

## Coastal Concern Alliance

### **Submission on Draft Guidance on EIS and NIS Preparation for Offshore Renewable Energy Projects**

*Prepared for the Environmental Working Group of the Offshore Renewable Energy Steering Group and the Department of Communications, Climate Action and the Environment by McCabe Durney Barnes, September 2016*

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*Coastal Concern Alliance (CCA) is an independent citizens' group set up in 2006 to campaign for reform of the undemocratic Foreshore Act 1933 which governs construction at sea, and the introduction of coastal and marine planning to balance competing interest in our seas. We are in favour of offshore renewable energy projects to help cut Ireland's fossil fuel consumption, provided such schemes are properly located and subject to full cost benefit analysis with unknown marine wildlife impacts and adverse landscape visual impacts viewed as very real costs.*

*We have been lobbying government on the need to reform foreshore governance since our foundation. In addition, we have made comprehensive submissions to over a dozen pertinent public consultations available on our website at [www.coastalconcern.ie](http://www.coastalconcern.ie). In the decade since 2006, we have seen the concerns we have raised about: i) the need for proper public consultation on offshore developments and ii) the adverse impact on landscape and marine wildlife of inappropriately sited offshore wind farms, become mainstream throughout the EU.*

### **DRAFT GUIDANCE – BACKGROUND**

Coastal Concern Alliance welcomes the publication of these new draft Guidelines on EIS and NIS preparation for Offshore Renewable Energy Projects. We see this as a welcome first official effort to address the inadequate regulation of the Celtic Tiger era which resulted in extensive tracts of sensitive near shore waters close to the Wicklow/South /Dublin coast being leased on the sole authority of the Minister for the Marine to private developers for the construction of two of the biggest offshore wind farms in the world (Arklow and Codling Projects see Box overleaf) . Leases were awarded under the outdated Foreshore Act 1933 without any strategic plan, affordable right of public appeal, statutory involvement of local authorities or full environmental assessment. Unlike in other EU countries, foreshore leases could be sold on before construction at a price based on the size of the development permitted, netting massive profit for the original Irish promoters.

Lax regulation and the vast potential profits to be had from “flipping” the foreshore leases resulted in a “land grab” off Ireland's East coast, with developers laying claim to large stretches of near shore waters on “a first come first served basis” There was no Government selection of potential sites, no public tender process, no restriction on proximity to shore or size of development. This light touch regulation was totally out of line with the consenting process for offshore wind farms in other EU countries. Project splitting was rife with no applications made for onshore works or grid reinforcement necessary to bring the electricity ashore.

Because of the inadequate consultation surrounding offshore renewable energy development in Irish waters, very few people are aware of the immense scale of the offshore wind farms permitted (1620MW) and proposed (c2000MW) See box overleaf.

### Irish offshore wind farms: permitted and proposed off East coast

*The permitted wind farms, 10/12km off Wicklow's high amenity coast, are the 520MW Arklow Wind Park (200 turbines) permitted by Minister Frank Fahey in 2002 and the 1100MW Codling Wind Park (220 turbines) off Bray Head permitted by Minister Noel Dempsey in 2005. Proposed wind farms currently under assessment include 330MW Oriel Wind Park (55 turbines) off Louth; the 520MW Dublin Array (145 turbines) off Dublin and the 1000MW Codling Wind Park 2 (200 turbines off Bray Head, the southern arm of Killiney Bay). The location of these large scale windfarms in important sensitive wildlife habitat close to the high amenity East coast is out of line with good international siting practice, reflecting the inadequate regulation of the sector. Turbines proposed are up to 5MW and the average distance from shore is 10km. This compares to the average distance from shore of offshore wind farms under construction in Europe in 2015 which was 45km according to the European Wind Energy Association.*

**Now that Ireland is to bring our environmental impact assessment into line with other EU countries, the challenge for Government is to ensure that the giant offshore wind farms permitted and progressed, 10 /12km off the East coast under an inadequate and outdated system, in breach of Irish and EU legislation, are now re-assessed in light of good environmental practice. Apart from a small pilot project (seven x 3.6MW turbines 10km off Arklow), these large scale industrial projects which will degrade the East coast, have not yet been constructed. They are too big and too close to shore.**

### **DRAFT GUIDANCE - COMMENT**

Overall, CCA welcomes the draft guidelines which seem relatively comprehensive. We would like to comment on the following three areas.

#### **1) Appendix 1V: Statutory and Non-Statutory Consultees**

We note that Coastal Concern Alliance is listed as a non-statutory consultee in Appendix 1V for the following EIS topics:

- Benthic ecology
- Seascape landscape and visual
- Marine, coastal archaeology & shipwrecks
- Aviation, Safety, Military exercise, telecommunications

CCA did not request to be included in the list of non-statutory consultees. Unfortunately, as a voluntary body, we do not have the resources to act as non-statutory consultees on all these specialised topics for all offshore renewable energy projects proposed in Irish waters. We must therefore regretfully ask for our organisation Coastal Concern Alliance to be removed from the list. We will continue to respond to pertinent public consultations as our resources permit.

#### **2) EIS topic: Seascape Landscape and Visual**

As a citizens' group we have been concerned with the threat posed to coastal landscapes and marine wildlife by the developer- led nature of Irish offshore wind farm projects, permitted and proposed for sensitive coastal areas in a planning vacuum. While there appears to be a welcome number of bodies, statutory and non-statutory, with interest and expertise in conserving our coastal wildlife there appears to be no organisation or Department with responsibility for conserving the natural beauty of our coastal landscapes. It is ironic that in Ireland with some of the most beautiful

coastal landscapes and seascapes in Europe, no agency appears to have statutory responsibility for preserving this key marine resource, central to our heritage, economy and quality of life.

**Throughout the EU, the landscape impact of offshore renewable energy is seen as an important environmental constraint. CCA would like to see the key national issue of “land/sea interaction”, neglected by the consenting authorities to date, given greater prominence and emphasis in the new Guidelines.**

Under the topic *Seascape Landscape and Visual*, the Guidelines list just four bodies as statutory consultees i.e. An Taisce, Local Authorities adjacent to the development, the Heritage Council and An Bord Pleanála. To date, **Local Authorities** in Wicklow, Dun Laoghaire/Rathdown, Dublin and Louth have made no assessment of the visual impact of the massive offshore wind farms permitted and proposed close to their high amenity coastlines. This is clearly unacceptable particularly since the developers themselves have predicted significant adverse visual impact on high amenity coastlines and important “views and prospects” listed for protection in local county development plans. **An Taisce**, the heritage body, appears not to have carried out visual impact assessments; the **Heritage Council** has emphasised the need to protect seascapes, an integral part of coastal landscapes, protected by the European Landscape Convention. However, this body like An Taisce is suffering from severe shortage of resources. **Bord Pleanála**, has had no role in visual impact assessment as there was no National Plan for our coastal waters and no right of appeal against the Minister’s decision.

The development agencies promoting offshore renewable energy - **The Marine Institute** and **Sustainable Energy Authority of Ireland** - have no role in coastal landscape/seascape protection. Unlike their counterparts in other EU countries, they have given scant attention to this important issue in assessing the environmental sustainability of projects. The key body in assessing offshore development proposals is the **Marine Licence Vetting Committee** which advises the Minister on whether to accept proposed development. Chaired by the Marine Institute, this committee consists of marine scientists and engineers drawn from State bodies and has no specialised landscape professional as a member.

The threat posed to our coastal landscapes by this gap in proper assessment is clear and is amply illustrated by the following example. In 2005, developers Treasury Holdings were awarded a foreshore lease for the construction of the biggest offshore wind farm in the world- the 200 turbine Codling Wind Park off Bray Head- on the sole authority of the Minister for the Marine **without the Consenting Authority, Wicklow Local Authorities or any consultee carrying out an independent professional assessment of the visual impact of this massive development on a high amenity area of outstanding natural beauty.** In effect, the developers were given a free hand.

