

From:**Sent:** 14 June 2016 08:10**To:** info@epa.ie; info@antaisce.org; CustomerSupport@failteireland.ie; nature.conservation@ahg.gov.ie; CorporateSupport.Unit; coastalconcern@gmail.com**Subject:** Re: Proposed licence for prototype wind turbines on Galway Bay (off Spiddal)

Hi all,

There is alot of concern for all in this, and Friday is closing date for comments....

A National Treasure

Galway Bay is an environmentally sensitive body of water recognized as an irreplaceable national treasure. It should be off limits to industrial development, particularly in light of better alternative sites

Galway Bay is famous for its natural beauty and abundant, diverse, and unique wildlife, it is also renowned for recreational boating and fishing, and contributes to drawing vast numbers of visitors annually and is essential to our regional economy precisely because of its natural appeal.

Galway Bay possesses significant marine habitat for a diversity of ecologically and economically important species

The Wild Atlantic Way, which takes in Galway's entire coastline, has been named the best offbeat coastal road trip in the world

This new proposed licence will have significant environmental impact on our coastline, which has a wildlife rich area designated as an Area of Outstanding natural Beauty . The cumulative impacts of this new proposed developments have not been comprehensively assessed.

These proposed prototype Wind turbines, and a sea station are out of line with good practice with regard to size, scale and proximity to sensitive coastlines

It should be off limits to industrial development, particularly in light of better alternative sites

There are extensive gaps in knowledge of the Irish marine environment and key species of birds, fish and marine mammals.

Selection of this site was entirely developer-led without due consideration to Natural beauty and tourist attraction

Ireland is an island nation and our coastal landscapes and seascapes are an important and highly appreciated factor in our identity. They make a major contribution to our economy, tourist industry and quality of life. The existing legislation and regulations governing construction at sea afford virtually no protection to our coastal landscapes.

This licence if granted over large areas of open sea will industrialise these iconic seascapes, significantly altering their character and quality

Galway Bay is a major cultural and heritage sceneficence to Ireland

Reference from the Galway County Development Plan

States the following

...‘Much of Galway Bay coastline is designated as **Area of Outstanding Natural Beauty**. This underlines the high importance attached to coastal areas and their significance for local communities and economies..**Area 9-Inveran to Galway City coastline**. The coast is flat, comprising rocks and sand merging with natural grassland towards the R336. The coast line commands striking views of County Clare and the Aran Islands....’

There is a NHA (Natural Heritage Areas) within 5 miles from this site

The Galway City Draft Development Plan states that “ Galway Bay, is an integral part of the aesthetic landscape and culture of the city”, which has many benefits

This test site in question was first established for prototypes of wave energy devices only, and not for wind turbines and a sea station as this new licence is sort for. This new application is not in line with the previous one as it not looking development wind prototype devices as well as wave/sea energy devices

This proposal will have a significant environmental effect on the area

This licence should not allow for this type of development (Prototype wind turbines and a sea station) There should be use of restrictive conditions to the licence with a five-year review, as 35 years is too long, and State lose control over our management of our sea

They also asked whether a development of the test site was more important than the landscape and character of Galway Bay

Galway Bay Complex SAC 002274 / Ireland. National Parks and Wildlife Service

The karst landscape of the Burren, which stretches through north Clare and southeast Galway, has also been proposed for inclusion on the World Heritage List and this development if allowed would be in full view

If this licence is granted it would have a significant adverse effect on seascape character and harm visual amenity.

It also proposes allowing for an installing a permanent 'SeaStation' the size of a house on this site. Due to its size, scale, appearance, it would be grossly unattractive, and out of character within this area.

There is a lot of uncertainty over how tidal- and wave-energy devices may affect marine ecosystems. How do marine animals interact with tidal turbines, which feature rotating blades that will kill them? How does the sound of devices interfere with the ability of marine mammals to navigate, migrate, and communicate? Birds are protected under Irish Law, and is illegal to kill any bird under law

We have to prove beforehand that there is no impact, and we cannot

Galway Bay is designated as a Special Area of Conservation under the EU Habitats Directive and a Special Protection Area under the EU Birds Directive (Natura 2000 sites). Wind turbines at sea are striking and dynamic elements within a landscape setting with a high visual impact on the sea, while the background has no contours or hills to camouflage it

Galway bay is too much an important natural bay to have such turbines highly visual to the public. It would cause a distraction to the uninterrupted view over to the Burren in Co. Clare and west to the Aran Islands which are two of our main tourism sites attraction in Ireland. This proposed new prototype wind turbines will be in full view for all on 'The Wild Atlantic Way' The coast road is an area of outstanding natural beauty for all to appreciate from walking, hiking, cycling, motor vehicles and visual delectation

The proposed turbines will be located near an area of have special cultural significance, and of course tourism dependence Tourism is one of the most important revenue and jobs generation section in Galway, this will only take away from it and make for another reason to lose it appeal to visitors

1. There is nothing stopping this licence from been sold on the international market
2. Ireland's national heritage as defined in the Heritage Act (Section 6) includes seascapes. Increasingly it is recognised that the assessment of landscape character should also encompass coastal and seascape character, acknowledging the fact that the character of the coast and of marine areas affects the land and vice versa.

This coastline is designated as "Area of Outstanding Natural Beauty" This underlines the high importance attached to coastal areas and their significance for local communities and economies. Any wind turbines development proposed in Ireland's inshore waters will have a major impact on the character and quality of AONBs and the coastal "views and prospects" listed for protection.

Most of this application (Environmental Impact Statement) is based on assumption, with out direct research of facts based on this selected site

What impacts,will all these devices on on marine species.?

What happens if these devices break their moorings and drift across shipping and other sea going users or coming ashore (this has already happened on three occasions, has it been notified to the relevant Departments)

Who is responsibale for any impacts at sea/coastal and who will insure them

The cumulative impacts of these developments have not been comprehensively assessed.

This proposed foreshore licence for wind turbines, sea station is out of line with good practice with regard to size, scale and proximity to sensitive coastlines.

We should be trying to maintaining and restoring the regions *natural, cultural* and economic integrity.

Galway has too much to lose for the sake of these prototype wind turbines, when this type of research is already been carried out elsewhere

Collision risks are not well understood for any marine vertebrates. Of the three animal groups considered here, fish are best understood and diving

bird's least. Since this site is so close to land, we get a variety of birds exploring in this area, not only sea birds, but also smaller land based birds. We have experience seen flocks of wild swans low flying through this site area on occasions. This site is in their flight path, but no mention of this in the application.

STRATEGIC ENVIRONMENTAL ASSESSMENT

OF MARINE RENEWABLE ENERGY

DEVELOPMENT IN SCOTLAND

12th March 2007

Suggested citation: Wilson, B. Batty, R. S., Daunt, F. & Carter, C. (2007) Collision risks between marine renewable energy devices and mammals, fish and diving birds. Report to the Scottish Executive. Scottish Association for Marine Science, Oban, Scotland, PA37 1QA.

Rotating turbines are the most intuitive contenders for significant collision risks with marine vertebrates. These devices move relative to both the seabed and to the water flow and their effective motion is that of a spiral with the blades travelling at angles $< 90^\circ$ to the water and suspended objects in their sweep.

This site is located within a popular boating and sailing waters.

The impact of this proposed development would have on this area of outstanding beauty which is more important than the socio-economic consideration or the potential loss of amenity .

It would have impact on environment and protected birds and mammals.

The applicants documents to support these plans are not adequate to support a conclusion in particular to reason of distribution, collision risks with birds including bird flight lines. The application documentation does not allay fears that the wind turbines may impact on the integrity of this test site.

The proposal site is in one of the worst locations

We have to question why Galway Bay has been chosen for this site, which is being developed in the national interest.

Where is the evidence that alternative sites have been investigated, sites that would have be more suitable?

There are sites which have more history in industrial and commercial development, which have been developed over the years by State investment in ancillary infrastructure

We are sure that there are sites which would have a much less visual impact but would fulfil the environmental requirements of the project.

The fact that there is a concentration of State employees associated with the project in the Galway area is not sufficient reason to locate the project in Spiddal, an area which traditionally trades on the unspoilt beauty of the Bay as opposed to commercial and industrial uses which are more common in other Atlantic coast areas.

On 10 June 2016 at 10:02,

wrote:

Proposed test site for Marine Institute on Galway Bay

If you read the proposal carefully , it would allow for the industrialisation of part of Galway Bay near an Spideal, which would include use of wind turbines 37 m high, a fixed sea station 25m long, and other objects up to 7m hight.

Sea based wind turbines all allready been researched in other countries, so why destroy our lovely Galway Bay (famous for its beauty all over the world)

The Marine Institute has other test sites available to them which are not as highly visual and better suited if needed at all

The environment report goes onto say that this development if granted will not have little if no impact onTourism, Wildlife, birds, visual sights, fishing,boating, collision risks, etc.

We have too much to lose for our famous Galway Bay, regarding our culture, heritage, tourism, wildlife, and the Wild Atlantic Way.

The closing date for submission and comments is 17 June

see link

<http://www.environ.ie/planning/foreshore/applications/marine-institute-spiddal>

<http://www.marine.ie/Home/site-area/infrastructure-facilities/ocean-energy/foreshore-lease-application>

Regards

On 19 December 2015 at 18:34,

wrote:

This test site in question was first established for prototypes of wave energy devices only, and not wind turbines as this new licence is for

This new 35 lease will allow turbines to be established on this 50 Acre site just off Spiddal coast line

Galway Bay is designated as a Special Area of Conservation under the EU Habitats Directive and a Special Protection Area under the EU Birds Directive (Natura 2000 sites).

Wind turbines at sea are striking and dynamic elements within a landscape setting with a high visual impact on the sea, while the background has no contours or hills to camouflage it

Galway Bay is too much an important natural bay to have such turbines highly visible to the public.

It would cause a distraction to the uninterrupted view over to the Burren in Co. Clare and west to the Aran Islands which are two of our main tourism sites attraction in Ireland. This proposed new prototype wind turbines will be in full view for all on 'The Wild Atlantic Way'

The coast road is an area of outstanding natural beauty for all to appreciate from walking, hiking, cycling, motor vehicles and visual delectation

The proposed turbines will be located near an area of have special cultural significance, and of course tourism dependence

Tourism is one of the most important revenue and jobs generation section in Galway, this will only take away from it and make for another reason to lose it appeal to visitors

Spiddal Gaeltacht west of Galway city, on the R336 road. Spiddal is on the eastern side of the county's Gaeltacht and of the Connemara region. It is a tourist centre with a scenic beach, harbour, and shore fishing.

