Ref: FS007383. Foreshore Application on behalf of Oriel Windfarm Ltd. to undertake detailed geotechnical and geophysical investigations, ecological surveys and metocean surveys, for proposed Oriel offshore wind farm off Co. Louth.

Consultation period: 15 December 2021 to 27 January 2022.

Prescribed Bodies Submissions.

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2	Marine Survey Office (MSO)
3	Inland Fisheries Ireland
8	National Parks Wildlife Service (NPWS), Underwater Archaeology Unit (UAU)
11	Louth County Council
12	Marine Institute
14	Dept. Agriculture, Food and Marine - Foreshore Section
16	Dept. Housing, Local Government, Heritage- Marine Advisor (Engineering)
19	Dept. Housing, Local Government, Heritage-Marine Advisor (Environment)

From: [redacted] <[redacted]transport.gov.ie>
Sent: Monday 20 December 2021 13:24
To: [redacted] (Housing)
Cc: MSO
Subject: RE: MSO. FS007383 Oriel Windfarm Ltd., S.I. for proposed wind farm - Notice of Public Consultation Period

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Dear [redacted]

The Marine Survey Office (MSO) have nil obs for now, but will still in due course receive the request for obs as part of the established FS licence application process.

Kind regards,
[redacted]

[redacted]
Marine Survey Office

An Roinn Iompair
Department of Transport

Lána Líosain, Baile Átha Cliath, D02 TR60
Leeson Lane, Dublin, D02 TR60

T +353 (0)1 678 [redacted]
[redacted]@transport.gov.ie www.gov.ie/transport

MARINE SURVEY OFFICE

From: [redacted] <[redacted]fisheriesireland.ie>
Sent: Friday 21 January 2022 17:01
To: [redacted] (Housing)
Subject: RE: IFI. FS007383 Oriel Windfarm Ltd., S.I. for proposed wind farm - Notice of Public Consultation Period
Attachments: FS007383 Oriel Wind Farm Ltd comments from IFI.pdf

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Hi [redacted]
Please find attached the comments from IFI in relation to FS007383.

Kind regards
[redacted]

INLAND FISHERIES IRELAND

Iascach Intíre Éireann
Inland Fisheries Ireland

MARINE LICENCE VETTING COMMITTEE:
RE: FS007383 – Foreshore Application on behalf of Oriel Windfarm Limited – Site Investigations for proposed Oriel offshore wind farm, Dundalk, County Louth: Observation Request

Request for observations from [redacted] (Department of Housing, Planning and Local Government) dated 14/12/2021.

Overview:

Applicant Information:

Oriel proposes to undertake detailed geotechnical and geophysical investigations, ecological surveys and metocean surveys. The purpose of the geotechnical investigation is to investigate the stability of the soil for the design of foundations and the detailed routing of the inter array and export cables. The purpose of the geophysical survey is to characterise the layers of sediment/rock underneath the seafloor and to achieve a detailed seabed morphology and seafloor mapping.

This Foreshore Licence application is for permission to undertake these survey works on the proposed development site. Oriel proposes to apply for a licence for a duration of 36 months.

IFI Comment:

General

Inland Fisheries Ireland's (IFI) brief includes conservation of relevant fish species. Of relevance in the present case are resident and migratory species traversing the coastline and entering into the Dundalk Bay area - including Atlantic salmon, sea trout, sea and river lamprey and European eel. Also, the Dundalk Bay area is within the spawning and nursery grounds of Atlantic Cod, Haddock, and within the nursery grounds of Herring, Mackerel and Horse Mackerel. The area is also within the distribution range of several marine mammal species including Bottlenose, Atlantic White-sided and Risso's Dolphins.

The Dundalk Bay SAC and RAMSAR fall very close Zone of Influence (ZoI), as noted in the Stage 1 Appropriate Assessment (AA) screening report. This report concluded that most activities associated with the proposed survey would not result in any likely significant effects, however, in the case of pollution from oil

spillage, likely significant effects could not be definitively ruled out as such likelihood is uncertain. It was concluded that a Stage 2 Appropriate Assessment was required to further assess the risks and to identify mitigation measures. The Stage 2 Appropriate Assessment noted that if suggested mitigation measured were adhered to that these concerned would be ameliorated (Section 3.4 of Stage 2 AA Report).

