Screening for Appropriate Assessment Determination on Foreshore Application FS007383 Oriel Windfarm Ltd., Site Investigations for the proposed offshore Oriel Wind Farm

REF #:	HLG 00254-22	AUTHOR:	[redacted] (Housing)
TO:	Minister of State Burke	OWNER:	eSub MOS Burke Office
STATUS:	Review	REVIEWERS:	[redacted]
PURPOSE:	For Decision and Signature	DECISION BY:	
DIVISION/OFFICE:	Foreshore		

SEEN AND APPROVED: Peter Burke

DATE SIGNED: 8/6/22

Action required

Ministerial determination on the Screening for Appropriate Assessment, and signing of the Screening for Appropriate Assessment Determination statement, if approved.

Executive summary

Oriel Windfarm Ltd. applied for a Foreshore Licence under the Foreshore Act to carry out Site Investigations off Co. Louth to establish export cable routes, and the design of foundations, for the proposed Oriel wind farm.

As part of the assessment of this application the Minister is required to make a Screening for Appropriate Assessment determination in accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations').

Having considered all relevant material a recommendation has been made that the Minister adopts the Screening for AA report and reaches the following Screening for AA determination:

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government, Heritage has made a determination following screening that an Appropriate Assessment is required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on a European site. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

Comments

[redacted]

Detailed information

Overview

Oriel Windfarm Limited (Oriel) is an Irish renewable energy company proposing to develop, subject to the relevant permissions, the Oriel offshore wind farm (the Project) located in the north-west Irish Sea, 22km off the coast of Dundalk, County Louth. The Project will include wind turbines mounted onto a foundation installed into the seabed, an offshore substation and interlinking cabling between the turbines and the substation and an export cable between the substation and the shore.

In May 2019 Oriel obtained a Foreshore Licence (reference no. FS 006840) for initial surveys in the offshore wind farm area and offshore cable corridor. Oriel undertook both onshore and offshore surveys and commenced the engineering design of the wind park. Oriel now intends to undertake further site investigations of the offshore wind farm area and the offshore cable corridor to investigate the stability of the soil (seabed sediments) for the design of foundations and the detailed routeing of the inter array and export cables.

Oriel has applied for a Foreshore Licence 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. Further ecological surveys and measurements of the wind, wave and currents (metocean) will also be undertaken.

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.

The SI will take place off the coast of County Louth.

Environmental Assessment

As part of the assessment of the foreshore licence application, a Marine Environment Advisor with The Department of Housing, Local Government and Heritage was commissioned to conduct a Screening for Appropriate Assessment (stage 1 screening) and, if required, an Appropriate Assessment (stage 2), of the likelihood of significant impact on Natura 2000 sites from the the application for a Foreshore Site Investigation Licence.

Application documents submitted by the applicant informed the Screening for Appropriate Assessment. These are:

- Investigative Foreshore Licence Application Form (ORE)

- Foreshore Licence Application for Marine Survey: Supporting Information
- Foreshore Licence Application: Non-Statutory Environmental Report
- Foreshore Licence Application: Supporting information for the Stage 1 Screening for Appropriate Assessment
- Foreshore Licence Site Investigation Area Map
- Foreshore Licence Site Boundary Details
- Site Boundary with Protected Sites & Designated Areas Map
- Site Investigation Foreshore Map
- Foreshore Licence Application: Non-Statutory Environmental Report. Appx A-Vessel & Equipment Data Sheet
- Foreshore Licence Application: Supporting information for the Stage 2 Appropriate Assessment
- Consolidated Public Submissions
- Consolidated Prescribed Body Submissions
- Oriel's Response to Public and Prescribed Bodied Submissions

The Department's Foreshore Notice website, containing the documents is:

https://www.gov.ie/en/foreshore-notice/b8eb7-oriel-windfarm-limited-site-investigations-for-the-proposed-offshore-oriel-wind-farm/

Public Consultation under section 19 of the Foreshore Act 1933

This application for a Site Investigation licence was open for public consultation between 15 December 2021 and 27 January 2022. There were two submissions from the public.

The Consolidated Public Submissions document can be viewed at the link above. Oriel's Response to Public Submissions document can be viewed at the link above.

Prescribed Bodies Consultation

Observations were sought and received from the Marine Survey Office, the Marine Institute, Sea Fisheries Protection Authority, the Marine Advisors of the Department of Housing, Local Government and Heritage, NPWS Development Applications Unit and Underwater Archaeology Unit, Inland Fisheries Ireland, the Department of Agriculture, Food and Marine-Foreshore Section and Louth County Council.

The Consolidated Prescribed Body Submissions can be viewed at link above. Oriel's Response to Prescribed Bodies Submissions document can be viewed at the link above.

Marine Advisor Environment Screening Stage Report

The Department's Marine Environment Advisor undertook a review of the proposed project and completed the Screening for Appropriate Assessment, on 9 May 2022, which concluded that a Stage 2 Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites.

The following recommendation has been made in relation to the Screening for Appropriate Assessment by the Minister:

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project for Site investigation work, individually or in combination with other plans or projects, would be likely to have a significant effect (s) on a European site(s).

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on a European site. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

Risk Assessment for Annex IV Species

Article 12 of Directive (92/43/EEC) (as amended) (Habitats Directive): Risk Assessment for Annex IV species likely to occur in Irish waters.

The applicant provided a Risk Assessment for Annex IV species (see section 5.0, page 20) in which it was concluded that the risk of disturbance to an Annex IV species was extremely low while the risk of injury was considered negligible. The Department's Marine Environment Advisor considered the application by Oriel Ltd. and the applicant's Risk Assessment of Annex IV species report, agreeing with and accepting this report and its conclusions.

It should be noted that this risk assessment is not part of the Article 6.3 assessment and therefore identification and inclusion of mitigation measures within the risk assessment is appropriated at this stage.

A copy of all the material which informed the Screening for Appropriate Assessment report is linked above.

The Screening for Appropriate Assessment Report, prepared by the Department's Marine Environment Advisor, is attached at **Tab 1**.

The Marine Advisor Environment Screening Stage Report, prepared by the Department's Marine Environment Advisor, is attached at **Tab 2**.

The Screening Determination for Appropriate Assessment statement, prepared by the Department's Marine Environment Advisor for Ministerial Determination, is attached at **Tab 3** for signing.

Submitted for decision.

Related submissions

There are no related submissions.

User details

INVOLVED: [redacted]

READ RECEIPT: [redacted]