Quote from GALWAY COUNTY DEVELOPMNET PLAN

'2.11 **Area 9-Inveran to Galway City coastline.** The coast is flat, comprising rocks and sand merging with natural grassland towards the R336. The coast line commands striking views of County Clare and the Aran Islands'

9. Inveran to Galway City coastline Landscape sensitivity class 3-high with a Parallel strip of class 4-special. Wind farm potential rating- 'Area for Consideration' and 'Strategic area'

3.112 The scenic coastal stretch incorporating several Natural Heritage Areas is rated 'Area for consideration' for wind farm development. This is due to the landscape Sensitivity rating-class 4'Special'. Within this area it is recommended that wind farms be located only in the 30m perimeter zone around the NHA's. Additionally no wind farms are recommended for the immediate coastal zone i.e. at least 100m above the high tide mark, to maintain pedestrian access to the shoreline and to minimise intrusion upon the sea backdrop of the Galway coast from the coastal road

To drive along Galway's coast road, on the left is the powerful Atlantic while to the right is the rocky landscape of Connemara (This is what tourist wants to see)

There is also other potential risk to birds (seagulls)

We should be trying to maintaining and restoring the regions **natural, cultural** and economic integrity.

Galway has too much to lose for the sake of these prototype wind turbines, when this type of research is already been carried out elsewhere

Also there are other test sites available to them around Ireland.

SEAI and the Marine Institute established an Ocean Energy Test Site for ¼-scale prototypes of wave energy devices in Galway Bay in 2006. The unique ¼ scale Galway Bay wave energy test site facilitates the open sea deployment of scaled prototypes of Wave Energy Converters (WEC's) during the early stages of the development of their concept - See more at:

http://www.seai.ie/Renewables/Ocean_Energy/Galway_Bay_Test_Site/#sthash.zMFvTfVk.dpuf

http://www.seai.ie/Renewables/Ocean_Energy/Galway_Bay_Test_Site/Purpose_of_site.html

http://www.seai.ie/Renewables/Ocean_Energy/Prototype_Development_Fund/

http://www.seai.ie/Renewables/Ocean_Energy/Belmullet_Wave_Energy_Test_Site/MARINET_funding_programme.html

http://www.fp7-marinet.eu/access_facilities-available.html

<http://www.ft.com/cms/s/0/029c2078-5ab0-11e4-b449-00144feab7de.html>

From:

Sent: 10 June 2016 10:03

To: info@epa.ie; info@antaisce.org; CustomerSupport@failteireland.ie;
nature.conservation@ahg.gov.ie; CorporateSupport.Unit; coastalconcern@gmail.com

Subject: Re: Proposed licence for prototype wind turbines on Galway Bay (off Spiddal)

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Tá eolas sa teachtaireacht leictreonach seo (agus b'fhéidir sa chomhaid ceangailte leis) a d'fhéadfadh bheith príobháideach nó faoi rún. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Murab ionann tusa

agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo. Más trí earráid a fuair tú an teachtaireacht leictreonach seo cuir, más é do thoil é, an té ar sheol an teachtaireacht ar an eolas láithreach. Deimhnítear leis seo freisin nár aims odh víreas sa phost seo tar éis a scanadh.

77

From:
Sent: 15 June 2016 11:25
To: foreshore
Subject: Reference Number: FS006566 Marine Institute - Spiddal

To whom it may concern

Re: Late meeting in relation to this proposal held on 14th June 2016, at Park Lodge Hotel.

I would just like to object on a few grounds:

1. Lack of consultation with the public
2. Lack of answers to questions posed
3. Greatest concern is noise level from test windmill(a test windmill that is yet to be built and has no data available)
4. I would also question the validity of expert analysis and environment report obtained in rating the view in the area as 0 (zero) (tourism Ireland and Failte Ireland have spent millions promoting the Wild Atlantic Way for this report to rate galway bay with a rating of 0.
5. It also says as a goodwill gesture it will improve access road to new pier but doesn't detail what it will do with the repairs??????????

I think the biggest problem and why people are so unhappy with this process has been lack of communication with the public that this will affect. Communication has been lacking between public and proposer this was evident at last nights meeting, when I asked if they had made changes to proposal since January we were informed lighting had been reviewed and revised but was not communicated until asked. Secondly was the misunderstanding of 60 meter high wind turbine, at the start of the SEAI presentation he stated that false information had been reported of this when there original proposal stated 60 meters and was later amended to 35 meters. The public's trust was lost to these simple mis communications and they feel like the wool is being pulled over there eyes.

Regards,



20160617-DoECLG-006566

Marine Planning – Foreshore Section
 Department of Environment, Community and Local Government
 Newtown Road
 Co. Wexford

17.06.16

**RE: Ref No. FS006566 - Marine Institute Application for Foreshore Lease:
 Update to Marine Renewable Energy Test Site, Spiddal, Co. Galway (2016)**

Dear Sir/Madam,

Thank you for referring the above to An Taisce for comment.

In review An Taisce hold no objection to the above proposed project. However, there are details which An Taisce feel should be taken into consideration;

1. It is important to consider that while it has been assessed that there will be no significant landscape impact as a result of the above upgrade, that visual impact and landscape appreciation are subjective. An Taisce believe that due consideration should be given to this fact, especially in regards to the amenity value of the landscape within this area. While there is validity in the pre-existence and familiarity of the test site as noted in the Environmental Report, the visual impact will be altered as a result of the proposed upgrade.
2. Should the upgrade proceed, the floating turbines and associate equipment below the water surface are likely to become new habitats for marine flora and fauna as noted within the Environmental Report. In light of this An Taisce welcomes that a separate impact assessment will be conducted prior to decommissioning. It is crucial that no flora and fauna, nor associated habitats be significantly impacted upon at any stage of the proposed upgrade and equally it is important that the livelihoods of local fishermen are not impacted. An Taisce would encourage that consideration for this be consistent throughout the life time of the project should it proceed.

Yours sincerely,

Fintan Kelly,

**Natural Environment Office
 An Taisce – The National Trust for Ireland**

An Taisce is a membership-based charity. Join at www.antaisce.org/membership
 An Taisce – The National Trust for Ireland | Tailors' Hall, Back Lane, Dublin, D08 X2A3, Ireland |
www.antaisce.org

Company 12469 | Charity CHY 4741 | Charity Regulator No. 20006358 | +353 1 454 1786 | info@antaisce.org |
 Directors: J Leahy, M Mehigan, D Murphy, B Rickwood (UK), C Stanley Smith (UK), A Uí Bhroin, B McMullin, J Sweeney



20160713-DoECLG-006566

Marine Planning – Foreshore Section
 Department of Environment, Community and Local Government
 Newtown Road
 Co. Wexford

13.07.16

Sent by email to:
 foreshore@environ.ie

**RE: Ref No. FS006566 - Marine Institute Application for Foreshore Lease:
 Update to Marine Renewable Energy Test Site, Spiddal, Co. Galway (2016)**

Dear Sir/Madam,

In addition to our submission made to your department on the 17th June 2016, An Taisce would like to submit the following comments in relation to FS006566.

1. Ongoing environmental monitoring of direct, indirect and cumulative impacts of the prototype should be carried out over the 35 year period. Monitoring should be carried out not only to analyse the environmental impact of the Renewable Energy Test Site but also to inform any future application for a full-scale renewable energy facility. Particular attention should be paid to potential impacts on birds, seals and cetaceans. The conclusion within the environmental report that the proposed test site will not have a significant negative impact on local bird populations due to mortality associated with collision is based on the scaled size of the devices, the slow speed of any turbines blades, the low number of devices likely to be in operation at any one time and the short-term intermittent nature of the installation/service vessels. The scale and operation of the prototype facility will vary greatly from a full sized, fully operational facility. The potential risk to wildlife will therefore be very different. It is important that an appropriate monitoring regime is implemented to ensure that any future environmental impact assessment for a fully scaled facility can be properly informed.
2. Given the reduced fishing pressure within the site the area may function as a safe haven or nursery for marine wildlife. The potential to enhance the value of the site as a nursery should be incorporated into the projects design.

Please acknowledge our submission and advise us on any decision made.

An Taisce is a membership-based charity. Join at www.antaisce.org/membership
 An Taisce – The National Trust for Ireland | Tailors' Hall, Back Lane, Dublin, D08 X2A3, Ireland |
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Yours sincerely,

Fintan Kelly,

Natural Environment Office
An Taisce - The National Trust for Ireland

From:
Sent: 20 June 2016 11:57
To: foreshore
Subject: ref: FS006566

I refer to the above application and would like to make the following observations:

I am unhappy with the length of the proposed lease of 35 years and feel 10 years is adequate. No real reasons are given for such a long time scale.

I do not see much about the number and extent of fish stocks that pass through or inhabit the existing test site.

I have particular concerns about the salmon and sea trout stocks that are in Galway Bay and use the nearby Boluisce system and other systems like the Knock system, the Corrib system, the Owenriff system at Inverin and the Crumlin system all of which could have smolts passing through the area.

Has any surveys been carried out on where the smolts(salmon and sea trout) from these systems travel when in Galway Bay?

If rotating blades from turbines are used, has any thought been given as to how fish stocks will be protected from getting mashed/mangled?

Will noise from the area cause salmon and sea trout to avoid the area and prevent them going back to their natal river systems?

Do you consider inland fisheries as stakeholders to be contacted about developments and the use of various types of equipment?

I look forward to your responses

From:
Sent: 20 June 2016 12:15
To: foreshore
Subject: FS 006566 Application Submission

Dear Sir,

I wish to object to the application for a foreshore licence to upgrade the Galway Bay Marine and Renewable Energy Test Site by the Marine Institute.

FS006566

I wish to object as I am a resident living by the shore between Furbo and Spiddel Co Galway and I can clearly hear a humming noise coming from the sea area at Spiddel which continues throughout the night and which is causing the household a sleep disturbance and a nuisance at night time which I find unacceptable as I live in a rural area and should only be hearing the waves which is a natural sound and not a low frequency deep and disturbing hum.

Yours sincerely,

Dept. of Environment, Heritage
& Local Government

24 JUN 2016

Wexford

Spiddal,
County Galway.

22nd June 2016

Marine Planning and Foreshore Section.
Dept. of the Environment,
Community and Local Government,
Newton Road
Wexford.

Ref: FS 006566

A Chara,

With respect to the Foreshore Lease application for the testing of prototype wind, wave and tidal energy devices at Location: Galway Bay Marine and Renewable Energy Test Site, Spiddal, County Galway I would like to submit my rejection to this application. The reasoning behind my decision is as follows:

As a resident of Spiddal for over 15 years and a member of a family who has been in residence in the village for several generations I believe that the proximity of the test site to the Spiddal shoreline and the sheer height of the turbines will have a hugely negative and intrusive visual impact on our view. A view which in the past has won the bid for the Volvo Ocean race twice; which has greeted boats and tourists from all over the world and which now forms part of the Wild Atlantic Way, the largest coastal drive in the world. Do we really want to jeopardise this breathe taking view by placing a windmill in the middle of it!

While it is clear that this application is merely for the testing of prototype energy devices over 35 years, the specific number of devices is not actually mentioned, 3 – 4 are indicated, my concern would be that if we allow this prototype to go ahead it will open the doors to more wind wave and tidal energy devices of this sort on our beautiful coast lines.

