** Geophysical, geotechnical and archaeological site investigation works and the deployment of wind and current measuring devices off Clogherhead, Co. Louth

**Foreshore Reference, where applicable:** FS 006787

**Question 1: Is the proposed development included in the 1<sup>st</sup> Schedule of the Regs?**

- If Yes: EIA is required.
- If No, proceed to Q2.

**Answer:** No

**Question 2: Is the proposed development of a type/class included in the 1<sup>st</sup> Schedule but below the threshold specified?**

- If Yes, but the development is below the quantity/area/other threshold, proceed to Q3.
- If No, no EIA required.

**Answer:** No

**Question 3: Are significant effects likely?**

To decide whether significant effects are likely, use the 3<sup>rd</sup> Schedule of the 1999 regs (via the EIA Screening Checklist and, where required, the EIA Significant Effects Checklist):

- If Yes, significant effects are likely; an EIA is required.
- If No, no significant effects are likely; no EIA is required.

**Answer:** \_\_\_\_\_

## Appropriate Assessment Report:

Name of project or plan:

Proposed Marine Surveys (Archaeological and Ecological), Site Investigation works (Geophysical, Geotechnical, and localised site investigations) and Wind and Current resource assessment, for the proposed development of an offshore wind farm in the vicinity of Clogher Head Co Louth (FS 006787).

Name and location of Natura 2000 site It would be helpful for a map or plan to be provided:

There are a number of Natura 2000 sites adjacent to or within 20Km of the proposed survey site. These 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) (small segment of survey site area encroaches into this SAC south of Port Oriel Pier).
- Stabannan-Braganstown SPA (004091) (19 km from survey site area).

On the basis of:

- the data and information provided by the applicant in the application documents, including information provided in Part 3 of the Completed Licence Application Form
- as well as the Qualifying Interests / Qualifying Features and the Conservation Objectives of the Natura 2000 sites (available on the NPWS Web site at <https://www.npws.ie/>)

and considering the nature, location, scale and duration of the proposed works on the foreshore it is considered that, with the exception of the Dundalk Bay SPA and the Clogher Head SAC, significant impacts on the other Natura 2000 sites listed above are not likely and these can be

"screened out "from further assessment. There will be no direct impact on these sites, there will be no loss of habitat and habitat or species fragmentation will not occur. There will be no disturbance to key species within these sites. There will be no disturbance to any bird species or wildlife due to distance, nature and scale of the proposed survey and site investigation operations.

#### **Dundalk Bay SPA (Site Code 004026)**

Dundalk Bay is a large open shallow sea bay with extensive saltmarshes and intertidal sand/mudflats, extending some 16 km from Castletown River on the Cooley Peninsula, in the north, to Annagassan/ Salterstown in the south.

The extensive sand flats and mud flats have a rich fauna of bivalves, molluscs, marine worms and crustaceans which provides the food resource for most of the wintering waterfowl. The outer part of the bay provides excellent shallow-water habitat for divers, grebes and sea duck. In summer, it is thought to be a major feeding area for auks from the Dublin breeding colonies. The bay is used at night for roosting by wintering flocks of Greylag Goose, Greenland White-fronted Goose and Whooper Swan from Stabannan/Braganstown (inland of Castlebelligham) and other inland sites.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Great Crested Grebe, Greylag Goose, Light-bellied Brent Goose, Shelduck, Teal, Mallard, Pintail, Common Scoter, Red-breasted Merganser, Oystercatcher, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull and Herring Gull. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

The site is of international importance because it regularly supports an assemblage of over 20,000 wintering waterbirds. It also qualifies as a site of



international importance for supporting populations of Light-bellied Brent Goose (370), Knot (9,710), Black-tailed Godwit (1,100) and Bar-tailed Godwit (1,950) - all figures, unless stated otherwise, are five year mean peaks for the period 1995/96 to 1999/2000. A variety of other species occur in numbers of national importance, i.e. Great Crested Grebe (303), Greylag Goose (435), Shelduck (522), Teal (538), Mallard (765), Pintail (117), Common Scoter (581 - five year mean peak for the period 2000/01 to 2004/05), Red-breasted Merganser (121), Oystercatcher (8,746), Ringed Plover (151), Golden Plover (5,967), Grey Plover (204), Lapwing (4,892), Dunlin (11,518), Curlew (1,264) and Redshank (1,659). Other wintering species which occur include Red-throated Diver, Great Northern Diver, Cormorant, Grey Heron, Little Egret, Mute Swan, Wigeon, Goldeneye, Greenshank and Turnstone.

The site also supports nationally important populations of three wintering gull species - Black-headed Gull (6,643), Common Gull (551) and Herring Gull (754).

In spring and autumn the site attracts a range of passage migrants, including Little Stint, Curlew Sandpiper and Ruff.

