REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)

On

FORESHORE LICENCE APPLICATION FOR MARINE SITE INVESTIGATION WORKS OFF THE COASTS OF CO. DUBLIN AND CO. WICKLOW (FS007045).

APPLICANT: CODLING WIND PARK LIMITED

Marine Licence Vetting Committee
Jan 2021

Introduction

Codling Wind Park Ltd has submitted an application for a Foreshore Licence in April 2020 to carry out geophysical/geotechnical and environmental surveys over an area which includes both the proposed Codling Wind Park array site together with the potential export cable corridors and additional buffer zones.

The proposed investigative works are required to provide updated environmental and engineering information to inform the project design and the environmental assessments (e.g. Habitat Regulation Assessment (HRA) and Environmental Impact Assessment (EIA) required for the consenting of the Codling Wind Park offshore wind farm.

Proposed Works

The proposed investigative works that are the subject of the licence application include:

- Geophysical and geotechnical/Unexploded Ordnance (UXO) surveys;
- Fish & shellfish (potting and trawl surveys);
- Benthic (grab sampling and epibenthic trawl survey);
- Intertidal (ecological and archaeological walkover surveys); and
- Metocean (deployment of floating LIDAR, wave buoys, ADCP units)
- Marine mammal acoustic survey (deployment of echolocation click detectors (PODs) and potential broadband sound recorders).

Duration of works

Geophysical, geotechnical and benthic surveys are likely to take up to 12 months for each campaign, while metocean and LiDAR deployments will be for up to 36 months. The duration of the licence sought is up to 5 years to allow for project delays including timings restrictions and weather delays and to enable surveys that may be required in the pre-construction phase of the project. The proposed surveys will be timed to ensure the assessments cover any seasonal variations.

Details of all instrumentation can be found within the accompanying supporting information document submitted as part of the foreshore licence application.

Location of works

The Licence Application Area is approximately 17.5 km north of the constructed Arklow Bank Wind farm and 0.5 km south of the proposed Dublin Array Wind farm. The Licence Application Area lies within the 12 nautical mile (nm) limit and covers approximately 51,523 hectares (ha) or 515 km2. It includes both the proposed Codling Wind Park array site together with the potential export cable corridors and additional buffer zones. The proposed surveys will not take place across the whole Licence Application Area nor will all the surveys take place concurrently.

The final locations for many of the surveys e.g. geotechnical and benthic surveys, are dependent on and will be informed by the results of the geophysical surveys. Therefore, the final locations and total number of samples will be further refined following analysis of this survey data. The exact location for

infrastructure including moorings and lighting is not known (indicative locations are provided in the supporting information). Final locations and marking and lighting will be agreed with the Commissioner of Irish Lights prior to the commencement of any work.

CWPL will also apply to the Commissioner of Irish Lights for Statutory Sanction.

The geophysical survey will cover the full extent of the CWP array site, and a 500 m buffer zone. The search area for the export cable routes is quite extensive as it covers potential route corridors landfalling from Poolbeg in the north to Wicklow in the south, with potential options for landfall at two locations in between (i.e. total of four broad landfall locations. The potential export cable routes will also be surveyed using a 500 m wide survey corridor. Survey routes will be finalised following survey procurement and further technical studies.

It should be noted that for some survey types (e.g. benthic habitat sampling and marine mammal acoustic surveys) the survey area may extend beyond the Licence Application Area outside the 12 nm zone (primarily to include reference sites).

Public Consultation

A Public Consultation was originally held for this application from 15 July 2020 to 15 August 2020. A total of 10 submissions were received in response to this consultation process and the applicant has submitted detailed responses to these submissions.

Public notices concerning this application were published in the "Irish Times", "Bray People" and "Wicklow People" to advise the public about the consultation phase. The public display documents were made available in Bray, Greystones and Wicklow Garda Stations for the required period and were made available on this Department's web site.

Submissions, broadly, refer to impact on fisheries and environmental considerations. A submission from Transport Infrastructure Ireland was also received, this refers to general requirements in the event of an EIA being undertaken. This submission is noted and the need for an EIA has been considered and referred to separately in the report.

In relation to fisheries this matter has been considered in conjunction with the necessary prescribed bodies and the applicant has submitted detailed proposals. The application relates to site investigations including the placement of data instrumentation. Given the scale and temporary nature of the proposal, conditions are proposed to be put in place which deal with the management of proposed activities and the relationship with fisheries and shipping. These are considered to be reasonable and sufficient to address the concerns raised on this matter.