I expect that these concerns will be acknowledged and taken into consideration when making your decision. I look forward to hearing the outcome of this application

Yours sincerely,

Department of the Environment, Community and Local Government

foreshore@environ.ie

2016-06-29

RE; Notice *is* hereby given pursuant to Section 19 of the Foreshore Act, 1933 that the Marine Institute has applied to the Minister of the Environment, Community and Local Government for a lease under the said *Act* for the purpose of testing prototype wind, wave and tidal energy devices at the Galway Bay Marine and Renewable Energy Test Site Spiddal, Co. Galway

Dear Sir/Madam

I wish to bring to the Ministers attention the following;

The Natura screening document states;

4.3. Mitigation and Monitoring

A number of mitigation / best practice measures are recommended to ensure minimal impact from the test site with marine mammals.

5. Summary

The impacts from the proposed test site will not have any significant effects on the nearby Natura 2000 sites, their qualifying interests/special conservation interests, or conservation objectives. The Screening Assessment has concluded that Stage 2 Appropriate Assessment is not required.

The Marine Mammal Risk Assessment has identified that the proposed test site will have a low risk to marine mammals. Mitigation and monitoring are proposed to ensure a low risk.

Finlay Geoghegan J. in Kelly -v- An Bord Pleanála 2013/802 JR States;

26. There is a dispute between the parties as to the precise obligations imposed on the Board in relation to the stage 1 screening by s.1777U but its resolution is not strictly necessary in these proceedings. There is agreement on the nature and purpose of the screening process which is well explained by Advocate General Sharpston in Case C-258/11 Sweetman at paras 47-49:

"47. It follows that the possibility of there being a significant effect on the site will generate the need for an appropriate assessment for the

purposes of Article 6(3). The requirement at this stage that the plan or project be likely to have a significant effect is thus a trigger for the obligation to carry out an appropriate assessment. There is no need to establish such an effect; it is, as Ireland observes, merely necessary to determine that there may be such an effect.

48. The requirement that the effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.

49. The threshold at the first stage of Article 6(3) is thus a very low one. It operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken on the implications of the plan or project for the conservation objectives of the site [. . .]"

As Ireland observed in the case CJEU 258/11 it is merely necessary to determine that there may be such an effect.

If mitigation measures are necessary there may be an effect a full NIS is required.

As (i) Installations for the harnessing of wind power for energy production (wind farms); are an ANNEX II development of the Environmental Impact Assessment directive and the development may have an effect of Natura Habitats and/or Species an Environmental Impact Statement is required to be submitted.

Yours faithfully

Subject: Galway Bay Marine and Renewable Energy Testing Site

Purpose : Observation and Objection

Date: 14-06-16

1.0 Introduction

The global merits of developing renewable energies and the reduction of our dependency on fossil fuels are without question, and the research work of the Marine Institute and the Sustainable Energy Authority is clearly commendable. The name Galway Bay however is globally familiar, as much as the Cliffs of Moher, or The Twelve Bens. The bay is a natural amenity and tourist site, but more importantly it is part of our heritage and is dear to us internationally, nationally, and locally. The appeal of Galway Bay as a naturally occurring amenity and site should not be depleted, nor should its character be changed. The siting in the bay of the proposed Galway Bay Marine and Renewable Energy Testing Site for 35 years, or longer if such lease is renewed, will introduce a permanent man-made industrial element in the water body and thus change its character. However scientifically viable or ideally located, the Galway Bay Marine and Renewable Energy Testing Site is speculative and opportunistic in the context of the place and lives that it affects. It should be sited, and be of a scale to avoid damage to the quiet enjoyment of landscapes of value on sea or land by people and wildlife.

2.0 Built example of environmental cost

A series of 7 wind turbines received consent and were erected since 2011 on a raised bog in Shanagurraun, Spiddal about 4 kilometres from the proposed offshore site. It is likely that the installation succeeds technically and economically. Many would also agree that the turbines are items of awesome engineering beauty and interest. The installation however, has placed a man-made presence in what was an expansive wilderness, one that was of great natural value that cannot be re-created. The character of the place is thus changed. It is the contention of this submission that the unique value of the landscape should have been realized, where emptiness was essential to its character, and such an installation should not have been permitted, and this discernment should equally be applied to the proposed test site, before the event rather than in hindsight when the way is opened for continued depletion of this environment.

3.0 Landscapes of value documented

While it is not a document governing decisions about an offshore developments and foreshore lease, Galway County Development Plan 2015-2021 is an impartial strategy for planning and sustainable development of County Galway

Its written statement sets out a vision for the county :

‘enhance the quality of life of the people of Galway and maintain the county as a uniquely attractive place in which to live, work, invest and visit, harnessing the potential of the county’s competitive advantages in a sustainable and environmentally sensitive manner

The Planning and Development Act 2000 requires:

The preservation of the character of the landscape where, and to the extent that, in the opinion of the planning authority, the proper and sustainable development of an area requires it, including the preservation of views and prospects and the amenities of places and features of natural beauty or interest

Where the County Development Plan classifies landscapes under character, value, and sensitivity, the coast affected by this proposed development is rated High in Landscape Value, and High in Landscape Sensitivity (Map LCM1). Part 9.12 maintains that focal points and views have a very important amenity, tourism, economic and cultural value and development should not hinder or obstruct these views and vistas but should be located and designed in a manner so as not to negatively impact. Views of the north Clare coast from the Galway coast extending east of Bearna are identified as Focal point/View 74 (Map FPV1) and are impacted by the proposed testing site development.

The county development plan is a long established and well maintained instrument in the care of the environment, and while it makes due provision for the development of renewable energies, it equally protects the environment where it is unique and non-renewable. The seascape is latent to the views and landscapes of high value that are thus documented, and permanent interventions on the sea will be fundamentally affect them. Despite the alleged benefits of the chosen location, it is not the place for industrial plant and flashing lights, and the proposed test site could conceivably be relocated. Indeed, as authors of the County Development Plan, and responsibility for its implementation, it is should be the concern of Galway County Council to make representation of their own in relation to this proposed test site and its effects on the seascape and environment.

4.0 Who benefits?

As displayed publically and presented at public meetings the work of the Marine Institute and others is accomplished and progressive. The project is driven by national and EU directives in relation to renewable energy targets. However this project subscribes to global energy aspirations more than local or even national ones. However the outcome may affect CO2 emissions, the price of household power will only ever increase for the people who are asked to accept this installation on their doorstep, and the monetary

advantage will afford to big business, in whose hands what is begun here will be driven by profit when they have bought off the present stakeholders as has happened with wind energy projects.

5.0 The Foreshore Act 1933

The 1933 Foreshore Act is increasingly seen as out-dated, undemocratic and unsuitable in the control of the speculative attention that is now given to ocean and wind energy.

Section 3.1 of the Act requires that the granting of a lease should be in the public interest. The sale of the Arklow Bank Wind Park and the Codling Wind Park leases, both in state owned Irish waters, to international energy groups at significant profits to the promoters/developers is a transgression of Section 3.1 and a betrayal of the national and public interest where the legislation should protect it. Section 2.8 of the Act provides that the Minister can make a public inquiry into the making of the lease. Since the entire decision and short process rests with the Minister, and in view of the extent of objection and concern in this submission and others, the Minister can and should subject the lease application to such public inquiry, applying proper scrutiny to the impact of the installation and what further developments it will lead to in the private domain.

6.0 Mitigation Points

The lease should not be granted in this location

The lease should be for 5 years

There should be no tall structures i.e. wind turbines

Elements as big as the manned station should be omitted

It should not be possible to assign or sell the lease

The project should remain owned and controlled by the state

From:
Sent: 05 July 2016 23:20
To: foreshore
Subject: FS006566

Ref: Proposed Galway Bay Marine Energy Test Facility.

I would like to submit my concerns with this development and as a local resident with my family home extremely close to the proposed test facility.

My main issues are:

1. Lack of 'meaningful' public consultation. I, along with all my family members live in close proximity to the proposed development. Apart from the ads in the paper, there was no effort to notify the public. None of my family members or neighbors were aware of the 'public consultation' until it was over. Perhaps, a note from the School, a notice at the GAA pitches, mass notice, Facebook campaign, or a leaflet drop would have been more successful at notifying the public.

It appears that the intention was to 'advertise' it officially, but hope that very few saw the notice.

2. Having reviewed the reports on-line, I find it difficult to make an assessment of the visual impact.

Some of the photo montage look like they have been deliberately manipulated to make the wind turbine 'blend' in with the sea / view.

As a local resident, I know that the view / color of the sea changes on a daily basis and on a dark 'grey' day, the white wind turbines may be a lot more visual.

Also - a key aspect of the visual impact is that they are moving - so perhaps a video montage of the wind turbine rotating, under various weather conditions may be more realistic.

3. Purpose of test / most suitable site / duration

Perhaps it is hidden deep in some of the reports, but I could not find an executive summary of the full purpose of the test site, why this was considered the most suitable site, if alternative sites had been considered and why the duration had to be so long.

Please address these issues above, and I speak for a lot of my local neighbors and family, in that we would really appreciate it if another public consultation was held so that we can really understand what is being proposed. It is not really too easy to read this 300+ pages of multiple reports / appendices and try to assess the impact to the local area.

If there is a different summary version of the report available or a report that is aimed at the local residents, please forward me a link, so that I can share it with my family and neighbors.

Please confirm that this e-mail has been submitted to the correct people, and has been reviewed.

Regards,



Submission No. 10

Environmental Action Alliance-Ireland

Submission

to

Foreshore Licencing Unit

**Department of Environment, Community and Local
Government**

Re: Lease to Construct

an

Offshore Electricity Generation Station (Ref: FS006566)

Prepared by:

David Malone EAA-I,
60, St. Joseph's Terrace,
Portarlinton,
County Offaly.

Prepared for:

Foreshore Licencing Unit,
DECLG,
Custom House,
Dublin1.

Introduction

Environmental Action Alliance-Ireland (EAA-1) is a Non-Governmental Environmental Organisation (NGEO), founded in 1990. The fundamental purpose of EAA-I is the promotion of sustainable development through a process of democracy, human rights and the rule of law. Since 1990, EAA-I has registered over 250 complaints with European Commission concerning infringements of the EIA Directive.

EAA-I is a Party to a complaint registered with United Nations Economic Commission Europe Ref: (ACCC/C/2010/54) on the grounds that Ireland failed to comply with Articles 3(1), 4, 5, 6, 7, 8 and 9 of the Convention in respect of its renewable-energy programme. In essence, the planning decision-making process is *pro forma* in that decisions had usually already been made, prior to the matter being made available for public consultation.

In 2006, the Marine Institute was granted a foreshore lease SJM/10380/2005 by the then Department of Communications, Marine and Natural Resources under the Foreshore Act 1933 for an area of foreshore off the Spiddal coast in Galway Bay, Co. Galway for the purpose of **testing** ¼-scale wave energy devices.

