Submission HLG 00016-21: Foreshore Licence application by Codling Wind Park Limited for Site Investigations relating to a potential offshore wind power development off Counties Wicklow and Dublin

TO:	Minister of State Burke	AUTHOR:	[redacted]
STATUS:	Completed	OWNER:	
PURPOSE:	For Decision and Signature	REVIEWERS:	

DIVISION: Foreshore
DECISION BY:

Final comment

Approved by Minister 26/01/2021

Action required

Decision and Signature for a Foreshore Licence application

Executive summary

Approval is sought to grant a licence carry out Site Investigation works related to a possible Offshore Renewable Energy development at Codling Bank Wind Park off the Wicklow Coast

Detailed information

Foreshore Licence application by Codling Wind Park Limited for Site Investigations relating to a potential offshore wind power development off Counties Wicklow and Dublin, Ref. FS007045

1. Application:

The approval of the Minister is sought to grant a licence for a term of five (5) years under Section 3 of the Foreshore Act 1933 to Codling Wind Park Limited (CWPL) for the purpose of carrying out marine site investigation works off the coasts of Wicklow and Dublin in the vicinity of Codling Bank.

CWPL was awarded a Foreshore Lease for Codling Wind Park (CWP) Offshore Wind Farm (OWF) on 15 November 2005. The Lease provided for the construction of up to 220 turbines with a rotor diameter of up to 120 m and a tip height of up to 160 m above Mean Sea Level, with a generating capacity of up to 1100 MW.

In March 2009, CWPL submitted an application for Codling Wind Park Extension (CWPE) to the Department of Agriculture, Fisheries and Food, however the application was not determined. The application sought a Foreshore Lease for up to an additional 200 turbines with up to 1000 MW capacity.

In this application for a Site Investigation Licence, the CWP encapsulates areas previously covered by the CWP Lease area and the CWPE Application area. The array area for CWP is approximately 13 km off the coast of County Wicklow, with the application area extending to the shore at proposed Landfall locations.

The total proposed survey area within the 12nm foreshore area is approximately 123 km^2 (12,300 Ha).

A Foreshore Licence Map indicating the location of the development is attached at ***Tab 1***.
Coordinates for the area are provided in the Foreshore Licence Application Form at ***Tab 2***.

The proposed geophysical, geotechnical and environmental surveys are required to provide updated environmental and engineering information to inform the project design.

2. Public Consultation:

A public consultation was held from 15 July 2020 to 15 August 2020.

Public notices were published in the "Irish Times", "Bray People" and "Wicklow People" to advise the public.
Documents were made available for inspection at Bray, Greystones and Wicklow Garda stations for the required period of 30 working days and were also made available on this Departments' website.

A total of 10 submissions were received as a result of this process ***Tab 3***.
The applicant provided a response to these submissions ***Tab 4***.

3. Prescribed Bodies Consultation:
Written submissions on the proposed development were sought and received from:
• Water and Marine Advisory Unit, DHPLG;
• Department of Agriculture, Food and the Marine;
• Marine Survey Office;
• Marine Institute;
• Inland Fisheries Ireland;
• Sea Fisheries Protection Authority;
• Development Applications Unit, NPWS; and
• Underwater Archaeology Unit, DCHG

There were no objections in principle to the proposed development. (***Tab 5***)
CWPL responded to observations from those Prescribed Bodies. (***Tab 6***)

4. Environmental Assessment:

An external consultancy (Arup) was engaged to assess environmental reporting and assessment, which included Environmental Impact Assessment (EIA) Screening, Appropriate Assessment (AA) Screening and Appropriate Assessment.

EIA Screening:
EIA Screening was based on the following:
• the information provided in the licence application,
• implementation of the mitigation measures proposed in the licence application,
• the submissions from the public,
• the observations of the statutory consultees,
• imposition of the licence conditions proposed by the Marine Institute, Inland Fisheries Ireland, Marine Survey Office, National Parks and Wildlife Service and Department of Agriculture, Food and the Marine, and
• compliance with those licence conditions.

Due to the nature, scale and location of the proposed development being such that there is no real likelihood of significant effects on the environment arising from the proposed development, Arup's EIA screening exercise concluded that an EIA is not required (***Tab 7***)

Appropriate Assessment:
The project was screened by the applicant for AA and likely significant effects to the following areas:
• The Murrough SPA
• Sandymount Strand/Tolka Estuary SPA (also known as South Dublin Bay and River Tolka SPA)
• Dalkey Islands SPA
• Wicklow Head SPA
• Slaney River Valley SAC
• Lower River Suir SAC
• Blackwater River (Cork/Waterford) SAC
• River Barrow and River Nore SAC
• Rockabill to Dalkey Island SAC
• South Dublin Bay SAC
• Wicklow Reef SAC
• North Dublin Bay SAC
• Lleyn Peninsula and the Sarnau SAC
• Cardigan Bay SAC
• Lower River Shannon SAC

• West Connacht Coast SAC
• Moray Firth SAC
• Rockabill to Dalkey Island SAC
• North Anglesey Marine SAC
• West Wales Marine SAC
• Bristol Channel Approaches SAC
• Roaringwater Bay and Islands SAC
• Lambay Island SAC
• Slaney River Valley SAC

The applicant considered that the following sites should be the subject of further assessment:
• The Murrough SPA
• South Dublin Bay and River Tolka SPA
• Rockabill to Dalkey Island SAC
• South Dublin Bay SAC
• Wicklow Reef SAC
The basis for identifying LSE for these sites was considered adequate, and it was determined that these sites should be subject to Appropriate Assessment.

For those sites and features identified by the applicant together with those clarified through responses to the Request for Further Information (Section 3.5), it was 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 in the AA, 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. (***Tab 8***).

Marine Licence Vetting Committee (MLVC) assessment and report:
Considering the nature, scale and location of the proposed work the MLVC concludes that, subject to compliance with the conditions set in ***Tab 9***, the proposed works would not have a significant negative impact on the marine environment, would not adversely impact on any Natura 2000 site and therefore, is agreeable to the grant of the licence to facilitate the proposed development. See report attached at ***Tab 10***.

5. Financial Considerations:

Codling Wind Park Limited has accepted the licence fee of [redacted]

6. Agreement of applicant:

Codling Wind Park Limited has agreed (***Tab 11***) to the specific conditions that would be attached to the licence, if granted.

7. Recommendation:

Having regard to
• the application for a Foreshore Licence together with accompanying documents;
• the submissions received from prescribed bodies;
• The public consultation undertaken;
• the Appropriate Assessment performed;
• the EIA screening performed;
• the assessment of the proposed development by the Marine Licence Vetting Committee, and its conclusions and recommendations in this regard; and
• the consent conditions to be attached to the Foreshore Licence, if granted

it is considered that:
the proposed development on the foreshore would not have a significant negative impact on the marine environment and would not adversely affect the integrity of the Natura 2000 sites.

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

8. Notification of Minister's Determination:

If approval is granted by the Minister, Codling Wind Park Limited will be informed accordingly, an appropriate licence will issue for execution and a Notice of Determination regarding the decision (including the reasons) will be published on the Department's website. A Notice of Determination will also be published as required under section 21A of the Foreshore Act 1933, as amended. The Notice of Determination will address:

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

Related submissions

There are no related submissions.

User details

INVOLVED:

READ RECEIPT: