

Irish Offshore Wind: Beyond The Reach Of Planning?



Changing landscapes .. the future for Greystones, Co Wicklow and many other seafronts

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Introduction

Tax-driven development and speculation, facilitated by inadequate regulation, have seriously damaged Ireland, resulting in major negative social, environmental and economic consequences. Similar ills are now set to damage our coastal environment. During the Celtic Tiger years, developers were awarded foreshore leases for construction of two of the biggest offshore windfarms in the world off the East coast, under outdated legislation (The Foreshore Act 1933) on the sole authority of the Minister for the Marine.

There was:

- no statutory involvement of local authorities
- no right of appeal against the Minister's decision
- no public tender
- no central planning for Ireland's seas and coastal zones
- no independent, professional assessment of cumulative landscape impacts
- no Strategic Environmental Assessment to assess cumulative impacts
- no comprehensive, independent cost benefit analysis

These large-scale wind farms on the Arklow Bank and Codling Bank will have major cumulative impacts on the natural heritage of Co. Wicklow in terms of coastal landscapes and marine ecosystems. Due to the democratic deficit in the permitting process, these potential impacts have not been properly assessed.

Offshore Planning in Ireland – Democratic Deficit

It has long been acknowledged by major political parties, NGOs and government officials that the Foreshore Act 1933 which governs construction at sea is outdated and undemocratic. In spite of this, and in the clear knowledge that plans are progressing for unprecedented large-scale development in the coastal zone, the Act has still not been replaced by democratic ‘fit for purpose’ legislation. Since Coastal Concern Alliance was established in 2006, we have been calling for comprehensive reform of foreshore legislation and for the introduction of systems of Marine Spatial Planning¹ and Integrated Coastal Zone Management², as advocated by the European Union, to balance competing interests in our seas.

Under the Foreshore Act 1933, the Minister has sole discretion to award foreshore leases for construction at sea. There is no statutory involvement of local authorities and no public right of appeal against the Minister’s decision. **This is in contravention of Directive 2003/35/EC³** which states that citizens should have *‘access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to the public participation provisions of this Directive’*. It also states that *‘Any such procedure shall be fair, equitable, timely and not prohibitively expensive’*. Currently, no such review procedure is available in Ireland.

Offshore Windfarms Permitted

The 520MW **Arklow Bank Wind Park** (awarded a foreshore lease by Minister Frank Fahey in 2002) and the 1100 MW **Codling Wind Park** (Minister Noel Dempsey, 2005) will comprise up to 400 huge turbines, each up to 520 feet high, covering 120km sq of open sea stretching from Bray Head to South Wicklow. These wind farms are seriously out of line with good international practice with regard to size, scale and proximity to shore. By 2005, a total of **1620 MW** of offshore wind power had been permitted under these leases 10 to 12 km off the Wicklow coast. This was more than double the total amount of offshore wind power then **installed worldwide (700MW)** raising serious questions about the rigour of the Irish permitting process.

Coastal Landscapes/Seascapes

The Arklow and Codling developments will change the character and quality of Wicklow's coastal landscapes, designated as an 'Area of Outstanding Natural Beauty', and have significant adverse impact on coastal 'views and prospects' listed for protection in local County Development Plans. Because these windfarms are at sea, they are apparently outside the jurisdiction of local authorities who rigorously control development on coastal land but seemingly have no control over developments in near shore coastal waters which impact on designated coastal landscapes. It appears that no-one has responsibility for protecting the seaward side of coastal landscapes, an integral part of their character. This vacuum, combined with Ireland's inadequate regulatory regime, has allowed successive Ministers for the Marine to grant foreshore leases for these two large scale developments without independent, professional assessment of cumulative landscape impact. In addition, the visual impact of on land infrastructure (sub-stations, grid development etc.) has not been assessed. The coastal landscapes of Killiney Bay, Bray Head and Wicklow are a valuable, non renewable resource, central to national heritage, quality of life and tourism. Development which impacts negatively on the character and quality of these nationally important coastal landscapes can not be deemed to be sustainable.