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. Mitigation measures should aim to reduce the sound generated, in intensity and duration. The 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 should be undertaken. This measure should be a condition of the foreshore licence. The comments of IFI in this regard relate to fish species of conservation significance and of leisure angling significance all of which constitute part of IFI's brief.

Special consideration may need to be paid to resident and migratory fish species which could be passing through the area and potentially effected by sound and vibration effects introduced into the water column due to works. Also, the introduction of noise and vibration effects due to surveying and the release of suspended solids, chemicals, oils and other pollutants into the water column due to surveying would have to be mitigated against. This was the reasoning for a Stage 2 AA Report to be carried out, as the Stage 1 report could not state that the potential for oil spillage and pollution effects were mitigated against. However, should the suggested mitigation measures in Section 3.4 of the Stage 2 AA Report be adhered to within the timeframe of the proposed surveys, these issues should have a far less likely possibility of occurrence.

The fish species listed in Table 1 should be considered. The downstream (seaward) spawning migrations of the European Eel for example, occur in the autumn to spring months (starting as early as August in some catchments) and may intersect with the proposed work timeline. This could interfere with the natural migration of the eel.

Table 1. Generalised timing of life stages of relevant migratory fish species using Rosslare Harbour.

Fish Species	EU Status	Life stage	Timing in Harbour
Atlantic salmon	Habitats - Annex II	Adult upstream migration	All times of year: 'spring' fish; grilse run in June - July
		Smolt downstream run	March - June
River lamprey	Habitats - Annex II	Upstream Adult spawning migration	Autumn - Winter
		Seaward migration of young adults	Autumn - Winter
European Eel	EU Eel Action Plan	Upstream migration of elvers	Winter - Spring
		Downstream of adult fish	Autumn – Spring

In a marine context, the timing of the proposed surveying should be examined in regard to the spawning time and spawning area of commercially important fish species. Input from the Sea Fisheries Protection Authority (SFPA) should be sought here. Species of note would be sharks, such as tope and smoothhound.

The ecological survey includes the use of sondes for fish and shell fish. It is not clear what kind of information will be gathered with this method. Important that any method try's to capture the use of this area by migratory fish species including but not limited to salmon, lamprey and eels.

Finally, IFI refers to its guidance in relation to construction works adjacent to water (https://www.fisheriesireland.ie/sites/default/files/migrated/docman/2016/Guidelines%20Report%202016.pdf), (IFI, 2006) and would require that all relevant measures specified therein should be adhered to. The document covers a range of issues including management of materials hazardous to the aquatic environment such as cements, grouting, oils, fuels and other chemicals, along with management of suspended solids and excavated materials. IFI proposes that compliance with this document should be a condition of foreshore permission.

[redacted] and [redacted] (IFI, R&D)
21.01.2021

Iascach Intíre Éireann
Inland Fisheries Ireland

References:

IFI (2006). Guidelines on protection of fisheries during construction work in and adjacent to waters. Inland Fisheries Ireland. (https://www.fisheriesireland.ie/sites/default/files/migrated/docman/2016/Guidelines%20Report%202016.pdf).

NPWS, UAU

From: Housing Fem Dau
Sent: Wednesday 26 January 2022 14:25
To: Housing Foreshore
Subject: FS007383

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Completed NFA

A Chara,

Please find heritage recommendations for the above mentioned application.

Nature Conservation
The proposed survey works at around the proposed Oriel Windfarm in Co Louth have been evaluated by a Natura Impact Statement and other documents. The conclusion of the Article 6(3) supporting document is that the proposed works are unlikely to pose a significant likely risk to nature conservation interests in the vicinity.
In addition an Article 12 assessment has concluded that "considering the acoustic characteristics of the potential sources and their propagation, the relevant evidence of effects on cetaceans from vessel noise, seismic survey and the proportionally lower potential for effects of the specific sources being used, in addition to the small spatial footprint and short duration (approximately one week) of the planned survey, the risk of behavioural disturbance to EPS is considered to be extremely low, and significant effects are not considered to be likely". However, applying the precautionary principle and noting that the "there is potential for some behavioural disturbance of cetaceans in response to survey vessel noise" and that the area of potential disturbance will be highly localised i.e. within a few hundred metres radius. NPWS would suggest that application of "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" for works that would occur in applicable geographical areas is appropriate and consistent with other licensing of this nature in the Foreshore.

