

Submission HLG 00436-22: Screening for Appropriate Assessment Determination on Foreshore Licence Application FS007404 Inis Ealga Marine Energy Park (IEMEP) Ltd for Site Investigations off Co. Cork

TO: [REDACTED]
STATUS: Completed
PURPOSE: For Decision and Signature

AUTHOR: [REDACTED]
OWNER: [REDACTED]
REVIEWERS: [REDACTED]

DIVISION: Foreshore
DECISION BY:

Final comment

Signed by minister, 11/10/2022

Action required

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

Executive summary

Inis Ealga Marine Energy Park Ltd have applied for a Foreshore Licence to conduct site investigations for a potential export cable corridor connecting the Array Investigation Area with a landfall near Ballymacoda, Co. Cork.

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 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 European sites. 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 site.

Detailed information

Overview

Inis Ealga Marine Energy Park (IEMEP) Ltd have applied for a Foreshore Licence to carry out Site Investigation (SI) surveys off the south coast of County Cork. IEMEP Ltd intends to carry out the proposed site investigations within this new investigation area for suitability for cable routing and other electrical infrastructure associated with Inis Ealga Marine Energy Park. The results of these surveys will also provide baseline data for environmental appraisal, Environmental Impact Assessment and subsequent Environmental Impact Assessment Report (EIAR) by the Competent Authority.

A range of site investigation surveys are proposed including Geophysical, Geotechnical, Metocean, Archaeological, Benthic Ecology & Intertidal and Birds & Marine Mammal Surveys. These proposed works will provide detailed information relating to the ground conditions and geology, and nature and morphology of the seabed present within the search areas along with up to date wind resource and metocean data.

A Foreshore Licence is sought solely for the proposed site investigation works which will be temporary and short-term. Undertaking

the site investigation works does not guarantee that an offshore wind farm and associated infrastructure will be developed.

Environmental Assessment

As part of the assessment of this foreshore licence application, ARUP were commissioned as Independent Environmental Consultants (IEC) 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 application for a Foreshore Site Investigation Licence.

Application documents submitted by Inis Ealga Marine Energy Park Ltd were examined by ARUP and informed the Screening for Appropriate Assessment. These are:

- Application Form (Tab 05)
- Foreshore Licence Map (Tab 06)
- Supporting Information for Screening for AA (SISSA) (Prepared by Applicant) (Tab 07)
- Schedule of Works (Tab 08)
- Consolidated Public Submissions [S19] (Tab 09)
- Consolidated Prescribed Bodies Observations (Tab 10)
- Applicants response to Public and PBC submissions (Tab 11)
- Area Coordinates (Tab 12)

The Department's Foreshore Notice website, currently containing the Application Form and the Map is at:

[gov.ie](http://www.gov.ie) - Inis Ealga Marine Energy Park (IEMEP) site investigations off County Cork (www.gov.ie)

Public Consultation under Section 19 of the Foreshore Act 1933

This site investigation licence application was open for public consultation from 21/10/2021 to 19/11/2021.

4 Submissions were received during Public Consultation. **(Tab 09)**

The Applicant provided a response to the Public Submissions. **(Tab 11)**

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 and received from: Department of Agriculture, Food and Marine, Department of Housing, Local Government and Heritage (NPWS), Department of Housing, Local Government and Heritage (Underwater Archaeology Unit), Marine Institute, Sea Fisheries Protection Authority, Inland Fisheries Ireland, Marine Survey Office, Marine Advisor (Engineering) Department of Housing, Local Government and Heritage, Marine Advisor (Environment) Department of Housing, Local Government and Heritage, Cork County Council

The Submissions received from the Prescribed Bodies **(Tab 10)**

The applicant provided a response to the Prescribed Bodies Observations. **(Tab 11)**

Risk Assessment for Annex IV Species

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

The Department's Marine Advisor (Environment) reviewed the applicant's environmental reports and concluded:

A review of the applicant's environmental reports provided sufficient relevant information in order for a Risk Assessment of Annex

IV species to be carried out by the IEC. With strict adherence to the DAHG 2014 guidance on underwater noise as outlined in the IEC's report it is very unlikely that any Annex IV species will be disturbed, injured or killed as a result of the proposed site investigation works. Having considered the application by DP Energy and the IEC's Risk Assessment of Annex IV species report I agree with and accept 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.

Screening for Appropriate Assessment Report

The Screening for Appropriate Assessment Report was completed by the IEC on the 26th September 2022. It concluded that likely significant effects as a result of this project, alone or in-combination with other plans and projects, on the conservation objectives of European sites cannot be excluded and therefore an Appropriate Assessment is required.

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 Site Investigation surveys off the coast of County Cork, individually or in combination with other plans or projects, would be likely to have a significant effects on any European site.

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 the integrity of European sites, in view of the said sites' conservation objectives.

This determination is based on the location, scale, extent and duration of the proposed site investigations, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

A copy of all the material which informed the Screening for Appropriate Assessment report is contained in the tabs below.

Tab 01 contains the Screening Determination for Appropriate Assessment statement, prepared by the Department's Marine Advisor (Environment), for **Ministerial Determination and signing**.

Tab 02 contains the Marine Advisor Environment Screening Stage Report, prepared by the Department's Marine Advisor (Environment).

Tab 03 contains the Screening for Appropriate Assessment Report, prepared by the IEC

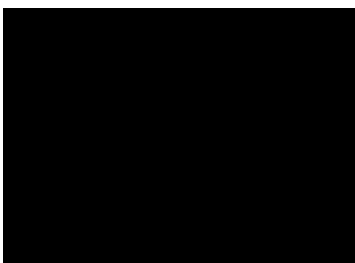
Submitted for Decision.

Related submissions

There are no related submissions.

User details

INVOLVED:



READ RECEIPT:

