1 INLAND FISHERIES IRELAND (IFI)

Mitigation measures in regard to the timing of works and also in regard to levels and duration of noise generation and potential for adverse impact on fish species should be agreed with Foreshore Division DHPCLG and form part of any foreshore licence. IFI would point out that the mitigation measures and guidance of NPWS in regard to marine mammals are not transferrable to fish species. The fish remain invisible to any shore- or boat-based observer. There is only one mention of a fish species the basking shark in the risk assessment report.

The mitigations for fish should cover:

- Reduction in the number of sound-requiring test types to be employed
- Use of soft-start and ramp-up procedures for any sound-generating surveys undertaken – both on a day-to-day basis and on re-start after any stoppages within any day
- duration of noise-generating surveys to be reduced to the minimum necessary to collect results of sufficient quality
- Agreed timing of works so as not to interfere with migration times of fish life stages
- Short sampling window to mitigate long term effects

The IFI comments above do not cover commercial marine fish and the advice of SFPA should be sought regarding impacts on the eggs/larvae and adult life stages of commercially important fish species in the area of proposed works.

IFI believe it is important that as part of the surveys that the extent of nursery habitat for fish species is noted in addition to the commercial species mentioned in the application (mackerel, haddock and cod). The use of the coastal waters as feeding areas for many fish species needs to be considered. A record of the ecosystem reflecting the food web and the species present should be recorded to ensure that if and when the wind farm extension is constructed the baseline food web and ecosystem can be assessed. Any benefits derived from the construction of the 'wind farm will be visible by an increase in biodiversity or at the very least no reduction in biodiversity. Previous correspondence in relation to the extension discussed the fish surveys and requirements from both SFPA and IFI and these comments are still valid.

The east coast of Ireland is a world-renowned location for recreational angling, with both shore and boat-based angling carried out along this coastline. The species targeted include Pollack, wrasse, codling, ray and tope. The impact of works on the species and their habitats should be incorporated into the surveys.

We note the appointment of a fisheries liaison officer however the recreational angling sector should also be consulted on.

The area for works is likely part of the migration pathway of many migratory Annex II species and the effect of a disruption to the migration of these species should be considered during the scheduling of works and on the impact of the windfarm extension. The proposed locations are close to the Dargle River (a well-known sea trout river) with the Avoca and Slaney Rivers to the south and Varty River to the north of the survey area. These Rivers produce diadromous fish migrating up and down the coast. There is very little information on the migration track of diadromous species such as salmon, sea trout smolts leaving our freshwater rivers or how they use the coastal areas for feeding.

The application doesn't mention existing foreshore licences and the risk of cumulative effects. The distance between the Arklow foreshore licence and this application might be enough to mitigate any cumulative effects however any works in the Dublin/Wicklow area (Kish and Bray banks) would have an effect. IFI considers that this potential for cumulative impacts is one that requires consideration by Foreshore Divn. The potential for data sharing, however commercially unusual or contrary this might seem, must be considered in the context of reducing adverse environmental impact.

2 MARINE INSTITUTE

Given the non-intrusive nature of the proposed survey methods to be used there will be no significant direct or indirect impact on the water column or seabed during the Geophysical surveys in the investigation area.

There will be impacts on the seabed resulting from the Geotechnical surveys involving cone penetration testing, vibrocoring, drilling of boreholes as well as a result of the collection of grab samples. Given the number of sampling sites proposed and the nature and scale of the sampling methods proposed, significant impact on the seabed, including species and habitats, are not considered likely. Any impacts would be temporary and localised.

There are no licenced aquaculture sites within the proposed site investigation area on the Foreshore. Collection of seabed samples within any licenced aquaculture site is not proposed and therefore significant impacts on aquaculture activity are not considered likely.

There is commercial fishing activity within the proposed site investigation area on the Foreshore and therefore some interaction with fishing activity may occur. Considering the scale, timing and duration of the proposed investigations it is considered that that such interaction will be limited and overall will not be significant. Notwithstanding this, it is noted that the applicant has stated that a Fisheries Liaison Officer has been appointed. It is recommended that the appointment of the Fisheries Liaison Officer should be a specific condition on any licence that may be granted.

On the basis of the above and considering the nature, scale and location of the proposed site investigations the Marine Institute is satisfied that the site investigations as proposed will not have a significant impact on the marine environment in the survey area and will not have a significant impact on other legitimate uses / users of the area and therefore has no objections to a licence being granted. It is recommended that the following specific conditions should be attached to any licence that may issue:

1. The Licensee shall use that part of the Foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.
2. The Licensee shall ensure that the works are carried out and completed in accordance with the plans and particulars lodged with the application.
3. The Licensee shall appoint a Fisheries Liaison Officer who shall consult with the SFPA, relevant fishermen's groups and charter boat skippers in order that appropriate actions can be taken to avoid or minimize any interactions with ongoing fishing / angling activities in the area during the course of the investigations.
4. The. Licensee shall ensure that the measures set out in Section 5 of the document entitled "Codling Wind Park Foreshore Investigation Licence Application Supplementary Information" dated 24/04/20 are implemented in full.

