Submission HLG 00500-22: FS007383 Oriel Offshore Windfarm Ltd., Site Investigation for the proposed offshore Oriel Wind Farm.

TO:	Minister of State Burke	AUTHOR:	Ian Hartnett (Housing)
STATUS:	Completed	OWNER:	Ian Hartnett (Housing)
PURPOSE:	For Decision and Signature	REVIEWERS:	John Fayne (Housing) Ian Hartnett (Housing) Mary O'Sullivan (Housing) Nina Murray (Housing)
DIVISION:	Foreshore		
DECISION BY:			

Final comment

Approved by Minister Burke 08/11/2022

Action required

Ministerial approval is sought to grant a Foreshore Licence to Oriel Offshore Windfarm Ltd., under Section 3 of the Foreshore Act 1933, as amended.

Executive summary

The approval of the Minister is sought to grant Oriel Offshore Windfarm Limited a 3 year Foreshore Licence under Section 3 of the Foreshore Act 1933, as amended, to carry out Site Investigations located in the North West Irish Sea, off the coast of County Louth, to undertake these survey works to investigate the stability of soil for the design of foundations and the detailed routing of the inter array and export cables from the proposed Oriel offshore wind farm, 22km off the coast of Dundalk, County Louth.

Detailed information

1.0 Overview

Oriel Offshore Windfarm Limited has applied for a Foreshore Licence and Consent under the Foreshore Act 1933 to carry out Site Investigation (SI) surveys in the application area. These SI's will inform the route corridor, landfall location, and design of, export cable(s) from the proposed Oriel offshore wind farm (Ref: FS006459) off Dundalk, Co. Louth.

The potential output of Oriel Offshore Wind farm will be circa 375MW.

Subject to the award of a Foreshore Licence, Oriel 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. This application is for survey activities only. No permanent structures shall be erected as part of these works.

The Foreshore Licence cable assessment area has a total area of 53.002 km2

The survey activities include:

- Geophysical surveys (multi-beam echo sounder, sub bottom profiling, side-scan sonar, magnetometer and intertidal geophysical surveys including seismic, electrical resistivity and
electromagnetic methods).
-Geotechnical surveys (cone penetration tests and VibroCores along the potential routes and boreholes or trialpits at the landfalls).
-Ecological surveys (fisheries surveys, water quality sondes, static acoustic monitoring and intertidal benthic sampling).
-Metocean Survey.

These site investigations will take place off the coastlines of county Louth.

Further details of the proposed activity are outlined in the application form and associated documents at the Department's web link:

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

A foreshore licence, if granted, will permit those site investigation activities that will result in physical interaction with or disturbance of the Foreshore. The proposed SI activities which are the subject of this application are being fully assessed under the relevant environmental legislation.

2.0 Background

Oriel was granted a Foreshore Licence in October 2005 (MS51/53/57) to carry out a technical work plan to investigate the suitability of an area to the East of Dundalk Bay for the construction of an offshore wind farm. On completion, Oriel applied for a Foreshore Lease to construct an offshore generating station in February 2007 (FS006459). For a number of reasons, the development of the project was delayed. In May 2019 Oriel obtained a Foreshore Licence (FS006840) for additional site assessment surveys in the offshore wind farm area and the export cable corridor.

3.0 Application

A number of application documents were submitted by Oriel:
-Investigative Foreshore Licence Application form (ORE) (**Tab 01**)
-Foreshore Licence Map (**Tab 02**)
-Foreshore Licence Map Site Boundary Details (**Tab 03**)
-Site Boundary on Ordinance Survey Map (**Tab 04**)
-Site Boundary Map – Protected Sites and Designated Areas (**Tab 05**)
-Site Boundary Map with Indicative Shipping Lanes (**Tab 06**)
-Site Investigation Foreshore Map (**Tab 07**)
-Non-Statutory Environmental Report (**Tab 08**)
-Non-Statutory Environmental Report Appendix (**Tab 09**)
-Supporting Info for Application (**Tab 10**)
-Supporting Info for Stage 1 Screening for AA (**Tab 11**)
-Supporting Info for Stage 2 Assessment for AA (**Tab 12**)

4.0 Description of Proposed Works

This application is for site investigation and survey activities only. No permanent structure shall be erected as part of these works however as described in the supporting documentation (**Tab 11**) up to 6 no. of FPODs or CPODs and up to 6 no sondes for fish and shellfish tracking and up to 6 no turbidity monitoring devices will be temporarily installed as part of the survey works. A floating weather station may also be temporarily moored on the site.