In February 2016, the Marine Institute submitted a new foreshore lease application to the Foreshore Licencing Unit, Department of Environment, Community and Local Government for a **Lease to Construct an Offshore Electricity Generation Station** at the Galway Bay Test Site, and the continued operation at the site for a further 35 years. (Ref: FS006566)

This submission will show that the application contained misleading information. That the EIA Screening for an Environmental Impact Statement (EIS) was carried out by the applicant and not Galway County Council. That the Screening was carried out under the wrong legislation. That the applicant has failed to comply with European case law concerning the appropriate tiering relationships between Strategic Environmental Assessment (SEA) for plans and programmes and Environmental Impact Assessment (EIA) for projects.

Administrative law may be defined as the legal framework within which policy objectives set by democratically accountable decision-makers are implemented. This submissions clearly shows a violation of administrative transparency, which has been recognised by courts, constitutions and treaties as a fundamental right of the individual. The European Court of Justice (ECJ) held that the principle of legal certainty is part of Community law and should be respected by Community institutions and Member States when they exercise their powers conferred by EU Directives¹

¹ Case C-381/97, Belgocodex, Collection 1998, p. I-8153, par. 26, idem

The Description of the Project is Misleading

I first wish to clarify that any planning application that requires an environmental impact statement (EIS) under the provisions of the EIA Directive 2011/92/EU is known as a project. The term project as defined in Article 1 (2) (a) of the EIA Directive 2011/92/EU as:

- (a) the execution of construction works or other installations or schemes or
- (b) other interventions in the natural surroundings and landscape, including those involving the extraction of mineral resources.

Sustainable Energy Authority of Ireland (SEAI) in its Offshore Electricity Generating Station-Note (OEGSN) for Intended Developers states that where an applicant intends to test a new technology on a demonstration or pilot basis, or to carry out other tests, which may be relevant for the development of new technology, separate arrangements may apply subject to the Minister being satisfied that it is clearly a demonstration project. The Application should be made on the form appropriate for commercial development, but it should clearly be marked to indicate that it is not a commercial development but a demonstration or pilot programme.

The OEGSN states that Foreshore Licences should, ordinarily, be valid for four (4) years and not normally be subject to extension. Where the Minister is satisfied that, because of *force majeure* applying, it was not possible to complete investigations within the four-year licence period. The Minister may, at his sole discretion and subject to any additional or differing conditions as he may think appropriate, extend the period of validity of the Licence for one or more periods, each of which shall not exceed twelve months.

The application is for a Foreshore Lease for the Construction and Operation of Offshore Electricity Generation Station. The OEGSN states that inter alia the following is required:

- An Environmental Impact Statement will be required in respect of all proposed installations covering, in addition to statutory requirements, the issues addressed in the scoping document forming part of this proposal. The EIS and a copy of Planning Permission for shore based works should accompany the application.
- Offshore generating stations will not, as a general rule, be allowed within 5 km. of the shore but applicants may make a case for such if they consider that the proposed construction will not interfere unduly with the visual amenity of the area in question (both landscape and seascape). Such applications will be subject to special consultation procedures in the light of potential for excessive visual impact.
- Foreshore Leases may not be assigned until construction has been completed, and generation has taken place successfully for at least two years.

It is evident that the application contains misleading information, and the full nature and extent of the proposed project was not identified.

The following are some of the applications and planning permissions:

20th March 2006 - 19th March 2016: (FS004904) Original 10 year foreshore Lease for the construction and operation of a **Demonstration** offshore electricity generating station was granted:- to test wave energy device (1) for 6 months at a time. FS004904 is not available online.

(Note: Specific Conditions of this granted Lease states: "9. The Lessee shall ensure that cable connection to shore is not permitted as part of any testing programme.")

2014-2050: Granted a foreshore License - (FS005751) for 35 years for the cable from the Leased Site above to Spiddal pier, onto shore, connected to a 'plant room' at the back of the local Secondary School.

29-10-2013: Galway County Council application - (Ref No: 13/947) granted permission for change of use of existing store to a plant room. This is where the cable terminates, at present, on shore, at the back of the Second Level School.

16th March 2016: granted a 'short term' (FS006611) extension of original Foreshore Lease -applied for on 1st March 2016 (signed by Minister Paudie Coffey).

11-February 2016: (FS006566) - current application.

Applied for 35 Years foreshore lease - *"to construct an offshore electricity generating station"*.

However, this application was for Wind Turbines 60m above sea level (1/2 height spire) and wave energy converters at 30m above sea level. This hit the Irish Times - and the developer contacted the journalist and asserted that this was a mistake - that the Turbines were to be max. 35m above water. Six weeks later, this 'mistake' was corrected and there is a 'Revised Application' submitted on 6th April, 2016 - same reference number.

On 19th July 2016 a New Lease in the determination section of FS006611 was granted.

All the applications except FS006566 have been decided, but are part of the same project and it isn't possible to fully understand the current application (FS006566) without reading and trying to understand the others.

An enormous task, especially given all the technical terms and areas requiring specialist knowledge. Particularly when documents continue to be added to the applications on environ.ie. It isn't possible to trust that downloading and printing an application is a guarantee that it is complete, even though the public consultation period is due to end on August 2nd 2016.

Inadequate Screening for EIS

The applicant carried out a screening under the European Communities (Environmental Impact Assessment Regulations, 1989 to 1999). This was the legislation transposed into Irish law to give effect to the EIA Directive 85/335/EEC, as amended by Directive 97/11/EC. The EIA Directive 85/337/EEC of 1985 has been amended three times, Directive 97/11/EC on 14th March 1999, Directive 2003/35/EC on 25 June 2005 and Directive 2009/31/EC on 25 June 2011. The initial Directive of 1985 and its three amendments have been codified by Directive 2011/92/EU.

The European Court of Justice (ECJ) in its decision on 3 March 2011, in Case C-50/09 (*Commission v Ireland*), held that Irish legislation, on the relevant dates applicable to the Court's decision, did not adequately transpose Article 3 of the EIA Directive, which makes the competent authority responsible for carrying out an environmental impact assessment.

To implement the judgement, Ireland transposed the European Union (Environment Impact Assessment) (Planning and Development Act 2000) Regulations 2012 into Irish law. The Regulations also give further effect to the codified EIA Directive 2011/92/EU. The Regulations, made significant amendments to the Planning and Development (Amendment) Act 2010 (PDA), which is the primary legislation for transposing the EIA Directive into Irish law.

The provisions of a directive must be implemented with unquestionable **binding force** and with the specificity, precision and clarity required in order to satisfy the need for legal certainty, which requires that, in the case of a directive intended to confer rights on individuals, the persons concerned must be enabled to ascertain the full extent of their rights.²

The Directive implementing the procedural requirements of the Aarhus Convention relates to Directive 2003/35/EC and the EIA procedure as provided for in Directive 2011/92/EU.

Accordingly, it is the European Union (Environment Impact Assessment) (Planning and Development Act 2000) Regulations 2012 and not the European Communities Environmental Impact Assessment Regulations, 1989 to 1999 that is the relevant legislation.

The key issue in the context of the possible need for EIA of sub-threshold development is whether or not such development is likely to have significant effects on the environment. To comply with the codified EIA Directive 2011/92/EU the Environmental Protection Agency (EPA) in 2015, prepared Guidelines on information to be contained in environmental impact statements. The guidance is provided by way of criteria set out in Annex III of the consolidated Directive.

Accordingly, a project likely to have significant effects on the environment, within the meaning of the EIA Directive, cannot be exempt from an assessment, unless the specific project excluded could, on the basis of a comprehensive screening, be regarded as not being likely to have such effects.³

² C-332/04, *Commission v. Spain*, paragraph 38; C-427/07, *Commission v. Ireland*, paragraphs 54-55

³ Case C-435/97, *WWF and Others*, paragraphs 42, 43, 45 and C-87/02, *Commission v. Italian Republic*, paragraphs 41, 42, 44

The EPA Guidelines 2015 of the information to be contained an EIS states that *“Projects are evaluated using the criteria set out below to determine whether an EIS is required.”*²⁵

1. Characteristic of Projects:

The characteristics of projects must be considered, with particular regard to:

- a. the size and design of the whole project;
- b. cumulation with other existing and/or approved projects;
- c. the use of natural resources, in particular, land, soil, water and biodiversity;
- d. the production of waste;
- e. pollution and nuisances;
- f. the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
- g. the risks to human health (for example, example due to water contamination or air pollution).

2. Location of Projects:

The environmental sensitivity of geographical areas likely to be affected by projects must be considered, with particular regard to:

- a. the existing and approved land use;
- b. the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- c. the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC;
 - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
 - (vii) densely populated areas;
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

3. Type and Characteristics of the Potential Impacts:

The likely significant effects of projects on the environment must be considered in relation to criteria set out in points 1 and 2 of this Annex (above), with regard to the impact of the project on the factors specified in taking into account:

- a. the magnitude and spatial extent of the impact (for example, example geographical area and size of the population likely to be affected);
- b. the nature of the impact;
- c. the transboundary nature of the impact;
- d. the intensity and complexity of the impact;
- e. the probability of the impact;
- f. the expected onset, duration, frequency and reversibility of the impact;
- g. the cumulation of the impact with the impact of other existing and/or approved projects;
- h. the possibility of effectively reducing the impact.

A decision by which the **national competent authority** takes the view that a project's characteristics do not require it to be subjected to an assessment of its effects on the environment must contain or be accompanied by all the information that makes it possible to check that it is based on **adequate screening**, carried out in accordance with the requirements of the EIA Directive. (C-87/02, Commission v. Italian Republic, paragraph 49)

Article 4 of the EIA Directive must be interpreted as not requiring that a determination, that it is unnecessary to subject a project falling within Annex II to that directive to an environmental impact assessment, should itself contain the reasons for the competent authority's decision that the latter was unnecessary. However, if an interested party so requests, the competent administrative authority is obliged to communicate to him the reasons for the determination or the relevant information and documents.

If a negative screening decision of a Member State states the reasons on which it based that determination is sufficiently reasoned where the reasons which it contains (added to factors which have already been brought to the attention of interested parties, and supplemented by any necessary additional information that the competent national administration is required to provide to those interested parties at their request) can enable the interested parties to decide whether to appeal against that decision.⁴

In this regard EAA-I has requested a copy of the screening carried out by Galway County Council in accordance with Article 4 (2) of the EIA Directive 2011/92/EU.