Other submissions refer to largescale wind development and the appropriateness of developing such uses. Reference is further made to issues with the submitted environmental documentation in particular the implications for wind farm development. Detailed information has been submitted in respect of the environmental considerations relating to this proposal. The proposal relates to site investigations and does not propose further development at this stage. Further possible development will form the basis of a further separate decision making process. The submitted information has been the subject to independent environmental assessment which is detailed

separately below. It is considered reasonable that site investigations be undertaken in advance of the development of further more detailed proposals. This will allow for appropriate detailed basis to be developed for formulating further proposals which will be the subject of a further permitting process. The information submitted with this application relates to site investigations and any determination relates to that proposal and does not prejudge further proposals which may or may not be made.

Prescribed Bodies Consultation

Observations on the project were sought and received from the following bodies:

- Department's Water and Marine Advisory Unit (WMA),
- Sea Fisheries Protection Authority (SFPA),
- Marine Institute (MI),
- Inland Fisheries Ireland (IFI),
- Marine Survey Office (MSO),
- Department of Agriculture Food and the Marine (DAFM),
- Development Applications Unit (DAU), NPWS and
- Underwater Archaeology Unit (UAU), Department of Culture, Heritage and the Gaeltacht.

Detailed responses to the prescribed bodies submissions were received from the applicant and these have been considered as part of the overall assessment of the proposed application.

Likely interactions with activities of the public or other foreshore users during the investigative works (e.g. fishing, aquaculture, sailing, and surfing). Measures proposed to minimise inconvenience to other users.

The applicant has advised that during the investigative works there will be limited interactions with members of the public as the site area is not within an area that is heavily utilised by members of the public. The impacts will therefore predominantly be with interactions with marine users including fisherman.

In order to ensure all foreshore users and other public are kept up to date with activities, and to minimise inconvenience to them, the following mitigation measures will or have been adopted to date:

• Appointment of a dedicated Fisheries Liaison Officer (FLO). A suitably experienced FLO will be appointed by CWPL to liaise with the fishing industry. The FLO will ensure that fishers are kept well informed of activities in a timely and constructive manner.

• Prior to any activity occurring, a Marine Notice will be issued to the Department of Transport, Tourism and Sport. This Marine Notice will also be displayed on the CWP website (http://codlingwindpark.ie/) and distributed to relevant stakeholders.

• CWP website will host all past, current and imminently proposed activities, which will allow foreshore users with internet access an easy and convenient means to access the information.

• Where possible all vessels and personnel will be local to the area, and therefore have greater insight into local activities that other foreshore users may be partaking in. This will allow all activities proposed to be mindful and considerate of other foreshore users in the local vicinity.

• Where equipment has been left in situ, appropriate lighting and navigational aids will be utilised to ensure other users are aware and Statutory Sanctions will be applied for where relevant and required.

Liaison with local ports including Dublin, Wicklow and Dun Laoghaire in order to minimise potential disruption and reduce navigational risk. Engagement will also be held with operators or groups where necessary e.g. sailing clubs etc.

• The location of equipment that has been left in situ will be recorded and relayed back to the FLO, and where necessary this information will be provided to other users.

• The Marine Survey Office will also be notified of the location of equipment to facilitate the update hydrographical charts as required.

For areas of the intertidal where the public may have access this will be limited for short durations during survey periods however it is not anticipated that there will be any significant long-term disruption.

It is considered that the recommendations submitted by the prescribed bodies can be included by way of appropriate conditions attached to any licence approved on foot of this application.

Environmental Considerations and assessments

Independent assessment by suitably qualified individuals was undertaken to fully and comprehensively consider and determine the possible environmental effects of the proposed

activities which is the subject of this application. Two reports, 'Environmental appraisal of Codling site investigation licence application FS007045- Environmental Impact assessment and screening and Environmental report' by ARUP- Dec 2020 and 'Appropriate Assessment Screening and Appropriate Assessment' report by Hartley Anderson Limited Marine Environmental Science and Consultancy-Dec 2020 set out in detail the environmental considerations and assessments which have been undertaken in assessing this application. They are attached to this report and form part of the assessment which informs the final recommendation of this report. Below sets out briefly the conclusions of the environmental assessments;

Screening to comply with the EIA Directive

As stated above the requirement or not of proposal to be the subject of Environmental Impact Assessment has been considered, the detailed report on this matter forms part of the documentation which has informed the recommendation on the proposed activities, the subject of this application. Following extensive consideration which is considered to be reasonable and robust, it is considered that given the nature, scale and location of the proposed development is such that there is no real likelihood of significant effects on the environment arising from the proposed development. It is concluded that an EIA is not required and is screened out.