3 SEA FISHERIES PROTECTION AGENCY (SFPA)

Following direct consultation with the applicant in 2020 and a review of the documentation submitted by the applicant for the proposed Codling wind park the SFPA have no additional comments to make.

4 MARINE SURVEY OFFICE (MSO)

I refer to the above and wish to advise that after careful consideration of the application and the various measures described to mitigate adverse impact on navigational safety, this office raises no objections.

The applicant is however, required to provide accurate positional information of the location of test equipment well in advance of the commencement of any deployment.

This information should be submitted to this office, to the Commissioners of Irish Lights, The Irish Coast Guard and local shipping interests including harbour authorities, fishing cooperatives and local sailing clubs.

In addition, ferry operators should also be advised of such activity including commencement and completion dates.

Navtext and radio broadcast warnings frequency to be agreed in advance with the Irish Coast Guard.

All of the above parties should be advised of any variations / amendments throughout the site investigation process.

Finally, the applicant should consider the use of a guard vessel during the deployment stage.

5 NATIONAL PARKS AND WILDLIFE SERVICE (NPWS) AND UNDERWATER ARCHAEOLOGICAL UNIT (UAU)

Please find the heritage recommendations of the Department of Culture, Heritage, and the Gaeltacht for the above-mentioned application.

Nature Conservation

The proposed site survey and associated works have been evaluated by an environmental appraisal and other documents.

The conclusion of the Natura Impact Statement document is that the proposed works are unlikely to pose a significant likely risk to nature conservation interests in the vicinity with the application of appropriate mitigation. The Department of Culture, Heritage, and the Gaeltacht concur with this conclusion in relation to marine Annex I habitats provided the full range of mitigating measures outlined in the Natura Impact Statement are undertaken.

The potential interaction with European Protected Species has been examined through a risk assessment. This concluded that there was at most a negligible risk to marine mammals which could be reduced by the application of DCHG guidance. It is recommended that adherence to “Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters” is added as a condition of consent if applicable. The latest version of this document was published in January 2014 and is available to download from http://www.npws.ie/marine/bestpracticeguidelines/.

Underwater Archaeology

Having reviewed the supplied information, this Department has the following comments in relation to the predicted impacts of the proposed scheme on the archaeological heritage of the study area.

The predicted impact of the proposed scheme upon the archaeological heritage is detailed in Section 4.8 of the Codling Wind Park Foreshore Investigation Licence Application Supplementary Information Report and the mitigation proposal area are summarised in Section 5.7.

It is the Department’s recommendation that the archaeological mitigation measures detailed in the report are carried out in full and are included as conditions in the granting of any planning permission.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

6 DEPARTMENT OF AGRICULTURE FOOD AND MARINE

I refer to your request for observations from the Department of Agriculture, Food and Marine in relation to site investigation works by Codling Wind Park Ltd in respect of a possible wind farm off the east coast of Wicklow.

Following consultation with our technical advisors please see below to be included in any licence that issues.

1. The Licensee shall use that part of the Foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.

2. The Licensee shall ensure that the works are carried out and completed in accordance with the plans and particulars lodged with the application.

3. The Licensee shall appoint a Fisheries Liaison Officer who shall consult with the SFPA, relevant fishermen's groups and charter boat skippers in order that appropriate actions can be taken to avoid or minimize any interactions with ongoing fishing / angling activities in the area during the course of the investigations.

4. The. Licensee shall ensure that the measures set out in Section 5 of the document entitled "Codling Wind Park Foreshore Investigation Licence Application Supplementary Information" dated 24/04/20 are implemented in full.

5. The laying of cables could conflict with potential mussel seed beds which are a very scarce and valuable resource to the industry. Assurances need to be given by the applicant that there will be no exclusion zones around cables and no excavations done without consultation with the industry and BIM.

6. The applicant is required to ensure that they do not impede on historical mussel fishing ground.

7. It is important that stakeholders are engaged with appropriately and their views reflected in all Environmental Impact Assessment Reports. This engagement must begin in advance of any works or investigatory licence application under EU rules.

8. The applicant must confirm whether they intend to have an exclusion zone around the site which might prohibit fishing, both for mussel seed and all other fishing activity. International examples show fishing activity is prohibited on wind energy sites in a few different ways, complete exclusion, only for specific sized vessels and no exclusion.

9. The environmental analysis of the sediment outfall should be assessed before any licence is granted.

10. The applicant and licensing authority DHPLG must understand that mussel stocks have experienced a decline in recent years due in part to human pressures. The Water Framework Directive outlines that stocks must be encouraged and protected to ensure 'good status'.

In addition, one of our consultees has requested the Department returns the following comment *'there is an unquantifiable risk posed by wind energy development in the Wicklow area during investigation, construction, operation and decommissioning and impact on local commercial businesses such as the bottom mussel grown sector. In particular, where there are competing proposals for use of the public resource and local businesses are losing out to investment opportunities due to uncertainties surrounding such large scale development proposals, small businesses should be compensated where they may adversely impacted by developments such as this'*