



25th June 2010

2 Eden Park
Summerhill Road
Dun Laoghaire
Co. Dublin
Ireland

Email:
info@coastalconcern.ie
Web:
www.coastalconcern.ie

National Renewable Energy Action Plan
Department of Communications Energy & Natural Resources
29/31 Adelaide Rd
Dublin 2

Re: National Renewable Energy Action Plan

Dear Sir

Coastal Concern Alliance (CCA) is a voluntary body set up by concerned citizens in 2006 to campaign for:

- Reform of the outdated, undemocratic Foreshore Act 1933 governing construction in Irish waters
- Introduction of a modern system of marine spatial planning based on the ecosystem approach, in line with EU policy.
- Introduction of integrated coastal zone management to manage the land/sea interface.

We would like to comment on the Department's submission to the European Commission on Ireland's National Renewable Energy Development Action Plan. We are generally impressed with the range of measures proposed in both energy efficiency and energy production.

Offshore Renewable Energy Development

We wish to comment on the proposals in relation to offshore renewable energy development currently governed by the Foreshore Act, 1933 and amendments.

Coastal Concern Alliance

- We support the plan to develop a **Marine Spatial Strategy** which, together with the **Strategic Environmental Assessment**, will provide the framework to guide appropriate spatial use of Ireland's marine environment.
- We welcome the plan to pursue a system of **Integrated Coastal Zone Management**. This is essential to facilitate the involvement of Local Authorities and coastal communities in decision making in relation to developments in the coastal zone.
- Recent assessments from both the **ESB** and the **ESRI** have highlighted the very high cost of developing offshore wind. Careful independent, professional cost-benefit analysis needs to be completed before very significant amounts of public money are used to subsidise offshore renewable energy developments.
- In addition, an open analysis of the cost of price subsidies and grid development necessary to connect these projects to the Irish grid and the impact of these costs on Ireland's price competitiveness must be determined.

The Strategic Infrastructure Act

We are not supportive of the proposal to integrate strategic projects on the foreshore within the **Strategic Infrastructure (SI) Act**.

- The Planning and Development (Strategic Infrastructure) Act 2006 was introduced to function in conjunction with an existing democratically developed, land based planning system (The Planning & Development Acts, 1963-2000).
- Local development plans, ministerial planning guidelines, regional planning guidelines and the National Spatial Strategy which apply on land, have not been prepared for the marine area.
- Without this democratically agreed framework, it would be impossible for the Strategic Infrastructure Act to function in an effective, open and transparent manner.
- In fact, the extension of the SI Act into the marine environment would seriously compound the democratic deficit which currently exists under the outdated and undemocratic Foreshore Act 1933.
- With relation to the marine, third parties would face the impossible task of trying to make observations on grounds of "*proper and sustainable development*" without the framework of strategic or local plans.

European Legislation

CCA is of the opinion that that the developer-led approach which has characterised the awarding of foreshore leases for offshore wind farms in Ireland is contrary to principles of “*proper and sustainable development*”. To date, 1620 MW has been consented off the coast of South Dublin/Wicklow in a manner which is out of line with good international practice and at variance with EU legislation.

We would like to highlight in particular the following:

- **Directive 2009/28/EC states** “*The implementation of this Directive should reflect, where relevant, the provision of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters...*” (Directive 2003/4/EC).
- Under the Foreshore Act 1933, the lack of an appeal procedure in relation to foreshore planning decisions, inter alia, has prevented Ireland from ratifying the **Aarhus Convention** on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters. Current proposals should guarantee that Ireland meets our obligations under this Convention.
- It is our considered opinion that Ireland has breached **Directive 2001/42/EC (the Strategic Environmental Assessment Directive)** transposed into Irish law in 2004, by awarding in 2005 a foreshore lease for construction of the 1100 MW Codling Bank Wind Park without first putting in place a plan or programme which could provide the framework for strategic environmental assessment.
- **EU Natura 2000:** Extensive foreshore leases have been awarded before the survey and designation process has been completed.
- Ireland is currently facing a challenge from the European Commission in the European Court of Justice in relation to alleged failure to implement the **Environmental Impact Assessment Directive**. We are strongly of the opinion that the state itself has an obligation to carry out independent environmental impact assessment of major projects. The reliance to date on EIAs carried out by the developers is a major flaw in the current process.

Deepwater Horizon Disaster

Outside this jurisdiction the failure of regulatory authorities to adequately monitor environmental effects and the risks posed by large industrial installations off shore has been dramatically illustrated in the Deepwater Horizon drill rig disaster in the USA, currently the largest oil spill ever. Lax regulation and a close association of industry with the government agency charged with permit issue proved a faulty strategy. There are parallels with the imperative of the energy needs of the state as a development driver in Ireland’s current need to source energy offshore. In our view, the short extract below from the US Senate hearings (Appendix 1) mirrors shortcomings in the Irish system of regulation and consents.

CCA feels most strongly that good planning and full environmental impact assessment and ongoing monitoring must not be unduly influenced by the offshore generating industry, which is well funded and resourced compared to independent environmental groups such as ourselves.

We look forward to the implementation of a strategic plan-led policy framework for the development of offshore renewables to replace the current developer-led approach. We trust that the new planning system will work to protect the long term national interest and will comply with all relevant EU environmental legislation and regulations.

Yours sincerely,



Valerie Freeman



Ann Cuffe Fitzgerald

Coastal Concern Alliance

APPENDIX 1

Extract from the US Senate Committee on Energy and Natural Resources Hearings on Administration Response to Deepwater Horizon Disaster

Opening Statement – May 18, 2010

“I believe that there are several dimensions to regulatory failure in this case. President Obama suggested one, last week, when he cited a ‘cozy’ relationship between the Minerals Management Service, or MMS, and the industry it was regulating.

There are three other regulatory areas that I think bear some close examination in this hearing:

1. Whether we had the right technical standards in place to govern the drilling being undertaken by the Deepwater Horizon rig;
2. Whether we have been taking a ‘systems’ approach to oversight of deepwater drilling operations, with sufficient staff resources and training to match the complexity of what was being undertaken;
3. Whether we had adequate mechanisms to follow-up on changes being made to the complex drilling operation for this well, as drilling was proceeding.”