Appropriate Assessment Screening

As stated above the requirement for compliance with the Habitats directive has been considered, the detailed report on this matter forms part of the documentation which has informed the recommendation on the proposed activities, the subject of this application. Following consideration by independent technical environmental consultants, regarding compliance with Stage one appropriate assessment, as set out in Section three of Appropriate Assessment Screening and Appropriate Assessment' report by Hartley Anderson Limited Marine Environmental Science and Consultancy-Dec 2020 it was considered that the requirement for an appropriate assessment cannot be screened out, as further consideration would be required to ascertain possible impacts on a number of protected sites and a stage two appropriate assessment be undertaken. This is considered to be prudent, reasonable and in accordance with the complying with the habitats directive.

Appropriate assessment conclusions.

An NIS report was prepared and submitted for consideration as part of this application. This report has been considered in detail by the independent environmental technical consultants retained to advise the Department on the environmental aspects of this particular application. Their report has been considered and is included as part of the documentation forming this report. The report states as part of its conclusions that ' *it is determined that the activities are unlikely to have a significant effect on the sites and features for which a LSE was identified. For those sites considered above, the geographic extent of the mitigation measures proposed and the basis of these measures which are designed to avoid or minimise effects (e.g. identification and avoidance of sensitive areas via site survey), must be agreed with the NPWS prior to works commencing.'*

In view of the considerable environmental assessments carried out by appropriately qualified individuals regarding consideration of the environmental implications of this application, it is considered that subject to agreement of the geographic extent of mitigation measures with the NPWS, which is the result of stage two appropriate assessment, that the proposal contained in this

application will unlikely to have significant effects on protected sites and would be considered to be in compliance with the requirements of environmental directives.

Separately an Article 12 of the Habitats directive assessment has been carried by independent environmental consultants for the Department.

The Article 12 assessment of the potential impacts on EPS from activities associated with the proposed geophysical and geotechnical survey work for the CWP (increased anthropogenic noise from use of the geophysical survey and positioning equipment, increased anthropogenic noise from the use of geotechnical equipment and collision with vessels) concludes that:

• The potential for auditory injury is considered to be nil or negligible; and

• The potential for disturbance is considered to be trivial.

It is concluded that the proposed surveys will not give rise to significant impacts to species listed under Annex IV of the Habitats Directive.

Overall Environmental conclusions

In overall conclusion with respect to the environmental considerations arising from the obligations of the relevant environmental directives it is considered that the environmental information submitted as part of this application is robust and sufficient to conclude that the proposed activities made as part of this application will, subject to compliance with proposed mitigation measures, be unlikely to have significant impact on the environment.

MLVC Assessment Conclusions

The following documents were considered and assessed:

- Application Form received on 24th April 2020
- Foreshore Licence Map
- Licence Map, indicative site investigation locations and coordinates.
- Codling Wind Park Ltd site investigation Foreshore Licence – Supplementary information and Supporting Documents
- Codling Wind Park Ltd Marine Site Investigations – European Protected Species Risk Assessment
- Written submissions received under the Prescribed Body Consultations
- The applicant's written responses to the Prescribed Bodies submissions
- The public submission received from the initial public consultation
- The applicant's written response to the public submission received
- Appropriate Assessment Screening and Appropriate Assessment report prepared by Hartley Anderson Limited for the Department

The above documentation has been considered. Public submissions and those of prescribed bodies have also been considered and responded to both by submission of additional information and by

way of attached conditions. Significant appropriate consideration has been given to environmental matters by independent advisers and the MLVC has concluded that there is unlikely to be significant effects on the environment and protected environmental habitats.

This application relates solely to site investigations and does not propose any further developments. In view of the location of the site, which is offshore, it is considered reasonable and prudent that site investigation works are undertaken to fully assess the capability for future projects to be proposed and assessed with the best available information and a high degree of confidence that any proposal, if approved, can be developed and implemented.

In view of these considerations, including environmental and Government policy to promote renewable energy,I recommend that the Minster issues a foreshore licence, subject to appropriate conditions as outlined in attached documentation for site investigation activities at Codling, as set out in the application.

[redacted] BA (Hons), MsC, MBA, MIPI.

20/1/21