



Submission
on
Offshore Renewable Energy Development Plan, 2014
Mid-term Review, December 2017

Coastal Concern Alliance is an independent, voluntary citizens' group established in 2006 to campaign for reform of the outdated Foreshore Act 1933, and the introduction of coastal and Marine Spatial Planning to balance competing interests in our seas. We have no industry or political affiliations.

Introduction

The Offshore Renewable Energy Development Plan (OREDP), produced in draft form by Minister Eamon Ryan in 2010, was adopted by government in 2014. While the plan considers a variety of technologies, Coastal Concern Alliance's comments on the interim review relate to offshore wind as this is the area on which we have focused.

With regard to offshore wind, the OREDP is not a "National Strategic Plan", i.e. a plan for the future drafted in the public interest; it is a clear example of retrospective planning. The OREDP served simply to rubber stamp two large scale offshore wind farms (1620MW) permitted off Wicklow, and others progressed close to the east coast (c 2000 MW) in an ad hoc manner with no national plan and no Strategic Environmental Assessment. These offshore wind farms were advanced during the Celtic Tiger Era under the outdated Foreshore Act 1933, long officially acknowledged to be unfit for purpose and in need of significant reform.

When the final OREDP was published in 2014 it contended that a total of up to 12,500MW of fixed offshore wind, (8000 MW greater than the 4500 MW tested in the Strategic Environmental Assessment (SEA), and in the region of 2500 turbines) could be accommodated without significant environmental impact, although neither the SEA nor the Natura Impact Statement had considered the potential environmental impact of this hugely increased offshore wind penetration on the receiving environment. Nor had these massively inflated development scenarios been considered during the public consultation.

Coastal Concern Alliance is supportive of the need to develop alternative forms of energy to meet climate and energy goals. We believe that with regard to offshore renewables, the Irish government needs a well-resourced independent body to assess the various technologies, conduct full cost benefit analyses, weigh up options and, in consultation with local communities, choose methods which will contribute most to CO² reduction while having least impact on our environment, landscapes, wildlife and sense of place. In his Foreword to the OREDP, Minister Pat Rabbitte stated "The citizen must be at the heart of the transition to renewable energy". As a citizens' group, Coastal Concern Alliance believe that the current plan falls far short of this objective. With regard to Ireland's precious near shore areas, there is an urgent need to consult citizens on the plans being advanced for these state-owned waters, explaining fully the consequences and uncertainties associated with proposed developments and reaching a democratic decision as to the best way forward.

The development of renewable energy cannot come at the expense of the very environment it is trying to protect. This is particularly true in relation to the development of offshore wind which, if not sensitively sited, has widespread potential for degradation of the coastal zone, its marine habitats and landscapes. For example, with regard to the east coast near shore zone, do we choose to hand this high amenity space over to developers and international utilities for the construction of hundreds of turbines exporting power to the EU or do we follow the example of other European countries and place a value on this sensitive area by, for example, introducing a buffer zone around our coasts to protect marine wildlife, habitats and landscapes?

OREDP Mid-Term Review

A major challenge facing the OREDP is the manner in which the large scale offshore wind development it endorses off the east coast was permitted and progressed under outdated and undemocratic legislation (Foreshore Act 1933). We draw attention specifically to the following:

- a) The developer-led nature of the plans for large scale offshore wind development in the east coast near- shore zone.
- b) The lack of robust, democratic assessment of these projects, permitted and progressed in a ‘free for all’ between 2002 and 2008 and deemed by Minister Eamon Ryan (2010) to be “*already existing renewable infrastructure*” for the purposes of the OREDP.
- c) The scale of the acknowledged ‘*gaps and uncertainties*’ in the data presented in the OREDP and its accompanying SEA which invalidate the conclusions reached.
- d) The absence of adequate democratic involvement in the permitting of individual projects and in the production of the OREDP. The vast majority of Irish citizens are unaware of the massive offshore wind developments proposed.

The OREDP, in so far as it relates to offshore wind, is a product of the speculation and inadequate regulation of the Celtic Tiger years. Development interests clearly dominate. This Plan is not fit for purpose and should now be shelved.

Its sectoral focus is not compatible with the Government’s long awaited and very welcome new **Roadmap for Marine Spatial Planning**, just published (Dec 2017). The Roadmap’s opening statement is worth quoting.

“As an island nation with sovereign rights over one of the largest marine areas in Europe, Ireland’s economy, culture and society is inextricably linked to the sea. Our marine environment is a national asset that yields multiple commercial and non-commercial benefits in terms of, for example, seafood, tourism, recreation, renewable energy, oil and gas, cultural heritage and biodiversity. The future sustainable development of our marine area affects many people. In order to create places and spaces where people can work, live and enjoy, those with an interest can have their say in the marine planning process.” Towards a Marine Spatial Plan for Ireland, 12th December 2017.

