



Our Ocean Wealth

Submission by Coastal Concern Alliance

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Introduction

Coastal Concern Alliance (CCA) is an independent, voluntary body established in 2006 to campaign for reform of the outdated Foreshore Act 1933, and the introduction of coastal and marine spatial planning to balance competing interests in our seas.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.

We welcome the opportunity to comment on “*Our Ocean Wealth*” and trust this interdepartmental initiative will form the first step in the democratic introduction of integrated coastal and marine spatial planning in Irish waters.

CCA is deeply concerned at the manner in which coastal zone policy has evolved in Ireland during the Celtic Tiger era, shaped largely by industry interests rather than an overall vision for our seas and coastal areas. Large scale offshore wind farm development has been permitted in Ireland’s East coast near- shore zone under outdated and undemocratic legislation (The Foreshore Act 1933) in a manner which does not comply with EU Environmental Directives; no coastal or marine spatial planning has been introduced to balance competing interests and large areas of ecologically rich habitat have not been surveyed and designated for protection as is required by the EU Habitats and Birds Directives.

As in many other areas of Irish governance, we are now at a turning point in our efforts to protect the public interest in management of a key national resource - the marine and coastal environment. The current administration must not choose to accept and build on the inadequate regulation and speculation of the past. Instead in the spirit of “Change Ireland”, it must openly acknowledge past mistakes and work to ensure that the future of our coastal area is based on open and democratic discussion of what is best for Ireland, its people and its environment into the future.

There is much to praise and support in *Our Ocean Wealth*, which represents a welcome effort to involve citizens in an open discussion about the future of their coastal zone. However, at the outset, CCA must take issue with the overriding emphasis on development and growth rather than the need to conserve and protect Ireland’s coastal environment, one of our most valued and vulnerable resources. “First do no harm” should be the guiding principle.

In this short introduction, CCA wish to put on the public record our concerns about certain crucial planning issues. These issues, which cannot be dealt with in the questionnaire format, relate specifically to the inadequate regulation of offshore wind farm development, the subject of major speculative activity off Ireland’s East coast between 2002 to 2008.

We address these matters under the following headings:

1. Global Offshore Wind Farms – Comparison with Ireland
2. Wicklow Offshore Wind Farms – Speculation and Inadequate Regulation
3. Draft Offshore Renewable Energy Development Plan
4. Export of Offshore Wind Energy (ISLES project)
5. Coastal Landscape Impact - a key constraint

1. Global Offshore Wind Farms: Comparison with Ireland

Irish Offshore wind farms permitted and progressed under outdated legislation (The Foreshore Act 1933) during an era of inadequate regulation and speculation (2002 to 2008) are generally out of line with good international practice with regard to the following key parameters:

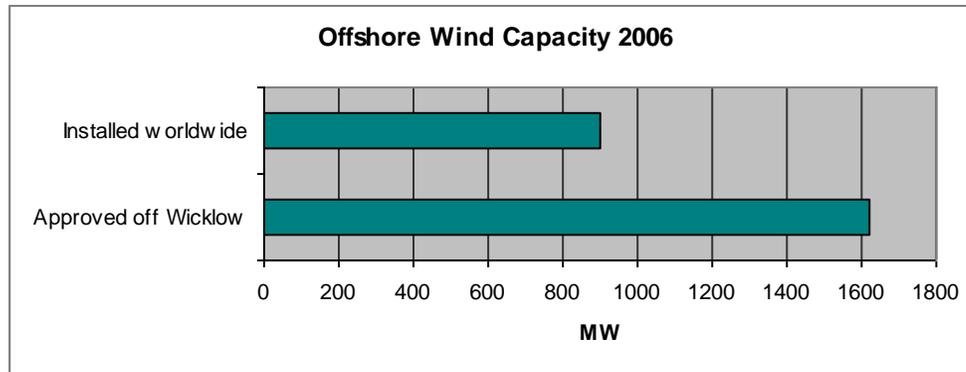
- Proximity to shore
- Number of turbines
- Turbine size
- Total Size of Wind Farm (capacity)

This point is illustrated in the CCA document *Global Offshore Wind Farms: Comparison with Ireland* ([click here](#)).

