



OFFSHORE WIND

Briefing Document

April 2015

COASTAL CONCERN ALLIANCE - Briefing Document

IRISH OFFSHORE WIND – A PLANNING SCANDAL

Foreshore leases for construction of two of the biggest offshore wind farms in the world with up to 420 turbines located on protected shallow sandbanks in full view of Ireland's high amenity East coast were awarded to private developers during the Celtic Tiger era without the knowledge of the vast majority of Irish citizens in a manner which did not comply with international best practice, Irish law or EU environmental legislation.

The offshore wind farms were permitted on the sole authority of the Minister for the Marine under undemocratic and outdated legislation (The Foreshore Act 1933) which had long been acknowledged to be in need of reform. The projects are the 520MW Arklow Bank Wind Park (200 turbines) 10 km off Arklow, Co Wicklow awarded a foreshore lease in 2002 by Minister for the Marine Frank Fahey and the 1100MW Codling Wind Park (220 turbines), 13km off Bray Head, Co Wicklow awarded a foreshore lease in 2005 by Minister for the Marine Noel Dempsey.

These developer-led wind farms were permitted without any National Plan for use of their output or Strategic Environmental Assessment (SEA) to assess cumulative environmental impacts. The projects were deemed to be *"already existing infrastructure"* in the Draft Offshore Renewable Energy Development Plan and its accompanying SEA published in 2010 by the Fianna Fail/Green coalition and adopted by the current government in 2014. This had the effect of removing these massive projects with 420 turbines from proper assessment. Just seven turbines have actually been erected (2003 Arklow Bank Phase 1).

The economic, social and environmental impacts of these large-scale near shore developments have not been publicly debated.

Offshore Wind – Ireland out of line with good EU practice

Official analysis of national regulatory regimes for offshore wind development conducted in connection with the North Seas Offshore Grid Initiative (NSOGI) shows that Ireland was out of line with good international practice in two key areas:

- a) allowing developers to pick out sites for offshore wind development rather than having the government select sites following an analysis of the country's needs; and
- b) allocating sites without any tender or public auction.

The NSOGI was set up with EU support in 2009 *"to establish a strategic and cooperative approach to current and future energy infrastructure development in the North and Irish Seas"*. The project seeks to identify ways to facilitate coordinated development of an offshore network that will further use of renewable energy in the North and Irish Seas. A Market and Regulatory Working Group was established *"to identify areas where the incompatibility of national markets and regulatory regimes acts as a barrier to coordinated offshore grid development (for example as regards regulatory oversight, grid operation and access, balancing and provision of ancillary services)"*. A questionnaire was compiled and each of the countries in the NSOGI completed it. In 2012 the Final Report of the Working Group was published. This highlights key discrepancies between Ireland and other EU maritime countries.

The Table below (see Appendix) taken from the Report sets out clearly the manner in which offshore wind sites were identified, and auctioned or tendered. Of the nine EU countries surveyed (Belgium, Denmark, France, Germany, Ireland, Netherlands, Norway, UK, and Sweden) Ireland and Sweden were the only countries where the identification of sites for offshore wind development was carried out by developers and sites were awarded without any auction or tender process.

Speculation & Inadequate Regulation

In Ireland, offshore wind has been entirely developer-led. In the period 2000 to 2006, developers were allowed to pick out sites on a *"first come first served basis"*, based on potential profitability. There was no restriction on size of development, location or proximity to shore. There was no National Plan for offshore wind development and no analysis of how such generation might contribute to the country's energy needs. Under outdated legislation (Foreshore Act 1933), drawn up before offshore wind farms were envisaged, developers were awarded 99-year foreshore leases for construction of the biggest offshore windfarms in the world on protected shallow sandbank habitat (EU Habitats Directive: Annex 1), 10/12km off the high amenity east coast, on the sole authority of the Minister for the Marine. There was no tender or auction process. Contrary to international practice, foreshore leases awarded could be

sold on or “flipped” before construction to international utilities, at a price based on the size of permitted development, netting massive profit for the original Irish promoters. By end 2006, 1620MW of offshore wind had been permitted close to the coast of Wicklow (520MW Arklow Bank Wind Park with 200 turbines off Arklow permitted 2002 and 1100MW Codling Wind Park with 220 turbines off Bray Head, permitted 2005). This was 60% more than the total amount of offshore wind then installed worldwide.