Dundalk Bay SPA is one of the most important wintering waterfowl sites in the country and one of the few that regularly supports more than 20,000 waterbirds. Four species occur in numbers of international importance and a further 19 species in numbers of national importance. The regular occurrence of Golden Plover, Bar-tailed Godwit, Red-throated Diver, Great Northern Diver and Little Egret is of particular note as these species are listed on Annex I of the E.U. Birds Directive. Dundalk Bay is a Ramsar Convention site and parts of Dundalk Bay SPA are designated as Wildfowl Sanctuaries.

The Conservation Objectives<sup>1</sup> for Dundalk Bay SPA are:

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<sup>1</sup> NPWS (2011) Conservation Objectives: Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. Dated 19/07/2011

To maintain the favourable conservation condition of the bird species for which the SPA has been selected:

- A005 Great Crested Grebe *Podiceps cristatus* wintering
- A043 Greylag Goose *Anser anser* wintering
- A046 Light-bellied Brent Goose *Branta bernicla hrota* wintering
- A048 Shelduck *Tadorna tadorna* wintering
- A052 Teal *Anas crecca* wintering
- A053 Mallard *Anas platyrhynchos* wintering
- A054 Pintail *Anas acuta* wintering
- A065 Common Scoter *Melanitta nigra* wintering
- A069 Red-breasted Merganser *Mergus serrator* wintering
- A130 Oystercatcher *Haematopus ostralegus* wintering
- A137 Ringed Plover *Charadrius hiaticula* wintering
- A140 Golden Plover *Pluvialis apricaria* wintering
- A141 Grey Plover *Pluvialis squatarola* wintering
- A142 Lapwing *Vanellus vanellus* wintering
- A143 Knot *Calidris canutus* wintering
- A149 Dunlin *Calidris alpina* wintering
- A156 Black-tailed Godwit *Limosa limosa* wintering
- A157 Bar-tailed Godwit *Limosa lapponica* wintering
- A160 Curlew *Numenius arquata* wintering
- A162 Redshank *Tringa totanus* wintering
- A179 Black-headed Gull *Chroicocephalus ridibundus* wintering
- A182 Common Gull *Larus canus* wintering
- A184 Herring Gull *Larus argentatus* wintering
- A999 Wetlands & Waterbirds

#### **Clogher Head SAC (Site Code 001459)**

Clogher Head is a promontory of Silurian quartzite, located approximately 10 km north-east of Drogheda in Co. Louth. The rocks are covered with a thin layer of soil that, in places, supports a coastal heath community. Areas of sea cliff, bedrock shore and dry grassland also occur within the site.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species

listed on Annex I / II of the E.U. Habitats Directive (\* = priority; numbers in brackets are Natura 2000 codes):

[1230] Vegetated Sea Cliffs

[4030] Dry Heath

The dry heath at Clogher Head is dominated by Gorse (*Ulex europaeus*), Bell Heather (*Erica cinerea*), Heather (*Calluna vulgaris*), Crested Dog's-tail (*Cynosurus cristatus*), Sweet Vernal-grass (*Anthoxanthum odoratum*), English Stonecrop (*Sedum anglicum*) and Common Bird's-foot-trefoil (*Lotus corniculatus*). Other species at the site include Lousewort (*Pedicularis sylvatica*), Cock's-foot (*Dactylis glomerata*) and Ribwort Plantain (*Plantago lanceolata*).

Cliff-top vegetation at the site includes such species as Thrift (*Armeria maritima*), Sea Campion (*Silene vulgaris* subsp. *maritima*), Wild Carrot (*Daucus carota*), Buck's-horn Plantain (*Plantago coronopus*), Burnet Rose (*Rosa pimpinellifolia*), amongst others. Spring Squill (*Scilla verna*), Golden-samphire (*Inula crithmoides*), Knotted Clover (*Trifolium striatum*) and Bird's-foot Clover (*Trifolium ornithopodioides*), all scarce plants in Ireland, have also been recorded from the site.

A salt-tolerant community, comprised of Thrift, Common Scurvygrass (*Cochlearia officinalis*), Sea Rush (*Juncus maritimus*) and Distant Sedge (*Carex distans*), occurs along the shore.

The main land use at Clogher Head is sheep grazing. The site is very susceptible to damage from a variety of sources including fire, over-grazing and amenity pressures such as littering and building.

This headland supports one of the best known examples of coastal heath in Co. Louth. It contains two habitats listed on Annex I of the E.U. Habitats Directive and supports a good diversity of coastal heath plants.