Subject to the award of a Foreshore licence as well as favourable weather conditions, Oriel propose a site investigation activities schedule of works that will be commenced and completed as soon as possible following execution of the licence. A foreshore licence duration of 36 months is sought.

The proposed programme of marine surveys to be undertaken within the cable assessment area is summarised below.

The proposed survey works will include the following:

<u>1. Geophysical Survey</u>

- Multibeam Echosounder (MBES) system for detailed bathymetric mapping.
- Side Scan Sonar (SSS) to achieve detailed seabed morphology and seafloor mapping.
- Magnetometer to detect 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.
- Intertidal geophysical surveys including seismic, electrical resistivity and electromagnetic methods.

There may be the use of an ultra-short baseline (USBL) system to monitor the position of towed equipment. The USBL system consists of a multi-element transducer mounted on the hull of the vessel and a transponder attached to the towed equipment (e.g. side-scan sonar). USBL equipment is widely used by offshore commercial and research vessels where positional accuracy of towed survey equipment is critical. The emitted pulses will be short pulse width 'pings', approximately in the range of 20-35kHz and with a source level of up to ~200dB re 1µPa @1m (peak).

The geophysical survey will comprise transects with a total length of circa 84km and a distance of 1km between each transect. The seismic source will detect the geological strata to a depth of 40m below the seabed (bsb).

2. Geotechnical Survey

27 no. deep investigation locations at proposed structure locations (25 wind turbine locations and two options for the offshore substation location). Each deep investigation location will require up to 3 drilled boreholes with a target depth of 50 m below the seabed. In situ testing will include the option of either down-hole wireline piezocone penetration testing (PCPT) associated to P-S wave logging or down hole wireline seismic cone penetration testing (SCPT) over full length of the borehole.

41 no. shallow investigation locations along proposed inter-array and export cable routes. Each location will require one vibrocore or gravity core with a target depth of 3 m below the seabed.

Up to 6 no. deep investigation locations in the intertidal area. Each location would be a drilled borehole with a target depth of up to 50m. Up to 12 no. shallow investigation locations in the intertidal area. Each location would be an excavated trialpit or borehole with a target depth of 3 m below the beach. Excavated locations to be backfilled immediately on completion of the investigation. Cores and CPTs may be taken from the boreholes or trialpits.

3. Environmental Monitoring/Ecological Sampling

CPODs
Environmental monitoring may include the deployment of up to 6 no. FPODs or CPODs devices for Static Acoustic Monitoring of Cetaceans. The devices would provide acoustic assessment of the presence/absence and species types of cetaceans (whales and dolphins).

Water Quality Sondes
Up to 6 no. sondes may be deployed for water quality monitoring through the water column – these would be used to monitor a range of parameters including turbidity, salinity, temperature, pH, DO, EC.

Benthic and intertidal
Benthic survey techniques may include drop down video (DDV) and deployment of a mini Hammond or Van Veen grab to obtain samples of 1- 5kg in mass each. Manual digging may be used in the intertidal zone to collect the samples. Samples would be analysed to determine the benthic faunal community present and sediment geochemistry.

Fish and Shellfish GPS Tracking
Up to 6 sondes may be deployed for the tracking of fish or shellfish within the windfarm and export cable corridor.

4. Metocean Survey
All metocean survey works will occur at one location within the marine survey area which will be determined following the appointment of a suitable contractor. The data will be collected via a floating weather station, which will include a wave rider and a wind measurement LiDAR current profiler. The wave rider will be used to collect wave height and current data across the site, while the LiDAR system will be used to measure the wind characteristics within the site.

