

Energy Green Paper Submissions
Energy Planning Division
Department of Communications, Marine and Natural Resources
Adelaide Road
Dublin 2

30th November 2006

Towards a Sustainable Energy Future for Ireland.
Submission on behalf of

Coastal Concern Alliance

Dear Sir

We wish to make a submission relating to the Green Paper Towards a Sustainable Energy Future for Ireland.

We note that paragraph 2.2.17 states that *"there is good potential for technology such as offshore wind, wave and tidal ocean devices and the broad range of biomass technologies to develop to a stage where significant deployment may become a commercial reality. Our policy aim will be to support and develop these technologies through appropriate research, development and demonstration stages and then to move to commercial deployment levels when the market conditions are right"*.

We acknowledge the potential contribution of offshore technology to Ireland's energy mix. However, as stated above, these technologies are at a very early stage of research and development and their impacts have not been fully researched. Many EU countries have overhauled their legislation recently to ensure that concerns about negative impact on landscape, amenity, coastal character, marine life and bird life are properly and democratically assessed. Current Irish legislation governing foreshore development (The Foreshore Acts 1933 & 1992) is outdated and inadequate to effectively regulate construction of major industrial developments at sea. Under the current legislation, The Minister for Communications, Marine and Natural Resources has the sole authority with regard to the awarding of Foreshore Licences and Foreshore Leases. There is no public right of appeal. Clearly this situation is undemocratic. This legislation was targeted for revision in the Houses of the Oireachtas in 2001.

It was intended to:-

- (a) Replace the Foreshore Acts (1933 to 1998)
- (b) Make provision for appeals in relation to Foreshore Leases and Licences.
- (c) Make provision for an extended role for Local Authorities in relation to the coastal zone.

In view of the major democratic deficit in this legislation, which has already been officially recognised by Government **Coastal Concern Alliance** makes the following recommendations:

1. The replacement of The Foreshore Acts with new legislation specifically designed to regulate the development of construction of offshore electricity generating stations.
2. In line with best practice in Europe, (c.f. Denmark, United Kingdom) the new legislation should be preceded by comprehensive strategic environmental assessment of our entire coastline in conjunction with relevant government departments, heritage bodies and NGOs.
3. The recommendations of The Heritage Council (The Heritage Council, 2006; Offshore Policy Considerations 2.3.1) should be adopted, specifically No. 27, 28 & 29.

"(27) Carry out a Strategic Environmental Assessment of the impact of Ireland's renewable

energy programme on the marine environment, including the cumulative effects of multiple licences;

(28) Assess the long-term impacts of offshore wind farms and tidal barrages on the natural heritage;

(29) Prohibit the construction of offshore wind farms in designated areas or habitats;”

4. Statutory involvement of relevant Local Authorities should be an integral part of the permitting process.

5. A comprehensive public information programme and an open and transparent consultation process are essential.

6. This should include the erection of public notices in conspicuous shore-based situations adjacent to proposed development sites.

7. An independent Appeals Board, such as An Bord Pleánála or The Aquaculture Licenses Appeals Board should be established.

8. In the public interest, until the legislation is reformed, no Foreshore Leases should be awarded without the holding of a public enquiry. The Foreshore Act, 1933 (Section 2(8)) gives The Minister the power to call such an enquiry.



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30th November 2006