2. Wicklow Offshore Wind Farms – Speculation and Inadequate Regulation

There has been much analysis recently of the extensive re-zoning which took place in Ireland in the period 2002 to 2010. Between 2002 and 2005, the entire coastline of Wicklow, designated as an Area of Outstanding Natural Beauty because of its landscape quality, was in effect zoned for extensive industrial development. Two of the biggest offshore wind farms in the world were permitted under the outdated Foreshore Act 1933, on the sole authority of the Minister for the Marine. There was no statutory involvement of local authorities, no public right of appeal, no Marine Plan and no Strategic Environmental Assessment to assess cumulative impact. These massive developments were permitted close to shore on shallow sandbanks, an important and vulnerable marine habitat, listed for protection under EU Habitats Directive (Annex 1).

At end 2006, 1620MW of offshore wind power had been approved off Wicklow, almost double the total amount of offshore wind power then installed worldwide. This discrepancy raises serious questions about the rigour and quality of the Irish assessment process.



The **520 MW Arklow Bank Wind Farm** (developer Sure Partners Ltd) was awarded a foreshore lease by Minister Frank Fahey in January 2002. The **1100 MW Codling Bank Wind Park** off Bray Head (developer Treasury Holdings and Fred Olsen Renewables) was awarded a foreshore lease by Minister Noel Dempsey in November 2005. These large scale industrial developments, 10 /12 km offshore, involve a total of around 400 huge turbines, stretching along the entire Wicklow coast from Bray Head to Arklow. Each turbine will be approximately 160m/530 feet high, taller than a 35 storey building.

In 2008, contrary to government guidelines for normal practice, the 99 year foreshore leases for these projects were sold on, before construction, to international utilities by the original Irish promoters at a price based on the size of the development permitted. It appears that large profits were made by the sale of important national resources acquired for a pittance.

To compound the democratic deficit, the 520MW Arklow Bank Wind Park, was approved by Frank Fahey TD, Minister for the Marine without his Department authorising the production of the vital *Final Assessment Report & Conditions* from EIS Ltd, the independent consultants retained by the Department to assess the Environmental Impact Statement submitted with the developer’s application for a Foreshore Lease. The consultant’s *Preliminary Report* had raised serious questions about the adequacy of the information provided on key environmental economic and social impacts of the project and the effectiveness of the public consultation.

CCA has investigated the irregular manner in which these pivotal developments were permitted under “Access to Information on the Environment (AIE) Regulations”. Important details, which are not generally in the public arena, are set out in the CCA document [Wicklow Offshore Wind – Speculation and Inadequate Regulation \(2009\)](#).

CCA is calling for review of (i) the manner in which these foreshore leases were awarded, (ii) the non compliance with EU environmental legislation, (iii) the quality of the EIS, and (iv) the very limited consultation involved.

3. Draft Offshore Renewable Energy Development Plan – Retrospective Planning?

The Draft Offshore Renewable Energy Development Plan (OREDP) for Ireland (Nov 2010), was produced in the dying days of an administration characterised by speculation and inadequate regulation.

The draft Plan, which was accompanied by a Strategic Environmental Assessment to assess environmental effects, almost exactly mirrors the extensive offshore wind farm development permitted and progressed with no Plan and no SEA under outdated foreshore legislation, between 2002 and 2008, a period described in the *Nyberg Report (2011)* as a time of “national speculative mania”. CCA have made a [Submission on the Draft OREDP/SEA \(May 2011\)](#) setting out key concerns.