Underwater Archaoelogy
The application and supporting documents have been reviewed by the Underwater Archaeology Unit of the National Monuments Service of the Department of Housing, Local Government and Heritage. This Department is of the view that the submitted Marine Archaeology and Cultural Heritage assessment included in the Non Statutory Environmental Report does not contain adequate information to allow for an informed opinion on whether the proposed mitigation measures (Section 7.5 Marine Archaeology and Cultural Heritage) offer sufficient amelioration of the potential impact(s) of the proposed geotechnical investigations on known and potential underwater and terrestrial archaeological heritage.

Protected Wrecks
It is not clear to this Department that due consideration has been given to the high number of historically-documented losses of ships which are recorded as having been wrecked in the development area but have yet to be located. In this regard, the Wreck Inventory of Ireland Database lists over 100 entries for the coastal waters off Louth, many of which are specifically noted as having

been lost in the environs of Dunany point. The figure cited in the assessment (Section 5.5.5) of 18 wrecks in total identified from prior geophysical survey datasets and the Wreck Inventory of Ireland Database being situated within the survey area should be considered a minimum number and there are likely to be many additional examples within the application area. The high potential of the area to contain wrecks is amplified by the discovery of a historic ship timber which washed up on Dunany point and was reported to the Underwater Archaeology Unit in 2010. It is noted that known wreck sites will be avoided and exclusion zones will be established around these sites. However, the possibility that some or all of the 14 geophysical anomalies identified during the 2007 survey within the offshore wind farm area (including W111145-W11157 and W11435) are additional wreck sites that also require buffer zones has not been resolved and it is thus essential that the data from the proposed geophysical surveys is assessed by a suitably qualified and experienced underwater archaeologist and the outcome of this furnished, with recommendations for mitigation measures, as part of an Underwater Archaeological Impact Assessment (see below) to the National Monuments Service in advance of geotechnical investigations being undertaken.

Intertidal area and landfall

The proposed foreshore application area overlaps with the site of a promontory fort Recorded Monument LH019-002----, which is recorded by the Archaeological Survey of Ireland as follows 'According to Stubbs (CLAJ 1921, 29) a fort known as 'the Dún' stood at Dunany Point but was destroyed by coastal erosion. No visible surface traces'. Although the fort appears to have been lost to erosion there may be elements of it or secondary material/objects associated with it extant in the beach and intertidal areas and this eventuality requires inclusion in an archaeological impact assessment.

A significant cultural heritage feature known as 'Cathaoir Ana' or the 'Mad Chair of Dunany' is located in the intertidal zone within the south-west corner of the proposed application area. Its precise position is recorded on historic Ordnance Survey maps. It is a boulder which has been naturally sculpted to resemble a chair and it is associated with a folk tradition that those who sat on it three times would be cured of mental illness. Conversely, those who were not mentally ill and sat on it might become mentally ill. The feature is an important part of Co Louth's folk heritage and it is vital that it is adequately protected from any impacts, whether accidental or secondary, in the undertaking of any geotechnical and geophysical surveys.

In light of the above it is recommended that the Foreshore Unit request the following as CONDITIONS of any grant of a foreshore licence:

- All geophysical survey activities shall be licenced by the Department of Housing, Local Government and Heritage under the National Monuments Acts 1930-2014 and should any dive surveys be required in connection with proposed geophysical surveys and archaeological surveys these shall also be licenced under the Acts and obtained by a suitably qualified archaeologist with underwater/marine experience. Any dive survey shall be accompanied by a hand-held detection survey which shall also be licenced under the National Monuments Acts 1930-2014.
- An Underwater Archaeological Impact Assessment of all proposed geotechnical works, including secondary impacts such as machinery movements, shall be prepared by a suitably qualified archaeologist with maritime and underwater experience. All geophysical survey data sets available from previous work for the proposed development area and all newly obtained

geophysical survey data sets shall be made available to the archaeologist and shall be incorporated into the assessment report. The assessment shall also include a desk study and a licenced wade/intertidal survey and licenced metal detection survey of the intertidal area and a walkover of the beach areas within the application area. The overall results of the assessment shall be compiled into a report and forwarded to the National Monuments Service for review and comment in advance of the geotechnical works taking place. The assessment shall also include proposals for the protection of the 'Mad Chair of Dunany' by institution of a minimum 10m buffer/exclusion area around the site during all works and for buffer/exclusion zones around all identified and potential wreck sites and other areas of archaeological potential. Similarly, the report shall include proposals for mitigation of potential impacts on archaeology, such as avoidance, dive surveys, monitoring or test-excavations. No geotechnical works shall be undertaken in advance of receipt of observations on the report from the National Monuments Service.