### **3) 2.5 Offshore Renewable Energy Development Plan**

This lack of proper assessment of visual impact at individual project level has now reached crisis point as these projects form the foundation of Ireland’s Offshore Renewable Energy Development Plan (OREDP). This Plan is described in the Guidelines as “*setting the development policy framework against which the proposals for renewable energy projects in the marine area should be assessed at the consenting stage*”. CCA take strong issue with this statement due to the lack of proper assessment of visual impact of the large-scale offshore wind development (up to 800 turbines) deemed by the Plan and its accompanying environmental report to be capable of construction off the east coast “without significant environmental effect”. The draft Guidelines make just passing reference to the OREDP’s lack of landscape baseline data and visual impact assessment. In effect this lack undermines the Plan’s conclusions and renders it unsuitable as a policy framework.

The OREDP and its accompanying Strategic Environmental Assessment published in draft form by Minister Eamon Ryan in 2010, is a clear example of retrospective planning. It simply incorporated all the offshore wind projects permitted and progressed close to the East coast (800 turbines) in the previous decade with no Plan and no Strategic Environmental Assessment. The draft OREDP which is demonstrably developer-led was adopted by the government virtually unchanged in 2014. This Plan poses a serious threat to the East coast and “*its living and non living marine resources*” not least its landscapes and seascapes. The OREDP must be reviewed if the government objective of reforming marine governance and regulation is to amount to anything other than a sham. The submissions to the public consultation on this Plan many of them highly critical were not published. CCAs submission is available on our website [www.coastalconcern.ie](http://www.coastalconcern.ie)

## CONCLUDING COMMENT

CCA’s comments on the draft regulations have focused mainly on the neglected area of coastal landscape and seascape protection, a major issue of national importance. This is a key area of public concern and has shown itself to be so in public consultations on offshore renewable energy development throughout Europe where many countries, including Germany, Belgium and Netherlands have introduced a 22km buffer zone to protect sensitive coastlines. Ireland must stand up for its interest on this matter and protect our coastlines against unnecessary industrial development in the near shore zone.

We would like to see the Guidelines strengthened in this area and would suggest a few associated measures:

- The Guidelines should clearly state that seascapes are included in the definition of landscapes protected under the European Landscape Convention and in Ireland’s new landscape strategy
- There should be a presumption against development inside the 22km zone
- The responsibility and functions of statutory consultees, notably local authorities, in relation to landscape/ seascape protection should be clearly set out in new legislation
- The draft Guidelines state *that assessments in the marine environment such as seascape and visual assessment can require specialised expertise*. Specialised training should be provided for Consenting Authorities and statutory consultees on the topic of Seascape/ Landscape Visual Impact Assessment to ensure this important area is no longer neglected in Environmental Impact Assessment.
- Standard Baseline Data used in Environmental Assessment should include maps showing coastal areas of outstanding natural beauty and protected “coastal views and prospects”. This would help to guide developments away from areas where significant adverse effects on landscape/seascape are inevitable. Such maps should also be included in Marine Baseline Data, recognising that coastal landscapes are a significant marine resource in the receiving environment.
- Fáilte Ireland should be included as statutory consultees on the topic *Seascape Landscape and Visual* recognising the importance of Ireland’s beautiful coastal scenery to its tourist product and economy.
- Non-statutory consultees on this topic should include local and regional tourism groups, residents’ groups, community councils, tidy towns bodies and others with an interest in preserving the beauty of their local areas. Special effort should be made to convey the visual impact of proposed developments, particularly in non-technical summaries

- The OREDP should not be referred to as providing a framework for offshore renewable development until the officially acknowledged gaps in landscape /seascape assessment (cumulative and in combination) have been filled and the results incorporated into a revised Plan.
  
- A new specialised system of evaluating likely significant effects of offshore renewable energy should be introduced to replace the old EPA EIS guidelines introduced in 2002. The system used for evaluating the 200MW extension to the Horns Rev Offshore Wind Farm, 30km off the coast of Denmark, set out in the Guidelines (section 4.6.6. pg 36) provides a useful set of criteria as follows:
  - Importance of issue: international, national, regional or local
  - Magnitude of impact or change: major, moderate, minor, negligible, no change
  - Persistence: permanent, temporary
  - Likelihood of occurring: high, medium, low
  - Other: direct / indirect / cumulative impacts

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