5.0 Other Relevant Consents and Government Policies

These site investigations will inform the route corridor, landfall location, and design of, export cable(s) from the proposed Oriel offshore wind farm (Ref: FS006459 Oriel Windfarm) off Dundalk, Co. Louth.

The published Programme for Government has committed to achieving 5GW capacity in offshore wind by 2030 off Ireland's Eastern and Southern coasts. Furthermore, the National Marine Planning Frameworks states that "Proposals that assist the State in meeting the Government's offshore renewable energy targets, including the target of achieving 5GW of capacity in offshore wind by 2030 and proposals that maximise the long-term shift from use of fossil fuels to renewable electricity energy, in line with decarbonisation targets, should be supported. All proposals will be rigorously assessed to ensure compliance with environmental standards and seek to minimise impacts on the marine environment, marine ecology and other maritime users."

The Climate Action Plan 2021 recommits Ireland to the ambition to install 5GW of offshore wind capacity in our maritime area by 2030, and introduces a new objective, that by the same year, up to 80% of our electricity will be sourced from renewables.

In addition to increasing our renewable energy share, these targets will support our carbon emission reduction commitments, meet anticipated increases in domestic electricity demand and increase our security of electricity supply.

6.0 Public Participation

6.1 Public Consultation under Section 19 of the Foreshore Act 1933

The Foreshore Section of the DHLGH conducted the public consultation. All consultation was undertaken to conform to the requirements of the Section 19 of the Foreshore Act 1933 as amended, Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 and the European Directive 2003/35/EC (known as the Public Participation Directive or "PPD").

An initial consultation period was held between 15 December 2021 and 27 January 2022. Notices announcing the consultation were published in the Irish Independent, Dundalk Democrat and The Argus newspapers on 14th December 2021.

Application documents were made available throughout the consultation period in:
-Planning Office of Louth County Council, Town Hall, Crowe Street, Dundalk, Co. Louth.
-Dundalk Garda Station, The Crescent, Demesne, Dundalk, County Louth.

Application documents and notice of the consultation were published in the appropriate locations on the Department's website: https://www.gov.ie/en/consultation/552d0-fs007383-oriel-windfarm-limited-site-investigations-for-the-proposed-offshore-oriel-wind-farm/

Two public submissions were received (**Tab 13**), to which the applicant responded (**Tab 15**).

(Concurrent to the Public Consultation, a Prescribed Body Consultation took place; this is further outlined in Section 7.0 below.)

Following this consultation process this Department's Marine Advisor (Environment) assessed the application. On the basis of the information submitted as part of the application for an Investigative Foreshore Licence, including a review of the submissions received from the prescribed body and public consultation process and having regard to:

The likely significant effects from the proposed works were identified as being:

-Physical disturbance to the seafloor
-Disturbance due to the physical presence of the survey vessels
-Underwater noise
-Accidental oil spillages

The Marine Advisor concluded that the proposed development, individually or in-combination with other plans or projects, is likely to have a significant effect on the following European sites, in view of the sites' conservation objectives:
Dundalk Bay SAC, Carlingford Shore SAC, Lambay SAC, Roaringwater Bay and Islands SAC, Blasket Islands SAC, Rockabill to Dalkey Island SAC, River Boyne and River Blackwater SAC, Strangford Lough SAC, Murlough SAC, Bristol Channel Approaches SAC, North Anglesey Marine SAC, West Wales Marine SAC, North Channel SAC, Cardigan Bay SAC, Lleyn Peninsula and the Sarnau SAC, Saltee Islands SPA, Puffin Island SPA, Skelligs SPA, Blasket Islands SPA, Dundalk Bay SPA, Carlingford Lough SPA, Lambay Island SPA, Ireland's Eye SPA, Cruagh Island SPA, Deenish Island and Scariff Island SPA, Carlingford Lough SPA, Copeland Islands SPA, Irish Sea Front SPA, Ailsa Craig SPA, Rum SPA, St Kilda SPA, Aberdaron Coast and Bardsey Island SPA, Grassholm SPA, Skomer, Skokholm and the Seas off Pembrokeshire SPA

An appropriate assessment is therefore required to determine if adverse effects on site integrity can be excluded in view of the conservation objectives of the above-listed sites.

The Minister, on advice from this Department's Marine Advisor (Environment) (**Tab 16**) made an Appropriate Assessment (Stage 1) Screening Determination and concluded that a Stage 2 Appropriate Assessment was required. (**Tab 17**)

6.2 Public Consultation under Section 42 of EC Birds and Natural Habitats Regulations 2011, as amended

As part of the assessment of the foreshore licence application, the Minister has determined, in accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, that an Appropriate Assessment was required in respect of the proposed plan or project.

Therefore an additional period of public consultation (second public consultation) ran from between 14 June 2022 and 14 July 2022.

The public notice for the extended period of 30 days appeared in the "Irish Independent" and "Dundalk Democrat" newspapers on the 14 June 2022. The documents were also made available at two public locations:

-Planning Office of Louth County Council, Town Hall, Crowe Street, Dundalk, Co. Louth.
-Dundalk Garda Station, The Crescent, Demense, Dundalk, Co Louth.

In addition to the application documents submitted by Oriel, the following documents were also on public display:
- Screening for Appropriate Assessment Technical Review (prepared by IEC)
- Marine Advisor Environment Screening Stage Report (prepared by MA)
-EIA Screening Examination (prepared by MA)
- Submission on Screening for Appropriate Assessment Determination
-Screening Determination for Appropriate Assessment, signed by the Minister and the Marine Advisor.

The documents were also available on the Departments website for the full public consultation period.

During this second Public Consultation, under Section 42 of EC Birds and Natural Habitats Regulations 2011, there was one submission made by members of the public (**Tab 18**) to which the applicant responded. (**Tab 19**)

Any member of the public that made a submission in the first period of public consultation was contacted individually to inform them of the second consultation.

7.0 Prescribed Bodies Consultation

Foreshore Regulations 2011 (S.I. No. 353 of 2011) provides under regulation 3 that when considering a foreshore application, as set out under section 18A (1) of the Act of 1933, the Minister may seek observations from a number of prescribed bodies. For this application, observations were sought from the following:

-Department of Housing, Local Government and Heritage Marine Advisors (Engineering and Environmental)
-Department of Housing, Local Government and Heritage (NPWS)
-Department of Housing, Local Government and Heritage (Underwater Archaeology)
-Department of Agriculture Food and the Marine
-Marine Institute
-Inland Fisheries Ireland
-Marine Survey Office
-Sea Fisheries Protection Agency
-Commissioners of Irish Lights
-Louth County Council

7.1 Consultation under S. 19 of the Foreshore Act 1933

During the first consultation period, which ran concurrent to the first Public Consultation period of 15 December 2021 and 27 January 2022, the Department received eight Prescribed Body submissions from Marine Advisor (Engineering), Marine Advisor (Environment), Marine Institute, Marine Survey Office, NPWS and Underwater Archaeology Unit, Department of Agriculture, Food

and Marine and Inland Fisheries Ireland. A submission was also received from Louth County Council. (**Tab 14**)
The applicant responded to these eight Prescribed Body submissions. (**Tab 15)**

7.2 Consultation under S. 42 of EC Birds and Natural Habitats Regulations 2011

During the second consultation period, which ran concurrent to the second Public Consultation period of 14 June 2022 and 14 July 2022, the Department received 5 Prescribed Body submissions, (**Tab 20**) from Marine Advisor (Engineering), Marine Advisor (Environment), Marine Institute, Inland Fisheries Ireland and Commissioner of Irish Lights. These were forwarded to the applicant. There were no objections in principle to the proposed works.
The applicant responded (**Tab 21**) to these Prescribed Body submissions.

8.0 Environmental Assessment

The Department's in-house Marine Advisor (environment) provided assistance with regard to the statutory and non-statutory environmental assessments of this Foreshore Licence application. The MA conducted independent assessments of the information provided by the Applicant, having regard to the Habitats Directive, the Birds and Natural Habitats Regulations and the public and prescribed bodies' consultations.

Environmental Impact Assessment (EIA) Regulations

The submitted application is for site investigations only. The environmental effects of the proposed activities have been considered by the Department's in-house Marine Advisor (environment). Their report forms part of the basis of this assessment and is considered robust and comprehensive. Prospective environmental effects have been considered as has the received third party submissions. With respect to uses specified under the EIA directive. A number of boreholes are proposed as part of this activity to ascertain the soil conditions in the survey area. The proposed project is for site surveying including boreholes to test the suitability of the sub sea bed conditions. This activity which is to ascertain soil stability does not fall within the classes defined under Annex I or Annex II of the EIA Directive and it is concluded based on the referred to report and the developments outlined in the Annex's of the EIA directive that an EIAR is not required.

Screening for Appropriate Assessment (Environmental Assessment)

As part of the assessment of the foreshore licence application, a Marine Advisor (Environment) 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 European sites from the the application for a Foreshore Site Investigation Licence. The reports prepared by the Marine Advisor (Environment) are to inform the Minister's decision in relation to AA Screening and Appropriate Assessment.

A number of application documents submitted by Oriel informed the Screening for Appropriate Assessment.

These are:
-Investigative Foreshore Licence Application form (ORE) (**Tab 01**)
-Foreshore Licence Map (**Tab 02**)
-Foreshore Licence Map Site Boundary Details (**Tab 03**)
-Site Boundary on Ordinance Survey Map (**Tab 04**)
-Site Boundary Map – Protected Sites and Designated Areas (**Tab 05**)
-Site Boundary Map with Indicative Shipping Lanes (**Tab 06**)
-Site Investigation Foreshore Map (**Tab 07**)
-Non-Statutory Environmental Report (T**ab 08**)
-Non-Statutory Environmental Report Appendix (**Tab 09)**
-Supporting Info for Application (**Tab 10**)
-Supporting Info for Stage 1 Screening for AA (**Tab 11**)
-Supporting Info for Stage 2 Assessment for AA (**Tab 12**)

The Marine Advisor (Environment) also reviewed the two submissions received during the initial Public Consultation (Public Consultation under S. 19 of Foreshore Act 1933) held from 15 December 2021 to 27 January 2022.

See:

-Consolidated Public Submissions from s.19 consultation (**Tab 13**)

The Marine Advisor (Environment) also reviewed the eight submissions received during the concurrent Prescribed Bodies Consultation, as well as reviewing Oriel's response to all submissions.

See:
-Consolidated Prescribed Body Submissions from s.19 consultation (**Tab 14**)

-Oriel's Response to Public Submissions and Prescribed Bodied Submissions (**Tab 15**)

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/

The Marine Advisor (Environment) completed the 'Screening for Appropriate Assessment' (**Tab 16**) report in May 2022. The Screening for an Appropriate Assessment was undertaken to determine if the proposed project, alone or in-combination with other plans or projects, was likely to have significant effects on any European sites. This process was carried out in accordance with the Habitats Directive and to the European Communities (Birds and Natural Habitats) Regulations 2011 and is consistent with national (OPR 2021) and EU (DEHLG 2010) guidance.

The likely significant effects from the proposed works were identified as being:

-Physical disturbance to the seafloor
-Disturbance due to the physical presence of the survey vessels
-Underwater noise
-Accidental oil spillages

A total of 33 European sites together with their site specific conservation objectives were considered. Likely significant effects from oil spillage could not be excluded for intertidal and coastal habitats and qualifying interests for the four European sites closest to the works site. Using the precautionary principle, significant effects of underwater noise on marine mammals from the geophysical surveys could not be excluded. Similar works in this area by the Offshore Renewable Sector means in-combination effects from man-made underwater noise cannot be excluded. Therefore a Stage 2 Appropriate Assessment was required.

The Department's Marine Advisor (Environment) drafted the Screening Determination for Appropriate Assessment which was approved and signed by the Minister on 6 June 2022 (**Tab 17**)

See eSubmission for Screening for Appropriate Assessment Determination at the following link:

https://housing.cloud.gov.ie/apps/eSubmissions/Submissions/Forms/Submission/docsethomepage.aspx?ID=21045&FolderCTID=0x0120D52000DB096E40F82F43B7B8B548D9897A3263000C18D9349E745A49B68658331A79D0B5&List=a366a464-9482-4f57-85d4-218c02ab7032&RootFolder=%2Fapps%2FeSubmissions%2FSubmissions%2FHLG%2000420%2D22&RecSrc=%2Fapps%2FeSubmissions%2FSubmissions%2FHLG%2000420%2D22

Appropriate Assessment

The Appropriate Assessment Screening process determined that likely significant impacts as a result of underwater noise from geophysical surveys on Annex II species of marine mammals from twelve SACs could not be rule out without mitigation. The possibility of significant impacts from accidental hydrocarbon spillage to two Annex I marine habitats at one SAC and a single coastal habitat at another was also recognised. Therefore a stage 2 Appropriate Assessment was required.

The Department's Marine Advisor (Environment) completed an Appropriate Assessment Report, (**Tab 22**) and identified the mitigation measures required to ensure that the proposed site investigation works, individually or in combination with other plans or projects will not adversely affect the integrity of any Europeans Site.

The Marine Advisor's Environmental Assessment and Determinations Report of 2nd September 2022, considered all the information submitted in support of this application and accepts the the conclusion and recommendations. (**Tab 23**)

On 6 October 2022, the minister approved the Appropriate Assessment and Conclusion (Tab 20) and signed the Conclusion and Determination Statement. (**Tab 24**)

The MLVC stated that the Consent Authority (DHLGH) must publish this Appropriate Assessment Conclusion Statement and Determination as part of their obligations under the Directive.

See eSubmission for Appropriate Assessment Determination at the following link:

https://housing.cloud.gov.ie/apps/eSubmissions/Submissions/Forms/Submission/docsethomepage.aspx?ID=21045&FolderCTID=0x0120D52000DB096E40F82F43B7B8B548D9897A3263000C18D9349E745A49B68658331A79D0B5&List=a366a464-9482-4f57-85d4-218c02ab7032&RootFolder=%2Fapps%2FeSubmissions%2FSubmissions%2FHLG%2000420%2D22&RecSrc=%2Fapps%2FeSubmissions%2FSubmissions%2FHLG%2000420%2D22

Risk Assessment for Annex IV Species

Article 12 of the Habitats Directive (92/43/EEC) affords strict protection to those species listed in Annex IV, wherever they occur. The applicant provided an Annex IV Risk Assessment report (**Tab 25**). It concluded that, with the implementation of mitigation measures:
- the risk of injury to Annex IV species is considered to be negligible, and significant effects are not considered to be likely
- the risk of behavioral disturbance to Annex IV species is considered to be extremely low, and significant effects are not considered to be likely.
Therefore, it is concluded that the proposed survey activities will not give rise to significant impacts to species listed under Annex IV of the Habitats Directive.

The Department's Marine Environment Advisor considered the application and the applicant's Annex IV Risk Assessment report, agreeing with and accepting this report and its conclusions in the Marine Advisor's Environment Screening Stage Report. (**Tab 26**)

This assessment is separate to that undertaken under Article 6.3.

9.0 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 and no claims of private ownership were raised during the application and public consultation process; therefore, the foreshore the subject of this application is state owned. Accordingly Section 3 of the Foreshore Act applies for the proposed site investigation. The licence area for this proposed site investigation application is shown on the following map submitted by the applicant:
"Foreshore Licence Site Investigation Area Map" dated 7/11/2021 (**Tab 7**)

It is considered that from an estate management point of view the location and activities proposed are considered to be acceptable. The SI area covered by this application extends to 53.002 km2. For clarity the submitted map should be attached to any licence issued. 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 original condition on completion of the works to the satisfaction of the Department of Housing, Local Government and Heritage.