- All areas of the seabed where SI works will take place should be subject to a high resolution geophysical survey (ideally 50m line spacings) in advance of works taking with the results assessed by a suitably qualified archaeologist. Where archaeological assessment of geophysical data is not possible, or data is not available or of sufficient resolution/standard and an impact on the seafloor/inter tidal zone is expected, it is recommended that a dive/ intertidal survey is carried out accompanied by a metal detection survey. Both the dive survey and the metal detection survey should be licenced under the National Monuments acts 1930-2014.
- The results of all geotechnical works, including core samples and other geotechnical samples, shall be made available for assessment to the consultant archaeologist for review. Such assessment shall seek to identify any cultural material contained within the samples and evidence for palaeo-environments. A follow up Archaeological Report detailing the results of the assessment of geotechnical samples shall be forwarded to the National Monuments Service for review and consideration and to inform any future Foreshore/Planning application for the proposed offshore windfarm.

Kind regards,

[redacted]
Executive Officer

Aonad na nIarratas ar Fhorbairt
Development Applications Unit
Oifigí an Rialtais
Government Offices
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman Y35 AP90
Newtown Road, Wexford, County Wexford Y35 AP90

From: [redacted] <[redacted]louthcoco.ie>
Sent: Thursday 27 January 2022 18:11
To: [redacted] (Housing)
Cc: [redacted]
Subject: Submission - Offshore - Louth Co Co. FS007383 Oriel Windfarm Ltd., S.I. for proposed wind farm - Notice of Public Consultation Period

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Dear [redacted]

In relation to above the Planning Section, Louth County Council, has no specific comments in respect of the foreshore licence application which is to facilitate detailed geotechnical and geophysical investigations, ecological surveys and metocean surveys, 22km off the coast of Dundalk. The planning authority will rely on the Department to consider potential effects on European Sites at this location and their in-combination effects on the European Sites in view of their conservation objectives and also any protected species as provided for in the Habitats Directive.
The Department should also note that the Louth County Development Plan 2021-2027 is now in effect and Chapter 11 deals with the Environment, Natural Resources and The Coast.

Kind Regards
[redacted]

LOUTH COUNTY COUNCIL

MARINE INSTITUTE

Date: 03/02/2022

To: [redacted], Foreshore - DHLGH

From: [redacted] Marine Institute

Re: FS007383 Oriel Wind Farm Site Investigations – Oriel Windfarm Ltd

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Oriel Windfarm Ltd submitted a foreshore application for site investigation works to be carried out in a defined area off the Co. Louth coast and along cable route corridors towards the coastline south of Dunany Point, Co. Louth.

In addition to the application form and a number of charts and maps the applicants submitted a number other documents including, *inter alia*:

- FS007383 Foreshore Licence Application for Marine Survey: Supporting Information
- FS007383 Foreshore Licence Application: Non-Statutory Environmental Report
- FS007383 Foreshore Licence Application: Supporting information for the Stage 1 Screening for Appropriate Assessment
- FS007383 Foreshore Licence Application: Supporting information for the Stage 2 Appropriate Assessment

The overall aim of the site investigations is to collect the necessary data and information required to inform the engineering and detailed design of the cable route and proposed windfarm areas as well as identifying the wider ecological characteristics of the foreshore licence area. It is noted the installation of a windfarm and associated infrastructure in the area in the future would be the subject of a separate Foreshore Lease / Licence application and is not the subject of this current application.