The Conservation Objectives of the Clogher Head SAC are<sup>2</sup>

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<sup>2</sup> NPWS (2017) Conservation Objectives: Clogher Head SAC 001459 Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht and dated 27/1/2017

To maintain the favourable observation conditions of priority Annex I and II Habitats and Species for which the SAC has been selected

1230\* Vegetated sea cliffs of the Atlantic and Baltic coasts

4030\* European dry heaths

\*App 1.63km (linear length) of sea cliff is contained within the Clogher Head SAC. The total area for the qualifying habitat of European dry heaths within the SAC is unknown

#### Description of the project or plan

The types of surveys proposed include geophysical, geotechnical, archaeological and benthic/ecological. Contracts have not yet been awarded for these surveys, however details of typical equipment is outlined with reference to Section 1.4 of the completed Application Form and also with reference to the Outline Contractors Method Statement (dated 18/12/2017) and Appendices A and C. The location for all of the proposed survey points (spot locations) is shown on Drawing No's QS-000247-02-D460-002 and QS-000247-02-D460-003. A brief summary of surveys proposed is as follows:

#### Geophysical Survey

- Bathymetry (use of Multibeam Echo Sounder MBES)
- Magnetometry
- Geophysical Acquisition systems/sub bottom profiling
- Seismic sound source (applied acoustics boomer plate AA251/AA301 or similar)
- Sidescan Sonar System
- DGPS Positioning
- Steamer Hydrophone (Applied Acoustics or similar)

- Seismic Energy Source (Applied Acoustics CSP-L or similar)

#### Geotechnical Investigations (subject to results of the Geophysical and Archaeological surveys)

- Grab Sampling, 80 No Grab samples at representative locations within the proposed cable route corridor locations.
- Core Sampling, 160 No Core Samples at representative locations within proposed cable route corridor and offshore area locations
- Cone Penetrating Testing (CPT)-use of seabed cone penetrometer -, 160 No CPT's at representative locations within proposed cable route corridor and offshore area locations.
- Chemical Testing and Sample analyses

The survey area extent and proposed cores and CPT locations are indicated on Drawing No QS-000247-02-D460-002. These locations are subject to archaeological survey results.

#### Archaeological Survey

- Desk Study
- Identification of metallic and other targets recorded during marine magnetometer survey
- Assessment of archaeological significance of identified targets to include sidescan analysis and diving as required

#### Marine Ecological Survey

- Intertidal and sub tidal surveys
- Marine benthic, flora and fauna surveys
- Fisheries and Shellfish surveys
- Seabed surveys and collision risk assessment
- Marine Mammal Survey: Static Acoustic Monitoring by use of CPODS deployed on seabed, -
- Towed hydrophonic acoustic array marine habitat identification , classification and mapping-
- Marine water quality sampling

### Benthic Ecology Survey

- Sediment grab sampling as required
- Drop down video survey at appropriate locations to undertake benthic assessment
- Near shore diver surveys
- Intertidal core samples along transect locations

### Wind and Current Resource Assessment

- Deployment of 1 Seawatch wind Lidar Buoy or similar at one location specified on Drawing No QS-000247-02-D460-002-
- Deployment of 1 ADCPs at locations specified on Drawing No QS-000247-02-D460-002
- Deployment of 1 Marker Buoy at location specified on Drawing No QS-000247-02-D460-002-

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. Typical vessel type and sizes which may be used are shown in Appendix A. In terms of the Marine Ecological Survey Works, it is anticipated that a vessel of similar type and size to the "Cuan Ban" as shown in Appendix A could be used for this survey.

All buoys to be deployed within the survey area will comply with CIL standard navigation requirements with regard to lighting, positioning and mooring.

### Duration of Proposed Marine Surveys and Site Investigations

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 – Three (3) months duration
- Geotechnical Investigations – Three (3) months duration
- Archaeological Survey – One (1) month duration
- Ecological Surveys – Three (3) years duration seasonal
- Wind resource Monitoring – Minimum of one (1) year and a maximum of three (3) years duration
- Current Resource Monitoring – Two (2) months duration

A proposed condition of the foreshore licence when/if granted will be a requirement that all of the proposed marine surveys will be carried out in compliance with the NPWS (2014) "Guidance to Manage the risk Marine Mammals from Man-made Sound sources in Irish Waters" including the employment of a Marine Mammal Observer . Marine activities will be affected only to the extent of keeping clear of the survey vessel in compliance with standard procedures for safety at sea. Marine Notices and Marine Radio announcements will conform to the requirements of the Marine Safety Directorate (Dept. of Transport)

Is the project or plan directly connected with or necessary to the management of the site (provide details)?

No.

Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?

The site lies close to the proposed Oriel Bank Wind farm lease area (is app 1km south of this area). The site lies within the Gaelectric Development Ltd SI area off the Louth/Meath coast (this has not been advanced past preliminary pre- application phase). The in combination effect of the existing lease area and the proposed SI and Surveys off Clogher Head will be negligible. This application just relates to Surveys and Site Investigations of limited extent

and duration and will be completed long before any of these other plans or projects get started.

Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.

- Sediment release from sediment sampling operations associated with the near shore Site Investigation Works may impact on habitats through smothering
- Potential for accidental spills from marine SI Works into the water column has potential to impact on habitats.
- Noise and vibration associated with the Geotechnical S.I. and Benthic Ecology survey (near shore) has potential to impact on birds
- Noise associated with vessel movements to service the various surveys and sediment sampling operations may impact on bird populations
- Noise emissions/Sound propagation from the proposed survey equipment involved in side scan sonar, magnetometer, and sub bottom profiling offshore surveys may displace or disturb marine mammals which frequent the area
- Access to near shore Geotechnical SI, movement of machinery on the shore, may result in temporary localised compression of sediments which may damage intertidal habitats from trampling/compaction and use of vehicles and cause loss of food to bird species

Explain why these effects are not considered significant.

While sediment release is likely to occur as a result of the Geotechnical SI and Benthic Ecology surveys (near shore operations), impacts will be minimal and localised and of limited extent and duration. No impact is predicted from sediment release to SAC and SPA Sites.

The interaction with any marine mammals will be mitigated by the full implementation of the requirements set out in the NPWS (2014) "Guidance to Manage the risk Marine Mammals from Man-made Sound sources in Irish Waters" including the employment of a Marine Mammal Observer.



The proposed surveys will be at least 6.5km from Dundalk Bay SPA and some elements are within the Clogher Head SAC. The near shore Geotechnical SI and the Benthic/Ecological surveys will consist of some grab sampling and CPT/Vibrocores while Geophysical surveys will include use of survey vessel and are of a non – intrusive nature.

In relation to prey biomass available and barriers to connectivity the presence of a survey vessel carrying out the geophysical survey within or adjacent to the SAC and at a distance from the SPA would not be seen as resulting in prey biomass decline or result in a significant increase in barriers to connectivity. No significant impact is foreseen on the population trends, distribution, breeding population abundance and productivity rate for the various birds species designated as "Qualifying interests " within the Dundalk Bay SPA. In further mitigation the surveys are planned for the summer /autumn periods which will avoid any potential impact to the various bird species designated for protection under this SPA which are all "overwintering" birds.

The adoption of best practice methods for all marine survey and SI works, adoption of strict environmental controls, will minimise the risk of any harmful fluids such as fuels, chemicals and/or oils entering the water column through accidental spills or leakage .The potential impact to SAC and SPA sites from pollution/accidental spillages is therefore not considered to be significant.

It is considered highly unlikely that the marine Geophysical Survey works (echo sounder, magnetometer, side scan sonar, sub bottom profiling etc.) will cause harm or disturbance to any marine mammals subject to the implementation of the requirements set out in the NPWS (2014) "Guidance to Manage the risk Marine Mammals from Man-made Sound sources in Irish Waters" including the employment of a Marine Mammal Observer who will have to be on site during all such survey operations.

Impacts on bird species from the noise associated with the survey vessels is not considered likely as it is consistent with normal marine traffic noise in the area.

The geophysical surveys are non-intrusive and do not involve the placement of any structures on the foreshore. The proposed Geotechnical Site Investigations and Benthic/Ecological survey operations will result in a very small area of interaction with the seabed. The impact from altered hydrology will be minimal and insignificant.

The proposed surveys will be localised and of limited extent and duration. The mainstay of the proposed surveys is of non-intrusive nature and there will be no impact on coastal erosion, coastal morphology and in particular to the Qualifying Interests 'Vegetated sea cliffs' and the "European Dry Heaths" along the 1.63km of Clogher Head cliff length and for which this Clogher Head SAC has specifically been designated.

The impacts of the works will be temporary and localised. The works will not result in habitat loss, there will not be significant disturbance to key species and there will be no habitat or species fragmentation within the SAC and SPA. The integrity of the sites will not be affected.

There will be no direct discharge of pollutants into the environment during the works and water quality will not be affected.

The proposed works will not result in the species range within the sites being restricted by artificial barriers to site use.

On the basis of the above it is considered that there will be no significant negative effects as a result of the proposed Marine Surveys (Archaeological and Ecological), Site Investigation works (Geophysical, Geotechnical, and localised site investigations) and Wind and Current resource assessment, in the vicinity of Clogher Head Co. Louth, on the 'Qualifying Interests' or the 'Conservation Objectives' of the

Clogher Head SAC (Site Code 001459) and the Dundalk Bay SPA (Site Code 004026).

Who carried out the assessment? Marine Licensing Vetting Committee, 13<sup>th</sup> November 2018.

**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  
26<sup>th</sup> 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

### **Licence site Specific Conditions**

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