Marine Biodiversity

Ireland's marine environment is under increasing pressure from human activities. The wind farms proposed off south Dublin and Wicklow will be located on '*shallow sandbanks partially covered by sea water at all times*'. Under the EU Habitats Directive, Ireland is required to prevent damage to these sandbanks, an important breeding and foraging ground for many marine species. National Parks & Wildlife Service in its report to the EU on '*The Status of EU Protected Habitats and Species in Ireland, 2008*' deemed the conservation status of the sandbanks to be 'unfavourable-inadequate' as a result of proposed wind farm development.

Potential impacts of offshore wind power development on the marine environment include disturbance effects from noise, electromagnetic fields, changed hydrodynamic conditions and altered habitat structure on fish, birds and marine mammals such as harbour porpoises, dolphins etc.

Offshore Wind Farms Proposed

In addition to the Arklow and Codling developments (see page 4) permitted under a regulatory regime now officially acknowledged to be inadequate, four other large scale offshore wind farms have been proposed by developers, and are currently under consideration by the Department of the Environment.

- 364 MW Kish Bank/Dublin Array, Dublin/Killiney Bay – 145 turbines
- 320MW Oriel Wind Farm, Dundalk Bay – 55 turbines
- 1000MW Codling 2, off Bray Head – 200 turbines
- 100MW Sceirde Wind Farm, Galway Bay – 20 turbines

These projects, involving 5MW turbines up to 160 metres high, would have significant landscape, wildlife and habitat impacts. For example, developers, Saorgus Energy, have lodged an application for a foreshore lease for construction of a large-scale offshore wind farm, Dublin Array, on the Kish Bank 10km off the South Dublin coastline. This proposed development comprising 145 turbines, would have significant negative visual impact on the character and quality of all coastal landscapes around Dublin Bay/Killiney Bay and degrade the shallow sandbank habitat of the Kish Bank, protected under Annexe 1 of the EU Habitats Directive.

Offshore Wind Turbines: how high? (from sea level to blade tip)



Speculation

Department of the Marine 'Note for Intending Developers'⁴, a statement of government policy under The Foreshore Act, states '*Foreshore Leases may be assigned with the agreement of the Minister but consideration will not normally be given to any such assignment during the period of application, construction or initial two year period of generation of electricity*'. In 2008, in spite of this clause, clearly designed to prevent speculation, the valuable 99-year lease for the 520MW Arklow Bank Wind Park was sold on by the original Irish promoters (Airtricity/NTR) to Scottish & Southern Energy at a price reflecting the size of the permitted development. In 2005, EcoWind Power, Treasury Holdings' wind energy unit, had entered into a joint venture with Fred Olsen Renewables to obtain the foreshore lease for the massive 1100MW Codling Wind Park (220 turbines) off Bray Head, Co Wicklow. In 2008, EcoWind Power was sold to Viridian, a UK power company, owned by Arcapita, a Bahrain-based investment group. All this activity took place around the time (Feb 2008) that Minister Eamon Ryan announced very significant price supports for offshore wind energy which had been sought by developers (€140 per megawatt hour of power produced). This announcement significantly increased the value of offshore wind assets and led to a rush by developers to stake their claim to potential sites in Ireland's near shore waters, mostly off the East coast. Wicklow (5 applications) and Wexford(6) were key targets. In October 2009, Fred Olsen Renewables applied for a foreshore lease for a second development (1000MW Codling Wind Park 2 with 200 turbines) off Bray Head. This application is currently under consideration by the Minister.

With no strategic planning, an uncontrolled 'free for all' has been taking place around Wicklow's high amenity coastline. Applications are now lodged for foreshore leases for over 2600MW of offshore wind, involving around 600 huge turbines on protected sandbank habitat in full view of the Wicklow coast. (Just 7 turbines are actually installed.) The magnitude of the proposed over-development is clear when one considers that this is 30% more than the total amount of offshore wind (2000MW) currently installed worldwide(2011). It beggars belief that no independent, professional assessment of landscape/seascape impact of massive offshore wind farm developments off Wicklow has yet been carried out. Lack of planning has given developers a free hand.