A number of geophysical methodologies are proposed, including following acoustic-based techniques:

- Multibeam Echosounder (MBES) system for detailed bathymetric mapping;
- Side Scan Sonar for detailed seabed morphology and seafloor mapping;
- Magnetometer for detecting geomorphological anomalies and ferrous obstructions;
- Sub-bottom Profiling (SBP), both single and multi-sourcings, to identify and characterise the layers of sediment/rock underneath the seafloor along the cable route corridor;
- Ultra-high-resolution multi-channel seismic (UHRS) to identify and characterise the layers of sediment/rock underneath the seafloor within the windfarm site.
- Intertidal geophysical surveys including seismic, electrical resistivity and electromagnetic methods. Up to 10 static acoustic monitoring devices (SAM)

In addition, a number of geotechnical and ecological surveys are also proposed comprising the following methodologies:

- Metocean Survey
- Boreholes
- Vibrocoring/Gravity Coring
- Static Acoustic Monitoring of Cetaceans (CPODs)
- Water Quality Sondes
- Benthic and intertidal video, grabs and cores
- Fish and shellfish GPS Tracking

The proposed site investigation methods are relatively standard and have been used in similar investigations in Irish waters and internationally.

It is intended that the proposed survey works would be phased over a period of 3 years following award of licence and specific survey scope will range from 4 weeks to 2 years in duration.

There are no licenced aquaculture sites within the proposed site investigation area on the Foreshore and therefore impacts on aquaculture 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. Notwithstanding this, it is noted that the applicant has appointed a Fisheries Liaison Officer who will engage with the fishing community and fisheries organisation in the area during investigations.

The AA Screening and the subsequent NIS identifies a number of risks to conservation features (e.g., Natura sites) likely to result from the proposed activity. As mitigation, a number of actions are suggested that should reduce the risk. Among these is the use of marine mammal observers (MMO) during operations including a 'soft start' protocol, notwithstanding the conclusion that impact on marine mammals was not considered sufficient to warrant consideration under Stage 2 (AA). The MI is satisfied that such measures will mitigate any risk to marine mammals in the immediate area during the site investigations. However, it is advised that DHLGH identify any similar geophysical/geotechnical surveys that might be carried out along the eastern seaboard and ensure that they not coincide with this survey in order to avoid potential cumulative displacement effects.

From: [redacted] <[redacted]@agriculture.gov.ie>
Sent: Monday 14 February 2022 16:58
To: [redacted] (Housing)
Cc: Foreshore
Subject: Our Ref: FW.2.21 Site investigation licence for a proposed offshore windfarm for Oriel Windfarm Ltd, off the coast of Dundalk, County Louth

DEPT. AGRICULTURE, FOOD AND MARINE

Our Ref: FW.2.21 Site investigation licence for a proposed offshore windfarm for Oriel Windfarm Ltd, off the coast of Dundalk, County Louth DHLGH Ref: FS007383

Dear [redacted],

I refer to your request for comments/observations from this Department regarding this application by Oriel Windfarm Ltd.

Please include the following condition in any site investigation licence that issues:-

- Should a pollution incident occur, the applicant must contact SFPA Howth immediately so protective measure can be put in place to avoid potentially contaminated shellfish being placed on the market or food chain. The contact details are sfpahowth@sfpa.ie and direct contact is be made to both shellfish managers for the area, Declan Mac Gabhann 0879294673 and Philip West 0858708312.

Please note the comments of this Department's Engineering Division and also BIM :-

- It is noted by the Department's Engineering Division, that there are increasing numbers of proposals for the Irish Sea and that as with those applications, appropriate monitoring and measures and best practice must be followed during the to ensure that the proposed survey works do not cause any direct or cumulative negative impacts on environmental sites, aquaculture and fishery harbour operations.

- Aquaculture clients of BIM are considering new offshore licences near Cooley Point which is closer to the Wind Farm investigation zone and this application could affect these going forward.

- From an inshore fisheries perspective there is substantial fishing effort for lobster, crab and razor clams in the area outlined for site investigation in this application. The potential impact of the survey methods on these species must be taken account by Oriel Windfarm Ltd. BIM if aware of engagement by the applicant with a newly formed

potting group, representing 13 vessels but we would suggest that the applicant engage and keep all fishers, aquaculture establishments, the NE Regional Inshore Fisheries Forum (RIFF) and the Carlingford Lough Co-ordinated Local Aquaculture Management Systems Group (CLAMS) informed of their activities on an on-going basis.