These laudable aspirations, aiming for an inclusive, democratic national plan for the marine, can clearly not be realised if the developer-led OREDP is allowed to shape the future of our east coast.

ACTION 1. Put in place a robust Governance Structure for the OREDP

Q 1. Do you have any suggestions or additional measures to support and enhance the governance structures of the OREDP?

- To balance the OREDP's development agenda with other national policies, e.g. tourism and heritage protection, bodies such as Fáilte Ireland, The Heritage Council and Birdwatch Ireland should be represented on the Offshore Renewable Energy Steering Group.
- Minutes of the Steering Group meetings should be published.
- All submissions made in response to this consultation should be published in full. (The failure of the Department to publish submissions to the public consultation on the **Strategic Environmental Assessment of the OREDP serves to undermine its credibility.**)

ACTION 2. Increase Exchequer Support for Ocean Research, Development and Demonstration

Q3. Has the distribution of Exchequer Support for Ocean energy R & D been sufficient?

- Coastal Concern Alliance are supportive of R & D in sectors where there is potential for technological advancement, and where Ireland could develop competitive advantage and obtain a market lead e.g. floating offshore wind.
- The protection of key marine resources such as marine habitats and coastal landscapes has been shown to be of major importance to citizens throughout the EU. Government support should be channeled to technologies that can be advanced without impacting on these resources.
- No supports should be provided to the mature offshore wind sector, a well-established commercial scale technology, dominated by a few players. Offshore wind turbine supply is in the hands of a duopoly - Siemens Gamesa Renewable Energy and Vestas, who also run increasingly dominant service and maintenance divisions.
- Any Offshore Renewable Energy project funded by government or state agencies should be required to make data collected readily available to the public (excluding commercially sensitive data).
- Resources must be allocated to complete Landscape and Seascape Character Assessments as detailed in our response to Question 22.

ACTION 3. Introduce Initial Market Support Tariff for Ocean Energy

Q10. Do you have any suggestions on how to enhance or further implement support tariffs for this sector?

- The costs of offshore wind in the UK, Denmark, Germany and the Netherlands appear to be coming down due mainly to competitive tendering auctions and the projected future use of bigger, more cost-effective turbines (10 MW plus) in large arrays outside the 22km zone.
- With cuts in support payments across the EU, there seems to be no reason for support tariffs for the offshore wind sector in Ireland.
- No support tariffs should be given to pilot projects for offshore wind unless they have been adequately and democratically assessed in line with best international practice and sited to avoid adverse impact on key marine resources e.g. coastal landscapes and marine habitats.

ACTION 4. Develop Renewable Energy Export Markets

Q 11. Do you think that Ireland should develop offshore renewable energy resources to export electricity?

- Plans to construct large scale, near shore wind farms in the Irish Sea for export purposes, have been progressed nationally and internationally without any consultation with the Irish public.
- The Irish Scottish Links Energy Study (ISLES) is highlighted in the consultation document under 'Progress to Date'. ISLES refers to the 1100 MW Codling Wind Park 12 km off Bray Head as their '*anchor project*'. It is essential to appreciate that the Foreshore Lease for this massive 220 turbine development was awarded to Treasury Holdings in 2005 on the sole authority of the Minister for the Marine without a single submission from the public, an example of the total lack of democracy surrounding the awarding of foreshore leases in the Irish Sea.
- No decision should be taken to export wind power from Irish waters unless widespread public consultation on this issue has been undertaken. To inform this process comprehensive, independent cost benefit analysis must be carried out with adequate value attached to landscape, seascape and the marine environment.

ACTION 5. Develop the Supply Chain for the Offshore Renewable Energy industry in Ireland

Q 13. Do you think that significant progress has been made to develop the supply chain for the offshore renewable energy industry in Ireland?

- There is no evidence that supply chain jobs will result from offshore wind development in Ireland. Developments will most likely be owned and supplied by

foreign firms, who will meet market demands from existing locations in Europe, China and the UK.