Under the Foreshore Act 1933, the Minister for the Marine was entitled to issue foreshore leases on his sole authority. He was advised by a small Marine License Vetting Committee, (MLVC), a non statutory body appointed by the Department of the Marine, comprising marine scientists and engineers. No professional planners or landscape professionals served on the committee. The Minister could accept or reject the MLVC’s advice.

There was no statutory involvement of local authorities in the awarding of foreshore leases. Their authority was deemed to end at the shore line; therefore they had no responsibility to assess the developers’ EIS. None of the adjoining local authorities assessed / submitted comments on the developers’ EIS during the formal consultation process for the giant Arklow and Codling developments, comprising a total of 450 turbines proposed in the near shore zone of their high amenity coastlines. Cumulative visual impact, a highly contentious aspect of offshore wind development, was not formally assessed by council planners or any independent landscape professionals.

Public consultation was grossly inadequate for the large scale development proposed (with widespread economic, social and environmental impact). With regard to the massive 1100MW Codling Wind Park involving 220 turbines, 12km off Bray Head the southern arm of Killiney Bay, one of Ireland’s most iconic seascapes, not a single submission from the public was received during the one month – consultation period. No media release was issued by the key Department of the Marine during the consultation or after the awarding of the lease for this giant development to Treasury Holdings and their partners (Fred Olsen Renewables) in 2005. In a classic example of project splitting, no application was made for planning permission for on-shore works an integral part of this project permitted on the basis that the energy generated would help Ireland reach its Kyoto targets.

Contrary to the consolidated EIA Directive, there was no affordable right of appeal against the Minister’s decision. In 2009, in an important judgement with regard to this Directive, the European Court of Justice found the Irish state guilty for failing to put in place a system allowing citizens to challenge decisions affecting the environment that is not prohibitively expensive

In sum, foreshore leases for construction of two of the biggest offshore wind farms in the world (520MW Arklow & 1100MW Codling) with up to 420 turbines located on protected shallow sandbanks in full view of Ireland’s high amenity East coast were awarded to private developers in a planning vacuum, without the knowledge of the vast amount of Irish citizens in a manner which did not comply with international best practice, Irish law or EU environmental legislation.

OREDP 2014 – developer led Plan

While all agencies agree that reform is needed, there is an unwillingness to face up to the legacy left by the speculation and inadequate regulation of the Celtic Tiger era. By any standards, the chaos in the coastal zone demanded an urgent review. However the new coalition government, elected on a reform platform, simply proceeded with business as usual. In 2014 Minister for Energy Pat Rabbitte adopted the previous administration’s draft Offshore Renewable Development Plan which had been published by green party Minister for Energy Eamon Ryan in 2010 following almost a decade of unfettered speculative activity in Irish waters. The Arklow and Codling offshore wind farms (420 turbines) were deemed to be “already existing infrastructure” although just seven turbines had been built. The OREDP 2014 and its accompanying SEA are a clear example of retrospective planning, serving to encompass all the speculative, developer- led offshore wind projects permitted and proposed close to the East coast in the previous decade with no Plan and no SEA. The Heritage Council and other bodies have offered important criticisms of this Plan however submissions to the public consultation were not published underlining the lack of transparency in the whole exercise. The OREDP 2014 is described as “*providing the framework for future development*”. The shocking democratic deficit at the heart of this developer-led plan is unacknowledged and the OREDP continues to be incorporated into a growing hierarchy of plans including Our Ocean Wealth and the Green Paper on Energy Policy.