Cost Benefit Analysis

The new Programme for Government undertakes to carry out ‘*proper cost-benefit analysis and evaluation*’ of all major capital projects. The ESRI (16/12/09)⁵ and the Irish Academy of Engineering⁶ (20/2/2010; 25/2/2011⁷) have raised questions about the high cost of development of offshore wind, which is not necessary to meet Ireland’s binding renewable energy targets, and the impact of its development on competitiveness. IBEC⁸ (Sept, 2010) called on the Minister for the Environment to conduct a public debate on the national financial risks involved. The high cost of energy generated from offshore wind has been widely questioned. Most Irish commentators agree that a comprehensive cost-benefit analysis of offshore wind development is urgently required. Coastal Concern Alliance also advocates a cost benefit analysis of environmental impacts, including the cost of loss of biodiversity.

Draft Offshore Renewable Energy Development Plan – Retrospective Planning

Over 1640MW of offshore wind has already been permitted and plans for a further 1784MW progressed in Ireland’s near-shore zone, in a piece meal fashion under outdated legislation (Foreshore Act 1933) and regulations acknowledged to be unfit for purpose. There was no marine planning and no government strategic plan for development of offshore renewable energy. As there was no plan, the Irish Government managed to avoid its obligations under Directive 2001/42/EC, (The SEA Directive) which requires that member states carry out a Strategic Environmental Assessment to assess *the cumulative impact of plans and programmes likely to have an effect on the environment*. In 2010, with developers proposing extensive development on sites picked out on ‘a first come first served basis’, the Government belatedly moved to produce a Draft Offshore Renewable Energy Development Plan (OREDPP) and commission a Strategic Environmental Assessment (SEA)⁹ of its impacts. This Plan which will shape the future of our coastal zone should clearly be based on a democratically agreed marine policy which maps out a future scenario for our seas serving the public interest. Instead the draft Plan, referencing the outgoing government’s 40% target for renewables, seems to be based in large part on developers’ plans for extensive offshore wind projects in the East coast near shore zone. These projects have been permitted and advanced over the past eight years under a deeply flawed permitting system which does not comply with EU legislation. (see page 4)

In other EU countries and indeed in Northern Ireland, Strategic Environmental Assessment been used to inform offshore leasing decisions. It is difficult to see how it can do the same in Ireland. Two of the biggest offshore windfarms in the world with over 400 huge turbines have already been approved on protected sandbank habitat, 10/12km off the Wicklow coastline, designated as an Area of Outstanding Natural Beauty in the county development plan. In effect County Wicklow has been deprived of the protection intended by the EU SEA Directive.

In November 2010, the draft OREDP and its accompanying SEA was issued for 8 weeks public consultation by Eamon Ryan, Minister for Communications Energy and Natural Resources. In December, consultation was extended to allow for additional environmental information to be collected. The draft Plan is currently being assessed by the new Minister, Mr Pat Rabbitte.

EU member states must ensure that Environmental Reports/SEAs accompanying Plans such as the Draft OREDP are of a sufficient quality to meet the requirements of the SEA Directive. **The Environmental Report in this case is deeply flawed and falls short of legal requirements.** Its authors acknowledge these inadequacies stating: 'Data and information and knowledge gaps have been identified as a key limitation to this SEA. They can affect the level of confidence with which potential effects on the environment are identified and evaluated.' The Heritage Council submission on the Draft OREDP and SEA (28/2/ 2010) states 'Council believes that the SEA's findings and as a result the conclusions of the draft plan, fall short of the required level of confidence and detail.' **Crucially for Ireland's natural heritage, landscape/seascape assessments are acknowledged to be inadequate by the Plan's authors and the Heritage Council,** key statutory consultees charged with advising government on protection of landscape /seascape.

A further cause for concern is the inexplicable classification in the Plan of the large scale development permitted off Wicklow (420 turbines) and proposed (420 turbines) as 'already existing renewable infrastructure' although just seven turbines had actually been constructed. This classification sought by developers and agreed by the then Minister for Energy Eamon Ryan, effectively removed from proper SEA consideration this massive tranche of offshore wind to be situated largely on protected shallow sandbanks, 10 to 12km offshore , in full view of Ireland's high amenity East coast .

In light of the above shortcomings, it is clear that the draft OREDP and its accompanying Environmental Report are seriously flawed and should not be adopted by the current government. Coastal Concern Alliance has called on the new administration to commission an independent, professional peer review to protect the public interest .