- A recent report by the UK Labour Energy Forum “*Who owns the Wind*” (Sept 2017) has shown that although the UK is the major market for offshore wind installation in the EU at the moment, very little of the UK sector is owned by UK investors and companies.
- The report states that just 7.3% of the UK’s offshore wind generating capacity is owned by UK entities, 92.7% is owned by non-UK entities. 31.% of generating capacity belongs to Dong Energy, the giant Danish company.
- In relation to a proposed wind farm off Sussex, the GMB National Secretary for Energy said (September 2015) “*Unless Government insists on guarantees on local components sourcing and local jobs in return for higher bills that this energy will cost consumers, I think we can safely say that turbines will be built in Germany and Denmark, brought over on Dutch barges and in turn be connected by cables made in China. We need guarantees on how many jobs this investment funded by consumers will create in the UK and locally in Sussex.*”) It is obvious that an even more critical situation will exist in Ireland.

ACTION 6. Communicate that Ireland is open for Business

Q 15. Do you think that Ireland has been presented at home and abroad as open for business in Offshore Renewable Energy?

- With regard to offshore wind, the uncertainty created by Ireland’s outdated legislation (Foreshore Act 1933), under-resourced foreshore administration, absence of strategic planning and breaches of EU environmental legislation must be a disincentive to foreign investors who have seen such breaches of good practice lead to costly delays (and abandonment of projects) in other EU countries.
- With regard to **Harnessing Our Ocean Wealth**, referenced in this section, it is important to note that this Plan officially described as “an integrated marine plan for Ireland” has not been subject to public consultation. This is a clear example of the lack of democracy surrounding use of our marine resources which creates uncertainty for potential investors.
- As a foundation for our new system of marine spatial planning, Ireland needs a democratically agreed Marine Policy Statement setting out an overall vision for the seas. Such a statement, setting out a vision for clean, healthy, safe, productive and biologically diverse seas, was adopted in the UK in 2011 following widespread consultation and formed the backdrop for the Introduction of Marine Spatial Planning (MSP). Ireland urgently needs a similar democratically agreed marine policy statement. Otherwise MSP will represent ‘business as usual’ with the same development interests predominating and shaping the future of our coastal zone.

ACTION 7. Explore Potential for International Collaboration

Q 18. Do you have any suggestions as to how to further implement this action?

- With regard to offshore wind energy, in the last ten years there has been a wealth of new research on technical and environmental matters. It clearly makes sense for Ireland to avail of this research and share information with regard to best practice. The important issue of the Visual Impact of Offshore Windfarms, where Ireland lags behind other EU countries, is a case in point. Another environmental issue that is emerging as a major concern is the impact of noise on the marine environment affecting both marine mammals and fish.
- Ireland could also learn from the huge amount of attention devoted to public consultation and constraints mapping in the environmental SEAs for offshore energy in other EU countries e.g. UK Offshore Energy SEA3. (July 2016)

ACTION 8. Introduce a new planning and consent architecture for Development in the Marine Area.

Q 19. Do you think that sufficient progress has been made on the action to introduce a new planning and consent architecture for development in the marine sector?

- Significant progress has clearly not been made. Coastal Concern Alliance was set up in 2006 specifically to raise awareness of the need to reform the outdated and undemocratic Foreshore Act 1933, which allowed the Minister for the Marine to award foreshore leases for construction in Irish waters on his sole authority, with no statutory involvement of local authorities, no public tender and no right of appeal. This legislation, drafted 90 years ago before offshore wind farms were envisaged, remains on the Irish statute books. It is clearly unfit for purpose, does not comply with EU legislation, and has led to the chaotic situation which pertains in Irish coastal waters today.
- In November 2013, Coastal Concern Alliance was asked to make a presentation to the Joint Oireachtas Committee on this topic. This presentation, which sets out our recommendations for proper assessment, local authority involvement, Integrated Coastal Zone Management, wide public consultation, full stakeholder engagement and robust regulation is available in the Resources section of our website. (www.coastalconcern.ie)
- There is widespread awareness among officials, government bodies and politicians of the need for reform. In a Press Release from the Fine Gael National Press Office in June 2008 the Fine Gael Energy Spokesperson, Simon Coveney TD, stated “*The planning process as it currently stands is entirely inadequate, for what are major projects to construct enormous turbines within clear sight of the Irish coastline*”. This remains the situation today.
- The delay in reform is obviously due in part to the ‘gold rush’ which developed in our coastal waters between 2000 and 2008 with a huge number of applications for leases, and the consequent difficulty in placating all the vested interests involved. It remains to be seen how MSP will deal with the legacy of this outdated legislation. Will developers plans dominate once again or will it truly be a ‘bottom up’ plan as promised?

- We note that industry sources suggest progressing Foreshore Lease applications under The Foreshore Act 1933. Clearly this should not happen.

ACTION 9. Environmental Monitoring

Q 22. Do you have any suggestions as to how to further implement this action?