Regards,

[redacted]
Foreshore Section
Department of Agriculture, Food and the Marine
National Seafood Centre
Clonakilty
Co. Cork
P85 TX47
Email: [redacted]@agriculture.gov.ie

Disclaimer:

Department of Agriculture, Food and the Marine

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An Roinn Talmhaíochta, Bia agus Mara

Tá an t-eolais san ríomhphost seo, agus in aon ceangláin leis, faoi phribhléid agus faoi rún agus le h-aghaigh an seolaí amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid profisiúnta nó dlíthiúil. Mura tusa an seolaí a bhí beartaithe leis an ríomhphost seo a fháil, tá cosc air, nó aon chuid de, a úsáid, a chóipeál, nó a scaoileadh. Má tháinig sé chugat de bharr dearmad, téigh i dteagmháil leis an seoltóir agus scrios an t-ábhar ó do ríomhaire le do thoil.

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

[redacted],
Foreshore Unit,
Department of the Housing, Local Government and Heritage,
Newtown Road,
Co. Wexford.
01/03/2022

Re: Foreshore Licence application for ORE Site Investigation off the Co Louth Coast. FS007383

Applicant: Oriel Windfarm Ltd

Project overview
Oriel Windfarm Ltd have made a Foreshore Licence application to undertake detailed geotechnical, geophysical, ecological and metocean surveys, to enable detailed design of foundations and the detailed routing of the inter array and export cables associated with a proposed Offshore Windfarm. The Investigation works will also characterise the layers of sediment/rock underneath the seafloor, and to achieve a detailed seabed morphology and seafloor mapping. Oriel has applied for a licence with a duration of 36 month. It should be noted that this application if for the Site Investigation only and not the proposed Offshore Windfarm.

Brief description of works
The Foreshore licence application area comprises the Oriel offshore wind farm area and the offshore cable corridor. The offshore wind farm area is located off the coast of County Louth to the east of Dundalk Bay, approximately 22km east of Dundalk, 18km east of Blackrock, 5km south of the Cooley Peninsula and 10km north-east of Dunany Point. The offshore wind farm area covers approximately 27.8km2 and is broadly hexagonal in shape with a length of approximately 5.3km west to east and 6.7 km north to south. The offshore cable corridor is approximately 11km in length and covers an area of approximately 25km2. The corridor is approximately 4km at its widest point, southwest of the offshore wind farm area, and narrows to approximately 1km at its narrowest point, just before landfall 700m south of Dunany Point.
The site investigations will include:

- Geophysical survey
- Geotechnical and sediment sampling
- Environmental/ecological surveys and sampling
- Oceanographic and meteorological survey

Further information on techniques and equipment of the SI are included in the Application Form and supporting documentation. The duration is anticipated to be in the order of 36 month, subject to an appropriate weather window. No interaction with other foreshore users is anticipated. . Ove Arup & Partners Ireland Ltd are responsible for designing the works in accordance with the relevant standards and codes.

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 application and 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. The licence area for the proposed works is shown outlined on the following map submitted by the applicant:

- Map No: FL001 Rev F1 Date 2021-11-07 and entitled 'Foreshore Licence Map'

The proposed area of foreshore associated with the works is 53.002km². The site investigation will have no permanent impact on other legitimate users or existing access arrangements. 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.

National Marine Planning Framework (NMPF)

The National Marine Planning Framework (NMPF) is a national plan for Ireland's marine area including the Foreshore. It sets out, over a 20-year horizon, how we want to use, protect and enjoy our marine area. The NMPF sits at the top of the hierarchy of plans and sectoral policies for the marine area and provides a coherent framework in which those sectoral policies and objectives can be realised. All decisions on individual applications determined under the Foreshore Act, must secure and be consistent with the objectives of the plan, similar to the way that terrestrial plans form part of the decision-making tool-kit in the on-land planning process. NMPF objectives are supported by specific policies that articulate factors that can form part of objective consideration.

Having reviewed and assessed the information on file for this application to conduct an ORE Site Investigation against the objectives of the NMPF, I am satisfied the proposed works do not act significantly against any objective within the NMPF. Furthermore, the project is aligned and secures key sectoral/activity objectives including Energy – Offshore Renewable. Of particular relevance is ORE Policy 2 as this application relates to a 'Relevant Project' as designated under the Transition Protocol. Accordingly, I am satisfied that the ORE Site Investigation is aligned with and secures the objectives set out in the NMPF.

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 Map No: Map No: FL001 Rev F1 Date 2021-11-07 and entitled 'Foreshore Licence Map'.