Where a Member State defines general rules for determining whether projects falling within Article 4(2) of the EIA Directive must be made subject to prior assessment of their effects on the environment before consent is given, the infringement of those rules necessarily constitutes an infringement of the combined provisions of Articles 2(1) and 4(2) of the EIA Directive.⁵

⁴ C-75/08, Mellor, paragraphs 61, 66, operative part 1-2

⁵ C-83/03, Commission v. Italy-Fossacesia, paragraph 20

Even a small-scale project can have significant effects on the environment if it is in a location where the environmental factors set out in Article 3 of the EIA Directive, such as fauna and flora, soil, water, climate or cultural heritage, are sensitive to the slightest alteration.⁶

As regards the cumulative effect of projects, it is to be remembered that the criteria and/or thresholds mentioned in Article 4(2) are designed to facilitate the examination of the actual characteristics exhibited by a given project in order to determine whether it is subject to the requirement to carry out an assessment, and not to exempt in advance from that obligation certain whole classes of projects listed in Annex II, which may be envisaged on the territory of a Member State.⁷

Article 4(2) of the EIA Directive mentions, by way of indication, methods to which the Member States may have recourse when determining which of the projects falling within Annex II are to be subject to an assessment within the meaning of the EIA Directive. Consequently, the EIA Directive confers a measure of discretion on the Member States and does not therefore, prevent them from using other methods to specify the projects requiring an environmental impact assessment under the Directive.

So the EIA Directive excludes in no way the method consisting in the designation, on the basis of an individual examination of each project concerned or pursuant to national legislation, of a particular project falling within Annex II to the EIA Directive as not being subject to the procedure for assessing its environmental effects.

However, whatever the method adopted by a Member State to determine whether or not a specific project needs to be assessed, be it by legislative designation or following an individual examination of the project, the method adopted must not undermine the objective of the Directive, which is that no project likely to have significant effects on the environment, within the meaning of the Directive, should be exempt from assessment, unless the specific project excluded could, on the basis of a comprehensive screening, be regarded as not being likely to have such effects.⁸

A Member State which, on the basis of Article 4(2) of the EIA Directive, has established thresholds and/or criteria taking account only the size of projects, without taking into consideration all the criteria listed in Annex III [i.e. nature and location of projects], exceeds the limits of its discretion under Articles 2(1) and 4(2) of the EIA Directive.⁹

Pursuant to Article 4(3) of Directive 85/337, when establishing the criteria and/or thresholds in question, the Member States are required to take into account the relevant selection criteria listed in Annex III to the Directive.¹⁰

The fundamental objective of the EIA Directive is clear from Article 2(1), which states that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their **nature, size or location** should be made subject to a requirement for development consent and an assessment with regard to their effects.¹¹

Accordingly, any license granted without compliance with Article 2 (1) and 4(2) would be legally flawed as it would violate numerous European Court judgements.

⁶ C-392/96, Commission v. Ireland, paragraph 66; C-435/09, Commission v Belgium, paragraph 50

⁷ C-133/94, Commission v Belgium, paragraph 42; C-72/95 Kraaijeveld and Others, paragraph 51; and Case C-301/95 Commission v Germany, paragraph 45. C-392/96, Commission v. Ireland, paragraph 73.

⁸ C-435/97, WWF and Others, paragraphs 42, 43, 45 and C-87/02, Commission v. Italian Republic, paragraphs 41, 42, 44.

⁹ C-392/96, Commission v. Ireland, paragraphs 65, 72; C-66/06, Commission v. Ireland, paragraph 64; C-255/08, Commission v. Netherlands, paragraphs 32-39; C-435/09, Commission v Belgium, paragraphs 52, 55.

¹⁰ C-66/06, Commission v Ireland, paragraph 62; C-255/08, Commission v Netherlands, paragraph 33; C-435/09, Commission v Belgium, paragraph 53

¹¹ Case C-287/98, Linster, paragraph 52; C-486/04 Commission v. Italy, paragraph 36; C-215/06, Commission v Ireland, paragraphs 49

No Tiering of SEA and EIA

Early in the development of the Strategic Environmental Assessment (SEA) concept, the idea of tiering of environmental assessment at different planning levels was put forward as a key element. The SEA is a process that aims to integrate environmental and sustainability considerations into strategic decision-making. Diagram 1 shows that the three levels of SEA are linked to Project EIA, this linkage is called 'tiering'. Tiering is considered as one of the major drivers for the development of SEA. The SEA of Policy will affect and inform the Plan, which in turn will affect and inform the Programme and inform the EIA of Projects.

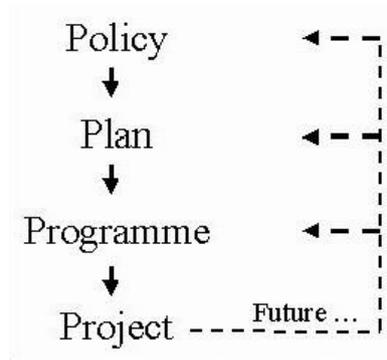


Diagram1

The European Directive 2009/28/EC on the promotion of the use of energy from renewable sources establishes the basis for the achievement of the EU's 20% renewable energy target by 2020. Under the terms of the Directive, each Member State is set an individually binding renewable-energy target, which will contribute to the achievement of the overall EU goal. Article 4 of Directive 2009/28/EC required each Member State to adopt a national renewable-energy action plan (NREAP) to be submitted to the European Commission. A European Commission Decision (C(2009)5174) of 30 June 2009 established a template for NREAPs under Directive 2009/28/EC. Accordingly, Directive 2009/28/EC contains the Policy and under the provisions of Article 4, the Plan was adopted.

Under Article 3, of the SEA Directive 2001/42/EC an SEA is mandatory for plans and programmes in forestry, **energy**, industry, transport, waste management, water management and telecommunications, **which set the framework for future development consent of projects listed in Annex, I or Annex II of the EIA Directive**, or which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC (the "Habitats Directive")

In 2010, an SEA was carried out for the Offshore Renewable Energy Development Plan (OREDPA) for Ireland. Accordingly, all future development consent of projects listed in Annex, I or Annex II of the EIA Directive requires an EIS and EIA.

The European Union SEA Directive 2001/42/EC, seeks to provide for a high level of protection of the environment and to contribute towards the integration of environmental considerations for the preparation and adoption of plans and programmes with a view to promoting sustainable development. Both the SEA and the EIA are structured approaches for obtaining and evaluating environment information prior to its use in decision-making in the development consent process.

The EIA focuses on proposed physical developments such as projects, whereas the SEA focuses on proposed actions at a “higher” level such as new or amended laws, policies, programmes and plans. Often, physical developments and projects are the result of implementation of a policy or plan.

The relationship between the SEA and EIA Directives, and between the SEA Directive and other Community legislation, is expressly addressed in Article 11 of the SEA Directive, paragraphs 1 and 2 of which provide:

“1. An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.

2. For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, Member States may provide for co-ordinated or joint procedures fulfilling the requirements of the relevant Community legislation in order, inter alia, to avoid duplication of assessment.”

This complementary relationship between the EIA and SEA Directives is of key importance so as to avoid a lacuna in environmental assessment. The Advocate General gave a useful example of this at point 33 of her opinion:

“33. An abstract routing plan, for example, may stipulate that a road is to be built in a certain corridor. The question, whether alternatives outside that corridor would have less impact on the environment is therefore, possibly not assessed when development consent is subsequently granted for a specific road-construction project. For this reason, it should be considered, even as the corridor is being specified, what effects the restriction of the route will have on the environment and whether alternatives should be included.”

In 2005 the Imperial College in London, was commissioned by the European Commission (Ref: NV.G.4./ETU/2004/0020r) to carry out a report, which aimed at clarifying the legal relationship between the two Directives and identifying the potential areas of overlap between the EIA and SEA Directives, among the EU Member States.

The key areas identified as likely to give rise to potential overlaps between the Directives were *inter alia*, project proposals that require the amendments of land-use plans (which will require SEA) before a developer can apply for development consent and undertake EIA and the hierarchical linking between SEA and EIA.

The Irish case study conclusion stated that the Irish Government remains of the view that overlap between the EIA and SEA Directives, regardless of the type of plan or programme involved, is not envisaged. The Government's view was that there should be **appropriate tiering relationships** between SEAs for plans and programmes and EIAs for projects, but that does not constitute a problem of overlap.

The European Commission's first report on the application of the SEA Directive (produced pursuant to Article 12(3) of the SEA Directive) emphasises the complementary relationship between the SEA and EIA Directives, states:

“The two Directives are to a large extent complementary: the SEA is 'up-stream' and identifies the best options at an early planning stage, and the EIA is 'down-stream' and refers to the projects that are coming through at a later stage.”

The second key principle of SEA is that it must *improve*, rather than just *analyse*, the policy, plan or programme. The emphasis should be on incorporating SEA in the formulation of the strategic action. In order to evaluate how SEA could improve the strategic action it is helpful to see the different ways in which SEA could interact with strategic-decision making.

Diagram 2 shows (in a symbolic way) four different ways in which SEA stages can interact (or not) with different strategic-decision stages.

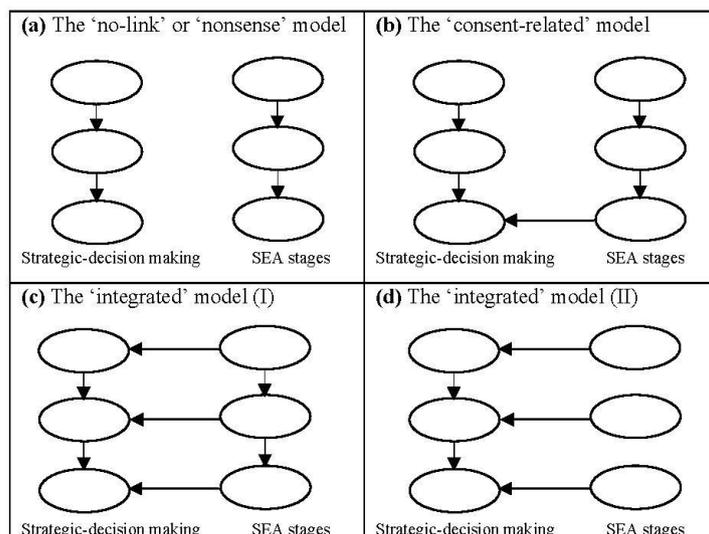


Diagram 2

The ‘no-link’ or ‘nonsense’ model (a) is a very poor practice model. This is the model used pertaining to the Marine Institute license application to upgrade of infrastructure at the Galway Bay Test Site (Ref.: FS004904). It assumes that there are no links between SEA and the strategic-decision making, and therefore, SEA is done just as a ‘tick-box’ exercise. The ‘consent-related’ model (b) only adjusts strategic-making to include an SEA stage that informs the strategic action’s decision-making stage. Again, this is not considered a best-practice model.

The best and legal models are the two integrated models (c and d). The integrated model assumes that strategic actions are subject to multiple stages of decision-making and attempts to integrate SEA into each of these decisions. The difference between the two integrated models is a subtle one. In the integrated model (I c) there are links between the SEA stages, while in the integrated model (II d) the emphasis is on the flow between the strategic-decision making stages, and the SEA stages exist only to inform decision-making. The integrated model (II) shows more than any other how the ultimate aim is not to carry out the SEA *per se* but to use the SEA to achieve the best strategic decision possible. The role of SEA in this respect is to try and reshape the strategic action objective so that it includes environmental and sustainability issues.

