Your Ref: FS007358

Mr. [redacted],
Foreshore Unit,
DHLGH,
Newtown Road,
Wexford.

11/11/2021

MARINE ADVISOR REPORT.
RE: FORESHORE LICENCE APPLICATION BY NORTH IRISH SEA ARRAY WINDFARM LIMITED – SITE INVESTIGATION FOR THE NORTH IRISH SEA ARRAY WINDFARM EXPORT CABLE ROUTE

I'm writing in response to your email dated the 22/10/2021 requesting observations in relation to the above.

Supporting information considered

- Application Form dated 01/04/2021
- Foreshore Licence Map
- Schedule of Works dated 31st March 20

Application Background

This Foreshore Licence application is for site investigations necessary to establish the optimum location for and design of the export cable(s) to shore and to establish the most appropriate landfall location(s) from the proposed North Irish Sea Array (NISA) offshore windfarm, located off the coasts of Dublin, Meath and Louth. North Irish Sea Array Windfarm Limited, is a wholly owned subsidiary of Statkraft Ireland Ltd.

The NISA project was granted "Relevant Status" under the transitional protocol published in the Marine Planning and Development Management Bill in early 2020 (now the Maritime Area Planning Bill (MAP)). The transitional protocol is a means by which projects that were sufficiently advanced under the Foreshore Act or those projects that had an agreed grid connection could move from the Foreshore Act to the new marine consent system being legislated for under MAP Bill. Statkraft have previously submitted a foreshore licence application (FS007031) for the site investigations on the windfarm site.

Brief Description of Works

The site investigation works include:

- Geophysical Survey including Multibeam Echosounder (MBES), Side Scan Sonar (SSS), Magnetometer, Sub-Bottom Profiling (SBP) and Higher Energy Sub-surface Acoustic Source
- Geotechnical Surveys including Boreholes, Cone Penetration Tests (CPTs), Grab Sampling and VibroCores (VCs)
- Ecology Surveys – bird, fisheries and marine mammals survey including benthic grab sampling as appropriate
- Archaeological Survey

Section 1.4 of the application form and the Schedule of Works Report dated 1st March 20 gives a detailed description of the proposed site investigation works. NISA Limited are responsible for designing the works in accordance with the relevant standards and codes.

Subject to the award of a Foreshore Licence as well as favourable weather conditions, NISA Ltd

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propose a schedule of activities to complete the SI works on a phased basis over 3 years to allow for seasonal variation and survey windows.

Coastal Processes
The proposed site investigation works will have no impact on the existing coastal processes.

Estate Management
All foreshore is presumed state owned unless proven otherwise. In this case there are no known established claims of private ownership of the foreshore at this location. Subject to no claims of private ownership arising out of the public consultation process, the foreshore the subject of this application is state owned. Section 3 of the Foreshore Act applies for the proposed site investigation.

I inspected the relevant sites associated with the cable landing locations on the 05/11/2021. The licence area for the proposed works is shown outlined on the following map submitted by the applicant:

- *Drg. No. D-21005-A3-002 entitled 'NISA Cable Assessment Area - Foreshore License Map', Rev 02 dated 16/08/2021*

The proposed area of foreshore associated with the works is 10,623.33ha. The site investigation will have no permanent impact on other legitimate users or existing access arrangements. The works, if completed as proposed and in accordance with conditions as set out below, will not have significant adverse impacts on the public use of, access to and enjoyment of the foreshore. The applicant shall use that part of the foreshore, the subject matter of the application for the purposes as outlined in the application and for no other purposes whatsoever. Where relevant the foreshore and adjacent seashore area shall be restored to its natural state on completion of the works to the satisfaction of the Department of Housing, Local Government and Heritage.

Public Interest
Section 2 and 3 of the 1933 Foreshore Act, as amended, states that a lease or licence of state foreshore may be granted "If, in the opinion of the Minister, it is in the public interest". As foreshore is a finite and valuable national resource and public amenity, it is important that each plan and project is fully assessed to ensure, that if consented to, it is a sustainable and proper use of that finite and valuable resource. Having considered and assessed the relevant issues associated with the proposed site investigation, while taking note that the state owned foreshore is finite resource which must be utilised sustainably, I am satisfied that the proposed works are in the Public Interest.

Conclusion/Recommendation
I have no objection to the granting of a Foreshore Licence subject to the following conditions:

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

2. The works shall be located as outlined on *Drg No. D-21005-A3-002 entitled 'NISA Cable Assessment Area - Foreshore License Map', Rev 02 dated 16/08/2021*

3. The Licensee shall notify the Department of Housing, Local Government and Heritage at least 14 days in advance of the commencement of any works on the foreshore. This notification shall include an up to date Programme of Works for the completion of the works.

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4. During the course of the works the Licensee shall ensure that existing public access arrangements are maintained, where possible, and all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation.

5. On completion of the works, the surrounding foreshore shall be returned to its natural state to the satisfaction of the Department of Housing, Local Government and Heritage.

6. The Licensee shall ensure that contractors, and their subcontractors, are made aware of all conditions and project specific requirements and they are required to have briefings on these to ensure all parties are fully aware of these requirements.

[redacted]
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