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.

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. At the end of each phase and/or calendar year, the Licensee shall inform the Department of the work completed to date and the works planned for the coming year.

6. The Licensee shall submit, to the Department, the 'as deployed' location for all monitoring devices.

7. On completion of the site investigation the Licensee shall ensure that all equipment and materials are removed and the foreshore is reinstated to its natural condition to the satisfaction of the Department of Housing, Local Government and Heritage.

8. 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.

Kind regards,

[redacted]

Newtown Road,
Wexford,
Ireland

Tel 053 9[redacted]
[redacted]@housing.gov.ie

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

[redacted]
Foreshore Unit,
Department of the Housing, Local Government and Heritage,
Newtown Road,
Co. Wexford
8th March 2022

Prescribed Bodies Consultation - Environmental Report

Re: FS000000 Foreshore application for site investigation works off the coast of Co. Louth

Applicant: Oriel Windfarm Limited

Dear [redacted]

Your email of the 14th of December 2021 refers to this Foreshore application for site investigation works off the coast of Co. Louth.

The offshore wind farm area is located off the coast of County Louth to the east of Dundalk Bay, approximately 22km east of Dundalk. While the site is not within a European site a number of them are within the Zone of Influence of the site investigation works. Two, Dundalk Bay SAC [IE000455] and Dundalk Bay SPA [IE004026] are in close proximity to the works. These sites are of importance for their coastal habitats and extensive sandflats and mudflats. This latter habitat hosts wintering waterfowl while the outer Dundalk Bay provides excellent shallow-water feeding ground for divers, grebes and sea duck.

Assessment Process
The Minister for Housing, Local Government and Heritage, is responsible for carrying out environmental screening and any environmental assessments determined as being required following screening, in accordance with the requirements set out in Directive 92/43/EEC (**Habitats Directive**), Directive 2009/147/EC (**Birds Directive**) and Directive 2011/92/EU, as amended by Directive 2014/52/EU (**EIA Directive**), in respect of applications under the The Foreshore Act 1933, as amended. Outside of the Directives, the Minister is also required to consider environmental issues in respect of applications under the Foreshore Act 1933, as amended.

Habitats Directive
The Appropriate Assessment process (AA) is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European Site (Natura 2000 site). The focus of AA is targeted specifically on Natura 2000 sites and their conservation objectives.

Article 6(3) and 6(4) of the **Habitats Directive** place strict legal obligations on Member States to regulate the conditions under which development that has the potential to impact on European Sites can be proceed. It requires that an Appropriate Assessment be carried out of plans or projects, not directly connected with or necessary to the management of a site as a European Site, but which are likely to have a significant effect thereon, either individually or in combination with other plans or projects. An AA Screening assessment is carried out to determine whether a plan or project is likely to have a significant effect on a European Site.

- Article 6.3 states that: *"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its*

implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

- Article 6.4 states: *"if, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

In giving effect to the above as a matter of Irish law, the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011, as amended) (**Birds and Natural Habitats Regulations**) provide as follows:-

Regulation 42(1) of the Birds and Natural Habitats Regulations states that: "*A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site".*

Regulation 42(2) provides that: "*A public authority shall carry out screening for Appropriate Assessment under paragraph (1) before consenting for a plan or project is given, or a decision to undertake or adopt a plan or project is taken".*

The Birds and Natural Habitats Regulations further provide as follows at Regulation 42 (6) and 42 (7):-

> *6. The public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.*
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> *7. The public authority shall determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it can be excluded on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.*

Furthermore, under section 42A (13) of S.I. No. 293 of 2021 an Appropriate Assessment, including the specified public consultation, must be carried out before the public authority makes a decision to undertake or adopt the proposed plan or project.

Risk Assessment for Annex IV Species

Outside of designated Natura 2000 sites, the waters around Ireland's coast are a suitable habitat for a number of species listed under Annex IV of the Habitats Directive (92/43/EEC). Article 12 of the

Habitats Directive affords strict protection to those species listed in Annex IV of the Directive wherever they occur. Where necessary a Risk Assessment for adverse effects of the proposed works on Annex IV species must be undertaken and a report produced. This assessment is separate to that undertaken under Article 6.3.