Sustainable development is a fundamental and overarching objective of the European Union, enshrined in Article 3 (3) of the Treaty European Union. The issue of sustainable development was included in the Sixth Environmental Action Programme 2001-2010 and the Seventh Environmental Action Programme 2010-2020. Article 11 of Treaty on the Functioning of Europe Union (TFEU) states: “*Environmental protection requirements must be integrated into the definition and implementation of the Union’s policies and activities, in particular, with a view to promoting sustainable development.*”

EAA-I registered four complaints with the European Commission (2000/4002; 2000/4793; 2002/4311 and 2003/4203) concerning Ireland's failure to comply with Article 3 of the EIA Directive. In March 2011, the ECJ ruled that Ireland had not transposed Article 3 of the EIA Directive. On 6 March 2014, the European Commission informed EAA-I that as the complaints related to issues that were addressed in the first and second grounds of the judgment in C-50/09, it had closed the complaints on 30 May 2013.

The Commission's letter states that in order to implement the first ground of the judgment, in 2012 and at the beginning of 2013, Ireland adopted a number of legislative amendments in order to fully transpose the requirements of Article 3 of the EIA Directive with respect to the following sectors: planning, aquaculture, aquaculture appeals, arterial drainage, flood risk management, gas and petroleum, **foreshore**, forestry. The relevant legislative acts are listed below.

The relevant legislative acts included inter alia:

- European Union (Environment Impact Assessment) (Planning and Development Act 2000) Regulations 2012 (S.I. No. 419 of 2012)
- European Union (Environmental Impact Assessment) (Foreshore) Regulations 2012 (S.I. No. 433 of 2012)

These regulations amend the Foreshore Act and apply to the consideration of foreshore consent applications subject to EIA. These regulations should provide an **enhanced effective public participation** and information sharing on environmental matters.

In order to implement the Aarhus Convention, the European Union has adopted a series of new legislative acts and revised several existing ones since 2003. In particular, Directive 2003/4/EC; Directive 2003/35/EC; Directive 2010/75/EU; EIA Directive 2011/92/EC; Regulation No.166/2006 and Regulation No. 1367/2006.

In addition, the judgment of Ms Justice Baker in High Court Case [Record No. 2015/50 MCA] delivered on the 16 day of February, 2016 states at paragraphs 52 to 55:

52. Having regard to the approach identified by O'Donnell J. I consider that the Environmental Commissioner in applying the Regulations must have regard to their purpose, and ipso facto to the Aarhus Convention itself. The Aarhus Convention recognises that public participation relating to the environment is to be achieved, inter alia, by making available to members of the public the information necessary to fully so participate.

53. In the preamble to Aarhus, there was recited inter alia that the parties thereto recognise:-

"... that, in the field of the environment, improved access to information and public participation in decision-making enhance the quality and the implementation of decisions, contribute to public awareness of environmental issues, give the public the opportunity to express its concerns and enable public authorities to take due account of such concerns ..."

54. The Convention's stated aim is:

"to further the accountability of and transparency in decision-making and to strengthen public support for decisions on the environment."

55. *“The Convention also expressed a desire to encourage “widespread public awareness of and participation in, decisions affecting the environment and sustainable development.” I regard it as important that the Convention acknowledged that the public authorities “hold environmental information in the public interest,” and that approach suggests a broad approach to the question of interpretation is correct.”*

The Aarhus Convention addresses fundamental issues, which touch on the very nature of government. Through the obligations it imposes on public authorities, it acts as a simple reminder that civil servants are supposed to serve the public, not to rule over them.

The fundamental objective of the Convention is contained in Article 1, which states:

“In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.”

Article 6 (1) (a) states that: *“Each Party shall apply the provisions of this article with respect to decisions on whether to permit proposed activities listed in annex, I.”* Article 6 (4) states that *“Each Party shall provide for early public participation, when all options are open and effective public participation can take place.”*

Article 9(1) of the European Regulation 1367/2006 on the application of the provisions of the Aarhus Convention states:

“Community institutions and bodies shall provide, through appropriate practical and/or other provisions, early and effective opportunities for the public to participate during the preparation, modification or review of plans or programmes relating to the environment when all options are still open. In particular, where the Commission prepares a proposal for such a plan or programme which is submitted to other Community institutions or bodies for decision, it shall provide for public participation at that preparatory stage.”

The United Nations Economic Commission for Europe (UNECE) in Communication Ref: ACCC/C/16 (*Lithuania*) gave a general opinion on the issue by stating that the requirement for *“early public participation when all options are open”* should be seen, first of all, within a concept of tiered decision-making, whereby at each stage of decision-making certain options are discussed and selected with early and effective public participation. The key issue when examining compliance with the obligation to provide for *‘early public participation’* is to check if public participation was permitted at the previous stages.

The legal rules and principles of the European Union not only establish administrative functions and address aspects of the organisation of the actors involved in performing them. They may and do lay down the procedures applicable for administrative rule-making and single-case decision-making. However, this submission as shown a clear violation of administrative transparency.

Conclusion

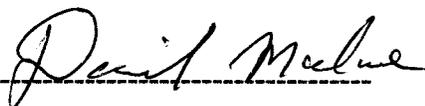
This submission shows that the application contained misleading information concerning the nature and extent of the proposed project. That the EIA Screening for an Environmental Impact Statement (EIS) was carried out by the applicant and not the designated competent authority, which is a violation of many ECJ judgements.

Article 1(2) of the codified EIA Directive 2011/92/EU defines the term 'development consent' as *'the decision of the competent authority or authorities which entitles the developer to proceed with the project'*. Article 1(2)(f) states that the competent authorities are to be that or those which the Member States designate as responsible for performing the duties arising from that directive.

The EIA Screening was not carried out under the codified EIA Directive 2011/92/EU. That the applicant failed to comply with European case law concerning the appropriate tiering relationships between SEA and EIA Directives.

The applicant failed to consider the Aarhus Convention or sustainable development, and failed to comply with the codified EIA Directive 2011/92/EU and the European Union (Environment Impact Assessment) (Planning and Development Act 2000) Regulations 2012 (S.I. 419 of 2012), both transposed into Irish law to implement the ECJ judgement in Case C-50/09.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Malone", written over a horizontal dashed line.

David Malone

Eurolaw Environmental Consultant EAA-1

From:
Sent: 26 July 2016 23:54
To: foreshore
Subject: Spiddal Energy Test Site

To whom it concerns

I'm writing in objection to the foreshore lease application that the Marine Institute with an address at Rinville,Oranmore,Co Galway have submitted for the Galway Bay Marine and Energy test site off the coast of Spiddal,Co Galway with the intention of testing prototype wind wave and tidal energy devices.

I'm objecting on behalf of myself

,my

father and I are second and third generation fishermen

--

Sent from Gmail Mobile

From:
Sent: 27 July 2016 00:46
To: foreshore
Cc:
Subject: Re: Spiddal Energy Test Site

To whom it concerns

I'm writing in objection to the foreshore lease application that the Marine Institute with an address at Rinville,Oranmore,Co Galway have submitted for the Galway Bay Marine and Energy test site off the coast of Spiddal,Co Galway with the intention of testing prototype wind wave and tidal energy devices.

I'm objecting on behalf of myself

,my father and I are second and third generation fishermen with a family history fishing for prawns dating back to the 1960's,we fish for prawns north south east and west of the site in question,not just to the west of it as the Marine Institute state in their application,we lost a considerable amount of prosperous fishing ground when the original lease was granted without our knowledge in 2006.

I would also like to bring to your attention that so far in 2016 there has been a considerable amount of trawling done by ten or more vessel's in the area,vessel's ranging in size from 10m to 20m not 10 to 15 as stated in the application.

I also noticed along with the application a list of external bodies consulted there is no mention of any of the fisherman's organisation's on it.

Our concern is that if a new lease is granted that the holder's will increase the area of the site or God forbid seek an exclusion zone around the site without our knowledge just like ten years ago.if the like were to happen it would mean considerable financial loss to our vessel's,crews and families.

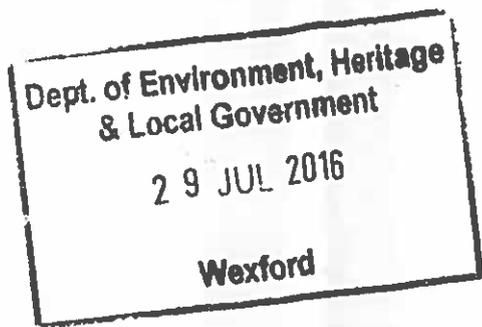
I would like to thank you for reading my submission

Regards

--

Sent from Gmail Mobile

--
Sent from Gmail Mobile



27 July 2016

Re Lease Application for Galway Bay,
Marine and Renewable Energy

Test Site Ref 006566

Dear Sir,

I am a resident
of the Pubs / SP. ODAL Area for 16
but 50 years

Subject to the Application set out
above for the following reasons

The wind turbine will
significantly affect the sea scape
The area is of significant
importance in the wild Atlantic
way, I do not agree that the

impact is slight.

Jalway Bay is an Area of
outstanding Natural Beauty.

The Scenery of Jalway Bay in the
wood and its image is iconic
and any interference with that
will diminish our heritage.

The erection of wind turbines
will seriously interfere with
this

We have a huge tourist industry
and visitors to Jalway come

for the Natural beauty of
the Bay and wind turbines
of any size but especially

that included in the application
will interfere hugely with
the Bay.

The interference is already there
and any further lights on the
Bay is peculiarly, which I think
will interfere with our national
amenity

I feel it will also have an
impact on Band life and I am
a member of Bandwatch Ireland.

I do not have a great objection
to the wave and tidal aspect
of this test site.

I am not with the habit of objecting
to applications that are for the
benefit of our community and
do agree that we have to find
alternative sources of energy,
however in this instance my
objection is personal to the test

Wind turbines completely
wrong and will seriously
damage our wonderful Bay
and enjoyment of same and be
significantly interfered with,
both for resident and tourists.

I strongly object to the
Application particularly in
respect of wind turbines.

Yours faithfully

From:
Sent: 29 July 2016 12:33
To: foreshore
Subject: Submission ref:FS 006566

To Whom It May Concern,

This will be a quick, short submission as I just don't have the time or energy any more to try to do your job for you. I am angry. Very angry at how the 'system', in cahoots with 'big business', rides roughshod over us citizens, our environment (both physical and cultural), and the laws of the EU.

We have not been granted enough time to deal with responding properly to this application and I am writing this quickly as I must go away for a few weeks.

This application for a 35 year foreshore lease is a complete farce. The applicant have had to be dragged into public consultation. We the public forced, coerced and cajoled them into meeting us three times. Each meeting was a mess. The applicant didn't have a clue what they wanted. They appeared not only horrified at our apparent intelligence but they were completely caught on the back foot and never seemed to be able to stand upright again. If you grant this lease, it will be a complete travesty of the planning system AND you will have aided and abetted the applicant's flouting of the Aarhus Agreement – which your country (OUR country) has now signed!

The applicant doesn't seem to have a foggiest idea what it wants to put out on Galway Bay. Repeated questioning at these meetings has been answered by bumbling waffle. Facilitators/chairs have also tried to gloss over serious questions rather than force the applicant to answer – in a number of cases, the response to a serious question was to say something along the lines of, "OK, thanks for that. You've made your point. Now, next question please...?" If it wasn't for the local people standing up and shouting down the chair and forcing a response, these important questions would have been glossed over and ignored.

I am requesting that you strongly reject/deny this application on the following grounds:

- that on even the most cursory examination of the application and of the (lack of) process of public consultation, the applicant has NOT done their homework.
- that this lease, should it be granted, would be massively open to abuse and adverse consequences of neglect.
- that the applicant has no idea what the machines will be, only vague 'categories'.
- that this test site will be, yet once again, developer-led just like the fiascos that were/are the Irish hotel-building, housing, and wind energy gold rushes, none of which have been properly regulated and have destroyed mass swathes of our country, both urban and rural, sweeping away irreplaceable parts of our natural, built and cultural environment.
- that the noise associated with the site will be un-bearable by the local residents along the south Connemara coast. The applicant says that noise levels will be at 100dB – that is a shocking noise level. It will travel across the water unmitigated and will destroy the lives

of local residents. Nobody ever seems to understand how the logarithmic scale of decibel levels works and I'll use this web page to help explain

<http://www.industrialnoisecontrol.com/comparative-noise-examples.htm>: taking 70dB as an arbitrary base of comparison, here is what they give as examples: Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB). They also say that Upper 70s are annoyingly loud to some people. 100dB (the noise to be produced at this site only 1200 metres from peoples' homes) is 8 times as loud as 70 dB. They add: **Serious damage possible in 8 hr exposure.** The examples they give for 100dB are: Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB). So, this is the sound they are expecting you to grant permission for? Sweet Holy Mother of God...!!!

- that this can be used as the 'thin edge of the wedge' towards filling Galway Bay with floating wind turbines or wave machines, clanking away 24 hours a day. This application cites the previous 10-year lease as a reason to grant this one. WHAT will they apply for next time, using as an excuse, the granting (Heaven-forbid!) of this one...?
- that this is Galway Bay, a massively important tourist destination. Tourists are our greatest natural renewable resource and a massive industrial site in the bay tells tourists that they have NOT landed in beautiful unspoilt Ireland but just yet another industrial wasteland run by BIG BUSINESS.
- that this is the Wild Atlantic Way. While I personally think that Wild Atlantic Way is also a farce, the fact remains that donkey-choking amounts of money was spent on creating and now promoting it. Only to turn it into an industrial wasteland? What's that about?
- that this is just another case of grabbing. Why do people think that just because we have something, that we MUST 'exploit' it? I have old musical instruments which are worth a few quid. I could sell 'em on and make a killing. But the people who bought them may not take care of them. So I'm keeping them, taking care of them and, later, I will pass them on, unspoilt, to the next generation. Why can't we do this with our nation's natural resources?
- that all these above possible negative consequences have not been looked at. We have here in this application a glaring exposition of Milton Friedman's Chicago School of Economics mantra that profit is OK; that profit is all that matters; that profit trumps care of the environment; that nothing matters as much as profit. This is WRONG and should be stopped NOW. People in positions of power, positions of care, DO have a moral obligation to protect all aspects of the environment – pure profit is not enough reason to do anything any more. Milton Friedman's ideas plainly DO NOT work. The applicant should be safeguarding our environment, not facilitating the unfettered exploitation of it.

I was angry when I started writing this but I'm worse now. Citizens should not have to do this. We put people in power to safeguard our world. Why don't they do it? Fear? Money? Power? Ignorance? Possibly a combination of all four. But it needs to stop. This lease will only lead to more damage of the environment, more suffering by local stakeholders and more developer-led greed.

I urge you make the right call on this and deny the lease.

Yours sincerely,

From:
Sent: 29 July 2016 13:38
To: foreshore
Subject: ref:FS 006566

To whom it may concern,

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Cordially,

From:
Sent: 29 July 2016 13:43
To: foreshore
Subject: Submission of objection regarding Foreshore Lease Application
 Number: - FS006566

Please confirm receipt of this submission naming the individual below.

Submission regarding Foreshore Lease Application Number: - **FS006566**
 Applicant: The Marine Institute

Application: **“Foreshore Lease Application to Construct an Offshore Electricity Generating Station”**

(Should an extension to the closing date be granted I reserve the right to add further information to this submission.)

A chara,

I refer to the above Foreshore Lease Application and **strongly object** to the proposed development. I object on the points outlined below:

Location:

The proposed site is part of an internationally known landscape; the Burren and **UNESCO listed World Heritage Site and the Burren Global Geopark**

It is a fact that the wild and beautiful Connemara landscape is one of the **main assets** for tourism in the west of Ireland; County Galway. The proposed Site location by the Marine Institute is a huge blackspot on **Galway Bay’s ICONIC Landscape – The Burren** (idyllic – Auginish Island and castle / Black Head Lighthouse) across the bay; this proposed development on this SITE is 100% TOTALLY AND UTTERLY out of character for the landscape.

The Galway County's Plan and objective is to ‘support and facilitate the wild atlantic way in conjunction with stakeholders ...’ The proposed site mentioned above DOES NOT support the Galway County's Plan and objective.

The drive along the WILD Atlantic Way –which is very close to the shore for the majority of the drive and therefore clearly visible from the location of Barna to Spiddal which is on one of the top 5 drives in Galway as quoted in the Wild Atlantic Way – ‘Coast Road into the Heart of the Gaeltacht.’

Le Meas

From:
Sent: 29 July 2016 13:48
To: foreshore
Subject: ref:FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 29 July 2016 13:49
To: foreshore
Subject: ref:FS 006566

To whom it concerns

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 29 July 2016 14:03
To: foreshore
Subject: ref:FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefore, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Yours Sincerely

From:
Sent: 29 July 2016 14:09
To: foreshore
Subject: red:FS 006566

Calling for a few mins of help...

If you're into it, any chance you could send the following email to the Irish Dept of the Environment to urge them not to give a 35 year lease to set up a massive industrial test site on Galway Bay? Deadline is next Tuesday but it should only take 2 mins to copy and paste the email address, subject and body text.

Thanks a million!!!

Here's the bits:

EMAIL: foreshore@environ.ie

SUBJECT: ref:FS 006566

BODY: I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Sent from my iPhone

From:
Sent: 29 July 2016 14:36
To: foreshore
Subject: Submission of objection regarding Foreshore Lease Application
 Number: - FS006566

Please confirm receipt of this submission naming the individual below.

Submission regarding Foreshore Lease Application Number: - **FS006566**

Applicant: The Marine Institute

Application: **“Foreshore Lease Application to Construct an Offshore Electricity Generating Station”**

(Should an extension to the closing date be granted I reserve the right to add further information to this submission.)

A chara,

This email refers to the above Foreshore Lease Application and I **strongly object** to the proposed development. I object on the grounds below:

Location:

The proposed site is famous internationally and a well known landscape; the Burren and **UNESCO listed World Heritage Site and the Burren Global Geopark**

The fact that the wild and natural Connemara landscape is a **main asset** for the huge tourism who generate employment in the in the west of Ireland; County Galway. The proposed Site location by the Marine Institute is nothing but a massive strike on **Galway Bay’s ICONIC Landscape – The Burren** (– Auginish Island and castle / Black Head Lighthouse) across the bay; this proposed development on this SITE is 100% TOTALLY out of character and form for the landscape.

Indeed is not the The Galway County’s Plan and objective is to ‘support and facilitate the wild atlantic way in conjunction wth stakeholders ...’ This being so as quoted by Galway County Planners it is obvious that the proposed site mentioned above DOES NOT support the Galway County’s Plan and objective.

The scenic and peaceful drive along the WILD Atlantic Way –along the shore for the majority of the drive and clearly visible from the location of Barna to Spiddal which is on one of the top 5 drives in Galway as quoted in the Wild Atlantic Way – ‘Coast Road into the Heart of the Gaeltacht.’

Le Meas

From:
Sent: 29 July 2016 14:53
To: foreshore

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefore, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Sent from my iPhone

From:
Sent: 29 July 2016 15:17
To: foreshore
Subject: ref:FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 29 July 2016 16:04
To: foreshore
Subject: ref:FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 29 July 2016 17:55
To: foreshore
Subject: ref:FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 29 July 2016 17:22
To: foreshore
Subject: Ref: FS 006566

To whom it may concern:

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments are carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Kind regards,

From:
Sent: 29 July 2016 19:30
To: foreshore
Subject: ref:FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 29 July 2016 21:53
To: foreshore
Subject: ref:FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Yours sincerely,

From:
Sent: 29 July 2016 22:20
To: foreshore
Subject: ref:FS 006566

I understand that you are considering a possible lease in Galway Bay which would allow for establishment of an electricity generating station in the bay. I object to this proposal.

Under Article 2, section 2 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, also known as the OSPAR Convention, a precautionary principle demands that "preventive measures are to be taken when there are reasonable grounds for concern that substances or energy introduced, directly or indirectly, into the marine environment may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea, even when there is no conclusive evidence of a causal relationship between the inputs and the effects..."

This particular Galway Bay project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities, and interfere with other legitimate uses of the sea. Applying the Convention, no development may take place until all the proper environmental assessments have been carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

I appreciate your thoughtful consideration.

From:
Sent: 29 July 2016 22:48
To: foreshore
Subject: SUBJECT: ref:FS 006566...

EMAIL: foreshore@environ.ie

SUBJECT: ref:FS 006566...

BODY: I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 29 July 2016 22:51
To: foreshore
Subject: ref:FS 006566...

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 29 July 2016 23:14
To: foreshore
Subject: ref:FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 30 July 2016 05:17
To: foreshore
Subject: Ref:FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea. Therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments are carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 30 July 2016 08:37
To: foreshore
Subject: ref:FS 006566

To whom it may concern,

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention:

- there are reasonable grounds for concern that the activities of this project may bring about hazards to human health,
- harm living resources and marine ecosystems,
- damage amenities and interfere with other legitimate uses of the sea.

Therefore I object to this development.

I deny consent and call for consideration of alternative plans. I ask that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Regards,

From:
Sent: 30 July 2016 08:52
To: foreshore
Subject: Galway Bay, ref: FS 006566

To whom it concerns,

Regarding the proposed 35 year lease in our bay,
I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR
Convention.

There are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Thank you.

From:
Sent: 30 July 2016 08:53
To: foreshore
Subject: Ref: FS006566

To whom it concerns,

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefor, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Sent from my ALCATEL ONETOUCH POP 3 (5)

From:
Sent: 30 July 2016 10:16
To: foreshore
Subject: FS006566

A chara is mian liom aighneacht a chuir isteach i dtaobh cead pleanála FS006566 i gcoinne ceadóenas 35 bliain a thabhairt do Instiúid Mara na Gaillimhe, chun leanacht le tástáil i gCuan na Gaillimhe.