10.0 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. In assisting the Minister to establish if a particular plan or project is in the public interest, the MLVC considered and assessed the following:
It is considered that while taking note that the state owned foreshore is finite resource which must be utilised sustainably, the proposed project is in the Public Interest, as it supports Government policy to support the development of off shore wind power which will allow for increased sustainable energy supply not only environmentally but also from a security point of view.

11.0 MLVC Assessment and Conclusions

The Marine Licence Vetting Committee (MLVC) is a non-statutory multi-disciplinary committee which is convened, as required, for the purposes of undertaking a technical assessment and an environmental assessment of an application under the Foreshore Act 1933, as amended, were requested by Foreshore Unit to undertake a technical assessment of this case. Members undertake to participate in each instance voluntarily, as representatives of their individual organisations.

The MLVC examined the application and supporting documents, the submissions and applicant responses received during the 1st and 2nd Public Consultations, the submissions and responses received during the Prescribed Body Consultations, conclusions regarding Appropriate Assessment Screening, Appropriate Assessment and Annex IV species, along with the Marine Advisor (Environment) Screening for Appropriate Assessment and Determination and Marine Advisor (Environment) Environmental Assessment Report with Appropriate Assessment Determination.

The MLVC concluded in its report (**Tab 27**) taking account of the totality of the documentation on file and subject to compliance with the specific conditions set out below, the proposed works would will not adversely affect Fishing, Navigation or the Environment and is in the Public Interest. Therefore, the MLVC recommend that the Minster issues a Foreshore Licence for the proposed site survey works as set out in the application.

The MLVC also recommended that the Minister:

-makes a finding that the proposed site investigation activities, individually or in-combination with other plans or projects, will not adversely affect the integrity of European sites outlined in the report in view of said sites' conservation objectives, and

- adopts the findings of the risk assessment to Annex IV species that has been carried out.

12.0 Agreement of the Applicant

Oriel Offshore Windfarm Ltd., has agreed to the recommended Site Specific Conditions to be attached to the Licence, if granted (**Tab 28**)

13.0 Financial Considerations

Oriel Offshore Windfarm Ltd., has agreed to pay the one-off fee of €950.00 for the Licence. (**Tab 29**)

14.0 Basis for Recommendation

Having regard to:
-The application, together with accompanying documentation;
-The submissions received from prescribed bodies (statutory consultees);
-The public consultations undertaken;
-The applicant's responses to the prescribed bodies observations and public submissions;
-The Screening for Appropriate Assessment Report prepared by the Departments Marine Advisor (Environment)
-EU Habitats Directive: Risk Assessment for Annex IV Species Report prepared by the Departments Marine Advisor (Environment)
-The Department's Marine Advisor (Environment) Environmental Report and Conclusions
-The assessment of the proposed development by the MLVC, 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 works would will not adversely affect Fishing, Navigation or the Environment is in the Public Interest and is aligned with the objectives set out in the NMPF.

It is recommended that a foreshore licence be granted to Oriel Offshore Windfarm Ltd, subject to the conditions recommended by the MLVC, and the financial considerations set out above.

15.0 Notification of Ministerial Determination

If approval is granted by the Minister, Oriel Offshore Windfarm Ltd 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.

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 on the website of this Department.
-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.

Submitted for approval

Related submissions

HLG 00254-22: Screening for Appropriate Assessment Determination on Foreshore Application FS007383 Oriel Windfarm Ltd., Site Investigations for the proposed offshore Oriel Wind Farm

HLG 00420-22: Appropriate Assessment Determination on Foreshore Application FS007383 by Oriel Offshore Windfarm Ltd., Site Investigation for the proposed offshore Oriel Wind Farm

User details

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