The purpose of the Risk Assessment is to examine the possibility that the proposed project, either individually or in combination with other plans and projects, may result in the deliberate disturbance or destruction of any of the species listed in Annex IV which may be present in the works area. The Risk Assessment should take into account the status (e.g. as indicated in the latest Article 17 reporting for Ireland, NPWS 2019) and sensitivities of relevant Annex IV species to potential impacts associated with the proposed project.

The **Risk Assessment for Annex IV Species** should be precise, with definite findings, mitigation and conclusions removing all reasonable scientific doubt as to the effects of the proposed project on any Annex IV species.

EIA Directive

In Ireland, in accordance with Directive 2011/92/EU, as amended by Directive 2014/52/EU (hereafter, the EIA Directive), projects that are likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location must be subject to an EIA.

Article 4 of the EIA Directive requires that projects listed under Annex I must always have an EIA while projects listed under Annex II shall be subject to an EIA if (i) determined on a case-by-case basis or (ii) they exceed certain thresholds set by each Member State. Thresholds have been set for Annex II projects in Irish legislation. Projects which do not meet the threshold may still require an EIA if the project is likely to have significant effects on the environment. Annex I and Annex II projects have been transposed into Section 5 (Parts 1 and 2) of the Planning and Development Regulations 2001, as amended.

Section 13A(1)(b)(i) of The Foreshore Act 1933, as amended, requires that an EIA be carried out for all developments of a class specified in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations where the development exceeds the relevant quantity, area or other limit specified in that Part, or where no quantity, area or other limit is specified. Section 13A(1)(b)(ii) of the Foreshore Act states that an EIA shall be carried out when a development is of a class specified in Part 2 of Schedule 5, but does not exceed the relevant threshold (i.e. sub-threshold) and the Minister determines that the proposed development would be likely to have significant effects on the environment. Therefore, it is necessary to examine such projects on a case-by case basis.

In the case of Annex II projects that are determined on a case-by-case basis, or sub-threshold, an EIA screening is required to determine if the project will have significant effects on the environment. Under Article 4(4) the developer (applicant) is required to submit information on the characteristics of the project and its likely significant effects on the environment. The developer may also provide a description of any features of the project and/or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment. Subsequently, in accordance with Article 4(5), the Minister is required to make a determination, which shall be made public, that:

1. Where it is decided that an EIA is required, states the main reasons for requiring such assessment with reference to the relevant criteria listed in Annex III (Schedule 7 of the Planning & Development Regulations 2001) of the EIA Directive; or

2. Where it is decided that an EIA is not required, states the main reasons for not requiring such assessment with reference to the relevant criteria listed in Annex III of the EIA Directive, and, where proposed by the developer, states any features of the project and/or measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Non-statutory Environmental Report
Where projects do not fall under a class that require an EIA or an EIA Screening, and in-keeping with good governance, a Non-statutory Environmental Report assessing the environmental effects of the proposed works on the receiving environment is required. This report will document the current state of the environment in the vicinity of the proposed activity in order to quantify the effects, if any on the environment, and if applicable to highlight how mitigation will be implemented to minimise impacts on the environment. The EPA Guidelines on the *Information to be contained in Environmental Impact Assessment Report*s (2017) indicates the relevant topics to be covered in this report.

Independent Environmental Consultants (IEC)
Owing to the scale and complexity of the environmental assessment required, and taking account of the available resources within the Department, I recommend that Foreshore Section of DHLGH engage a suitable qualified IEC. The IEC must conduct an independent assessment of the information provided by the Applicant, having regard to the Habitats Directive, the Birds Directive, the Birds and Natural Habitats Regulations, the EIA Directive, Non-statutory Environmental Reports and relevant jurisprudence of the EU and Irish courts.
The IEC shall ensure that the Minister has all the environmental assessments required to allow them to make decisions on applications under The Foreshore Act 1933, as amended in accordance with the requirements set out in Directive 92/43/EEC (**Habitats Directive**), Directive 2009/147/EC (**Birds Directive**) and Directive 2011/92/EU, as amended by Directive 2014/52/EU (**EIA Directive**).

Conclusion/Recommendation
In principle I have no objections to this application. On completion of the Second Consultation and the work of the IEC, I will furnish my final report with determinations, which may include any case specific conditions will follow having regard to the information obtained during public participation.

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Marine Advisor, Environment.