Creidim nach bhfuil dóhain á ma tugtha don phobal i gcoitinne i dtaobh na pleananna atá ag an Instiúid mar níl aon sóilíreacht ná tróidhearcacht tugtha acu don phobal.

Creidim fhíon gur ag pleanáil mhúilinn gaoithe, feirmeacha óisc, agus tionscail eile, ola is gás atá ar siúl acu sa gcuan chun brabóis do bhoic mhóra. Níl an pobal ar an eolas ina thaobh seo.

Tá ainní orm i dtaobh an imshaol & sláinte an phobail agus an tionscail turasóireachta a bhfuil muid i brath ar sa gceantar seo le blianta, agus go mbeidh an cuan cáiliúil seo scríosta.

Is mise,

Submission made to: Marine Planning and Foreshore Section, Department of the Environment, Community and Local Government, Newtown Rd, Wexford, Co. Wexford. Email: foreshore@environ.ie.

Seolta ar son: / On behalf of: ____

Seoladh/Address____

Guthán /Tel/ríomhphost /email____

Date: 30th July 2016

Please confirm receipt of this submission naming the individual above.

Submission regarding Foreshore Lease Application Number: - **FS006566**

Applicant: The Marine Institute

Application: **“Foreshore Lease Application to Construct an Offshore Electricity Generating Station”**

(Should an extension to the closing date be granted I reserve the right to add further information to this submission.)

A chara,

I refer to the above Foreshore Lease Application and **strongly object** to the proposed development. I object on the points outlined below:

1. Too many wind mills in this area already. Tower windmills (7 off),furbo windmills(10off),inveran windmills (2 off)andnow this.I will be able to see all 4 off them. Madness soclose to Galway.

Submission made to: Marine Planning and Foreshore Section, Department of the Environment, Community and Local Government, Newtown Rd, Wexford, Co. Wexford. Email: foreshore@environ.ie.

Seolta ar son: / On behalf of: ___

Seoladh/Address___

Guthán /Tel/ríomhphost /email___

ata: 30th July 2016

Please confirm receipt of this submission naming the individual above.

Submission regarding Foreshore Lease Application Number: - **FS006566** Applicant: The Marine Institute

Application: **“Foreshore Lease Application to Construct an Offshore Electricity Generating Station”**

(Should an extension to the closing date be granted I reserve the right to add further information to this submission.)

A chara,

I refer to the above Foreshore Lease Application and **I have a comment** to the proposed development. I object on the points outlined below:

This Consultation process has been poorly handled and with all the outstanding questions do not have local people on their side .As agreed at the last meeting more time needed.So an extension is requested.

Thanks

Submission made to: Marine Planning and Foreshore Section, Department of the Environment, Community and Local Government, Newtown Rd, Wexford, Co. Wexford. Email: foreshore@environ.ie.

Seolta ar son: / On behalf of: ____

Seoladh/Address____

Guthán /Tel/ríomhphost /email__

Date: 30th July 2016

Please confirm receipt of this submission naming the individual above.

Submission regarding Foreshore Lease Application Number: - **FS006566** Applicant: The Marine Institute

Application: **“Foreshore Lease Application to Construct an Offshore Electricity Generating Station”**

(Should an extension to the closing date be granted I reserve the right to add further information to this submission.)

A chara,

I refer to the above Foreshore Lease Application and **I have a comment** to the proposed development. I object on the points outlined below:

Allot of outstanding questions need to be answered to get people on board locally. This needs to be done first through the extension process which was agreed last week at the public meeting.

Also which comes first

- a) Quarter scale build
- Or
- b) 36 Meters which is the current height of the windmill.

A point was raised at last weeks meeting that the windmills in the north atlantic can grow to an infinite hight In the coming years, so a quarter of infinity is =infinity itself.So, a cap must be put on the hight a max 36 meters.

Thanks

From:
Sent: 30 July 2016 11:11
To: foreshore
Subject: ref:FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefore, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Sent from my iPhone

Submission made to: Marine Planning and Foreshore Section, Department of the Environment, Community and Local Government, Newtown Rd, Wexford, Co. Wexford. Email: foreshore@environ.ie.

Seolta ar son: / On behalf of: ___

Seoladh/Address___

Guthán /Tel/ríomhphost /email___

Date: 30th July 2016

Please confirm receipt of this submission naming the individual above.

Submission regarding Foreshore Lease Application Number: - **FS006566**

Applicant: The Marine Institute

Application: **“Foreshore Lease Application to Construct an Offshore Electricity Generating Station”**

(Should an extension to the closing date be granted I reserve the right to add further information to this submission.)

A chara,

I refer to the above Foreshore Lease Application and **I have a comment** to the proposed development. I object on the points outlined below:

I have checked with the other stake holders who we were told by the Marine institute had been consulted in this process and they tell is that they were never approached . One of these , the Spiddal Sailing club has never been contacted and yet on the planning application says differently.The department needs to double check and contact all these stake holders directly to confirm .Things need to be done right.

Thanks

Submission made to: Marine Planning and Foreshore Section, Department of the Environment, Community and Local Government, Newtown Rd, Wexford, Co. Wexford. Email: foreshore@environ.ie.

Seolta ar son: / On behalf of: ___

Seoladh/Address___

Guthán /Tel/ríomhphost /email___

Date: 30th July 2016

Please confirm receipt of this submission naming the individual above.

Submission regarding Foreshore Lease Application Number: - **FS006566** Applicant: The Marine Institute

Application: **“Foreshore Lease Application to Construct an Offshore Electricity Generating Station”**

(Should an extension to the closing date be granted I reserve the right to add further information to this submission.)

A chara,

I refer to the above Foreshore Lease Application and **I have a comment** to the proposed development. I object on the points outlined below:

None of this is in Irish, Simply not good enough, Galway is going to be the City of Culture in 2020 and all the tourists this will bring. Yet government departments are running rough shot over this application and especially the Irish language. The Irish language is in enough trouble and this is the gaeltacht. It stops now.

Not good enough.

Thanks

Submission made to: Marine Planning and Foreshore Section, Department of the Environment, Community and Local Government, Newtown Rd, Wexford, Co. Wexford. Email: foreshore@environ.ie.

Seolta ar son: / On behalf of: _____

Seoladh/Address_____

Guthán /Tel/ríomhphost /email__

Date: 30th July 2016

Please confirm receipt of this submission naming the individual above.

Submission regarding Foreshore Lease Application Number: - **FS006566** Applicant: The Marine Institute

Application: **“Foreshore Lease Application to Construct an Offshore Electricity Generating Station”**

(Should an extension to the closing date be granted I reserve the right to add further information to this submission.)

A chara,

I refer to the above Foreshore Lease Application and **I have a comment** to the proposed development. I object on the points outlined below:

I am concerned about the environmental protection. Not enough thought has gone into this . Also no clear communication has been given as to the impact at night when all the elements out in the bay are lit up .

A proper mock up model needs to be put in place at the site as to how it would look like in the future fully loaded.

I don't think this is too much to ask to bring the local community on board.This would need an extension period.

Thanks

Submission made to: Marine Planning and Foreshore Section, Department of the Environment, Community and Local Government, Newtown Rd, Wexford, Co. Wexford. Email: foreshore@environ.ie.

Seolta ar son: / On behalf of: _____

Seoladh/Address_____

Guthán /Tel/ríomhphost /email_____

Date: 30th July 2016

Please confirm receipt of this submission naming the individual above.

Submission regarding Foreshore Lease Application Number: - **FS006566** Applicant: The Marine Institute

Application: **“Foreshore Lease Application to Construct an Offshore Electricity Generating Station”**

(Should an extension to the closing date be granted I reserve the right to add further information to this submission.)

A chara,

I refer to the above Foreshore Lease Application and **I have a comment** to the proposed development. I object on the points outlined below:

All the TD,s and local county council people signed a petition to extend the consultation process for another 3 months. So out until November timeframe.

So this needs to be respected.

By the way they are.

has also signed up

Submission made to: Marine Planning and Foreshore Section, Department of the Environment, Community and Local Government, Newtown Rd, Wexford, Co. Wexford. Email: foreshore@environ.ie.

Seolta ar son: / On behalf of: _____

Seoladh/Address _____

Guthán /Tel/ríomhphost /email _____

ata: 30th July 2016

Please confirm receipt of this submission naming the individual above.

Submission regarding Foreshore Lease Application Number: - **FS006566** Applicant: The Marine Institute

Application: **“Foreshore Lease Application to Construct an Offshore Electricity Generating Station”**

(Should an extension to the closing date be granted I reserve the right to add further information to this submission.)

A chara,

I refer to the above Foreshore Lease Application and **I have a comment** to the proposed development. I object on the points outlined below:

- a. The burren is UNESCO listed World Heritage Site and the Burren Global Geopark. Nobody in the burren stakeholders know about this. I have checked. So do you. So an extension period is important here to do this right with consultation with the local stakeholders both in Galway and clare.

Thanks

From:
Sent: 30 July 2016 11:40
To: foreshore
Subject: FS 006566

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefore, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Sent from my iPhone

From:
Sent: 30 July 2016 20:51
To: foreshore
Subject: ref:FS 006566

Greetings,

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea. Therefore, I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments are carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

Regards

From:
Sent: 30 July 2016 22:58
To: foreshore
Subject: ref:FS 006566

Dear Sir/Madame,

I call for "The Precautionary Principle" to be invoked, as set down by the UN OSPAR Convention: there are reasonable grounds for concern that the activities of this project may bring about hazards to human health, harm living resources and marine ecosystems, damage amenities and interfere with other legitimate uses of the sea; therefore, therefore I object to this development, I deny consent and call for consideration of alternative plans and that no development takes place until all the proper environmental assessments carried out, as per current law, to establish that NO possible harm is done to human health or to the sensitive marine ecosystem in Galway Bay.

From:
Sent: 31 July 2016 00:22
To: foreshore
Subject: ref:FS 006566

A chara,

I do not consent to this application being granted for many reasons. See my 4 points below.

Process:

There was a complete lack of time and information given to the me, as a member of the public, by the Marine Institute, to make a considered submission.

I also noticed that at the meetings that I attended (one of them being 3 days before the first deadline) many questions were raised but no proper answers were given and even then the information was conflicting with regards to the exclusion zone and connection to the grid.

LOCATION:

The Connemara landscape and the Wild Atlantic Way is one of our top tourist attractions in Ireland and this would definitely be contrary to the Galway County Development Plan.

SIZE:

Photos of the development in the application suggest a smaller size and they do not show all the infrastructure. These photos are misleading.

NATURE:

I object as I believe an EIS is required and under current EU environmental laws this has not been implemented in this application. Therefore I call for The Precautionary Principle to be invoked, as set down by the UN OSPAR Convention.

This is a serious matter that will be brought to the European courts unless it is stopped now.

Beir bua