With the acquiescence of the Government, offshore wind developers are now seeking to have their speculative projects re-classified as “an export opportunity”. Mr Johnny Ronan and other ex directors of Treasury Holdings (a property company now in NAMA) , via a new company Hazel Shore Ltd, have signed a grid connection agreement with the UK National Grid to export wind energy directly from

1100MW Codling Wind Park ,13km off S.Dublin /Wicklow to the UK. Recently the Codling Wind Park has been nominated as “an anchor project” for the EU-funded Irish Scottish Links on Energy Study – ISLES. (The other “anchor project” nominated for this study is the proposed 330MW Oriel Wind Farm 5.5km off the Cooley Peninsula a scenic area of Co Louth, which has not been awarded a foreshore lease for construction).

The Irish government must now halt this undemocratic process which is proceeding without the knowledge of the vast majority of Irish citizens or indeed their public representatives. A full cost benefit analysis must be carried out and the Irish people (particularly the residents of South Dublin and Wicklow) must be properly consulted as to what they wish to happen to their unspoiled coastal zone which contributes so much to the local economy and quality of life. Do we wish to degrade and industrialise our coastal zone with hundreds of giant wind turbines to meet the energy requirements of the UK or the wider EU ? Thousands of Irish people, including members of Coastal Concern Alliance have already protested because of lack of democracy surrounding energy policy. Lessons must be learned and political leadership given on this crucial issue for the future of our country.

The Future - Review needed

It is widely acknowledged that offshore wind farms must be properly regulated and carefully sited to avoid unacceptable impact on marine wildlife and coastal landscapes. Careful siting has been notably absent in Ireland. The entire process has been developer-led. CCA call for an acknowledgement of the legacy issues outlined above and a review of Irish policy with regard to offshore wind. A fresh approach is clearly needed. The Offshore Renewable Energy Development Plan first drafted in 2010 states that massive offshore wind farm development can take place off Ireland's East coast *without unacceptable environmental impact*. This statement, issued without appropriate landscape/seascape impact analysis, must be challenged and the advisability of such development must be reassessed. In addition, a full cost benefit analysis of the OREDP's vision of developing offshore wind “*as an export opportunity*” must be carried out and a clear national need for such development identified.

The results of such analysis must be presented to the Irish people for debate in line with new Government commitments for community engagement and consultation.

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Coastal Concern Alliance is an independent citizens' group set up in 2006 to campaign for reform of the undemocratic Foreshore Act 1933 and the introduction of integrated coastal zone management and marine spatial planning with full community involvement and public debate

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Appendix

NSCOGI (2012) 'The North Seas Countries' Offshore Grid Initiative Deliverable 1', Working Group 2, 13/01/2012 Available at:

http://www.benelux.int/files/9014/0923/4547/regulatory_and_market_challenges.pdf

Table 1 Offshore development: summary of responsibilities (NSCOGI, 2012: 37)

Table 1: Offshore development - summary of responsibilities

Country	Identifying development sites	Auctioning and tendering sites	Regulation
Belgium	Government ministry	Government Ministry	Government Ministry
Denmark	Government Ministry	Government Ministry	Government Ministry
France	The concerned Government Ministries	The concerned Government Ministries	The national regulator, on high-level guidelines from the Government Ministry
Germany	Government Ministry 1	Government Ministry 2	NA
Ireland	The developers after applying to a Government Ministry	Developer applies for developing and leasing consent for selected sites to Government Ministry 1 who refers to other ministries	Government Ministry
Luxembourg	-	-	-
Netherlands	Initial identification is made by project developers and utilities. Government Ministry 1 permitting procedure takes care of final project selection	Government Ministry 2	General Supervision on the electricity market by the national regulator
Norway	A group of relevant directorates led by the national regulator suggests areas for sites, but the final decision rests with the Norwegian Government	Opening areas requires a strategic environmental assessment made by a Government Ministry	Government Ministry
Sweden	The developer	No tendering procedure	N/A
UK	Government Ministry identifies the sites for development	Government Ministry auctions and tenders the sites to developers	General Supervision on the electricity market by the national regulator