- The Environmental Report (SEA of the OREDP) stated
“a Parliamentary Statement provided by Eamon Ryan, Minister for Communications, Energy & Natural Resources confirmed that the SEA should not influence or affect the processing of existing foreshore lease applications.”

The objectives of an SEA are

“to provide a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.”
(Directive 2001/42/EC. Article 1).

Minister Ryan’s statement suggests that wind farm applications processed under legislation which was not fit for purpose should be allowed to progress without adequate scrutiny of potential environmental impacts. Essentially, those who were charged with drafting the OREDP had been directed by Minister Ryan to rubber stamp 4800 MW of offshore which had been progressed with no SEA and no National Plan, circumventing the opportunity for robust environmental assessment. This decision must be reversed when the Plan is comprehensively reviewed in 2020.

- Coastal Concern Alliance welcomes the publication (May 2017) of the EIS/NIS Guidance document which will hopefully lead to a full Environmental Impact Assessment by the competent authorities in the future. This publication does, however, underline the deficiencies in Environmental Impact Assessment of major offshore wind farms proposed in Irish coastal waters in the past 15 years.
- A major deficiency in the environmental assessment of large scale offshore wind farms permitted off the east coast has been the absence of independent professional visual impact assessment by the permitting authorities. Ireland, with one of the most beautiful and unspoilt coastlines in Europe, has been totally out of line with other EU countries in this regard. The OREDP fails to adequately address this serious issue while noting that the absence of Irish landscape and seascape character assessment represents a key gap in the baseline data on which the plan’s conclusions are based. Such a gap on such a major issue for Ireland invalidates the Plan’s conclusion that 4800 MW of offshore wind can be built off the east coast without serious environmental impact.
- The visual impact of offshore wind farms is a matter of major concern across the EU, with many countries introducing ≥ 22 km buffer zones to protect their sensitive inshore areas. The average distance from shore of offshore wind farms under construction in the EU in 2016 was 45 km. The wind farms permitted and proposed off Ireland’s high amenity east coast are in the region of 5 to 12km from shore. The developers’ Environmental Impact Statements predict adverse visual impact on most of the coastal ‘*views and prospects*’ listed for protection in local County Development Plans of Louth, Dublin, and Wicklow.

- Our coastal landscapes and seascapes are a key marine resource. Development which degrades them cannot be deemed to be sustainable. The Maritime Spatial Planning Directive (2014/89/EU) requires us to take into account land/sea interaction. Landscape character assessment and Seascape character assessments, deemed essential by Fáilte Ireland and the Heritage Council, must be undertaken as a prelude to MSP.
- With regard to the suggestion that the development of offshore wind projects will facilitate environmental monitoring, it is worth noting that Coastal Concern Alliance can obtain no record of any environmental monitoring at Ireland's only offshore wind farm, the 25MW Arklow Wind Park Phase 1, constructed on a shallow sandbank, a protected habitat, 10km off Arklow, Co Wicklow in 2004. The project is clearly affecting the environment. An application for levelling of the seabed by sea plough (up to 99,999 tonnes of material over an eight-year period) was granted by the Environmental Protection Agency in 2017.
- This levelling application necessitated by the operation of just seven turbines (the full Arklow project involves an astounding 200 turbines) sounds a warning note about possible unanticipated environmental implications (individual and cumulative) of the massive wind projects proposed by developers for shallow near shore banks off Louth, Dublin and Wicklow. This is precisely the risk identified by National Parks & Wildlife Service in its report to the EU on '*The Status of EU Protected Habitats and Species in Ireland, 2008*' which deemed the conservation status of these sandbanks to be 'unfavourable-inadequate' as a result of proposed wind farm development.

ACTION 10. Ensure Appropriate Infrastructure Development

Q 24. Do you have any suggestions as to how to further implement this action?

- The commissioned report on '*the integrated infrastructure requirements for the offshore renewable sector*' should be completed and published. The findings from this report should then be integrated into a full, inclusive cost benefit analysis of the projected cost of the OREDP.

Conclusion

Time has moved on since the OREDP was drafted. Significant technological advances have been made, the environmental costs of offshore wind are being more closely monitored and assessed and the value of coastal landscapes as a key marine resource has now been widely recognised. Offshore renewable energy could bring economic, social and environmental benefits to Ireland. However, offshore wind could have huge and unwarranted costs, particularly if developed in the sensitive near shore zone. Ireland has a huge marine space. We have a choice as to how it should be used. It clearly makes sense to follow good international practice and preserve the near shore, wildlife rich coastal zone for the benefit of our marine wildlife, tourism, heritage and quality of life.