The Draft OREDP suggests that the huge wind farms off the East coast, permitted in an ad hoc manner to service the Irish market without any strategic plan for use of their output, should be developed as an **export opportunity** with electricity exported direct to the UK. It has been officially acknowledged that Ireland will meet its renewable targets from wind farms on land without recourse to offshore wind which is more than twice as expensive. There is growing opposition in the UK (and throughout Europe) to offshore wind farms in the near shore zone, based on landscape and wildlife concerns. Is Ireland to degrade its unspoilt East coast to help the UK meet its renewable energy targets? Who is dictating the future of our coastal zone? Clearly not the people living along Ireland's East coast, most of whom have no idea of the wheeling and dealing going on in their coastal waters.

Conclusions

Coastal Concern Alliance supports effective measures to combat global climate change. However it is clear that actions to address this problem must be cost effective and must not compromise environmental protection in Ireland.

Former EU Environment Commissioner, Stavros Dimas, frequently stressed the need for conservation of biodiversity to move to the top of the political agenda. In a speech entitled 'EU Nature Policy – Challenges in a Changing World'¹¹ he stated: *'Our climate mitigation policies should not come at the expense of biodiversity. We have very important targets to achieve for renewable energies but we need to be careful about how and where they can be developed.'*

Such care has not been exercised in Ireland. Over the past ten years, developer-led plans for some of the biggest offshore wind farms in the world have been permitted and advanced in Ireland's sensitive near shore zone, on the sole authority of one Minister, with no Government planning and no Strategic Environmental Assessment under outdated legislation which does not comply with European Directives .

The development of renewable energy in Ireland's seas does not have to take place at the expense of nationally important coastal landscapes and vulnerable wildlife. Ireland's coastal areas are a vital part of our heritage, highly valued by Irish people and visitors alike. Coastal Concern Alliance calls on the new Fine Gael/Labour government to acknowledge past mistakes and ensure that Ireland adopts international best practice in coastal zone management.

Coastal Concern Alliance calls for:

- 1 **Review of Foreshore Leases** for the 520 MW Arklow Bank and 1100MW Codling Bank windfarms, granted under a flawed legislative and regulatory regime, long acknowledged to be unfit for purpose.
- 2 **Reform** of coastal zone management to include:
 - Marine Policy Statement, democratically agreed, setting out overall policy for our seas
 - Marine spatial planning to balance competing interests
 - Integrated coastal zone management to ensure a dovetailing of plans for land and coast
 - New system of marine licensing to replace the Foreshore Act 1933
 - Introduction of a 12 nautical mile buffer zone (22km) to protect coastal landscapes and wildlife
- 3 **Comprehensive cost benefit analysis** of economic and environmental impacts of the extensive offshore wind farms permitted and proposed in Irish waters.

Coastal Concern Alliance believes that Ireland's Strategic Environmental Assessment should recommend that a **12nm (22.5 km) buffer zone** be introduced in Ireland, as has been done in Germany, Belgium and The Netherlands, to protect our sensitive coastal ecology (birds, marine mammals, and protected habitats) and coastal landscapes. A similar protection zone has been recommended in Denmark (2008) and in the latest offshore SEA in the UK¹⁰.

References

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Coastal Concern Alliance is an independent voluntary group, set up in 2006 to campaign for reform of the outdated and undemocratic Foreshore Act 1933 governing construction in Irish waters and the introduction of coastal & marine planning to protect the marine environment and balance competing interests in our seas.

We have no industry or political affiliation.

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Codling Wind Park 1.

Photomontage of 1100MW Codling Wind Park 1, permitted off Bray Head, Co Wicklow in 2005, comprising 220 x 5MW turbines (each 160m high) viewed from Greystones, Co Wicklow, 14.5km distant. This photomontage has been prepared as recommended by the Landscape Institute's "Guidance for Landscape and Visual Impact Assessment".



Kish Bank Wind Farm

Photomontage of Dublin Array/Kish Bank Wind Farm proposed by developers on the Kish Bank off Dublin, comprising up to 148 turbines, viewed from Sandycove, South Dublin, approximately 9km distant.