Background

As the possibility of obtaining valuable foreshore leases for construction of offshore wind farms emerged in the early 2000s, a “free for all” developed. Developers were allowed to pick out extensive near-shore sites on an ad hoc basis and apply for foreshore leases (essentially planning permission) to construct some of the biggest offshore wind farms in the world. There was no public tender process. Contrary to Government guidelines for normal practice developers were permitted to sell on the leases prior to construction. The price was based on the size of the permitted project, netting huge profit for the developers. A “land grab” ensued with developers claiming prospective sites on “a first come first served basis”, mostly on shallow sandbanks (protected Annex 1 Habitats) close to the east coast.

The draft OREDP was produced in October 2010 after almost a decade of unfettered speculative activity in Ireland’s in-shore waters. The development scenarios for offshore wind farms set out in the Plan for Ireland’s East coast (Assessment Areas 1 & 2) almost exactly mirror this speculative activity. Strategic Environmental Assessment, required under the EU SEA Directive, is intended to guide plans to ensure development is appropriately sited and sustainable. In Ireland’s case, SEA could not fulfil this function. In fact 36% of the draft OREDP’s High Development Scenario for Offshore Wind (4500MW) for 2030 was already fully permitted off Wicklow (1620MW) by 2005. CCA bar chart “[Ireland Offshore Wind Development 2002 -1010](#)” clearly illustrates this point.

Because of the size and scale of the offshore wind development proposed off Louth, Dublin and Wicklow, and the fact that leases were granted for 99 years, the draft OREDP, if it is adopted, will effectively determine the future of Ireland’s East coast into the next century.

If this draft Plan based on speculative activity, is accepted as a central part of the proposed Marine Spatial Plan for Ireland, then this crucial national plan will be seriously flawed by past regulatory failure.

CCA recommends that the serious shortcomings of the Draft OREDP be openly acknowledged and that the Plan should not be adopted by the current government.

4. The ISLES Project / Export

The European Commission Communication “*Energy Infrastructure Priorities for 2020 and beyond*” presents ideas to further a European offshore electricity grid. An integrated grid strategy for potential offshore wind developments in the Baltic and North Seas is deemed essential if the EU is to reach ambitious climate and energy objectives. The ISLES project, financed by the EU, and referred to in “*Our Ocean Wealth*”, assesses the feasibility of creating an offshore interconnected transmission network and sub sea electricity grid to connect up renewable energy sources in coastal waters off Western Scotland and in the Irish Sea /North Channel Area.

The large scale offshore wind farms on Ireland’s East coast (*Southern Isles*) were approved and progressed between 2002 and 2009, largely on shallow sandbanks (a protected EU Annex 1 Habitat), under outdated and undemocratic legislation (Foreshore Act 1933) with no Plan for offshore renewable energy development, no Strategic Environmental Assessment and no marine spatial planning. In contrast to the projects proposed for Western Scotland which have yet to be assessed (*Northern Isles*), the Irish projects are all in the near shore zone.

The foreshore leases for the 520MW Arklow Bank and 1100MW Codling Bank offshore wind farms were sold on in 2008 by the original Irish promoters (Airtricity /NTR and Treasury Holdings/Fred Olsen Renewables respectively) to UK power companies, Scottish and Southern Energy and Viridian.

According to Minister for Energy, Pat Rabbitte’s recent statement in Dail Eireann (18/1/2012), Ireland does not need the energy from these wind farms off our East coast to reach targets for domestic renewable energy.

It would clearly be inappropriate if these massive, developer-led projects, approved under an inadequate regulatory regime, at variance with EU environmental legislation, were to be used to export power to the UK or indeed the wider EU, where such large scale developments in the sensitive inshore zone would not have been permitted. Ireland’s valuable East coastal zone cannot be sacrificed to meet the UK’s renewable energy targets.

5. Landscape / Seascape Protection – a key constraint

Ireland must recognise the need to protect its valuable coastal landscapes and seascapes, central to our economy, heritage, tourism and quality of life. Seascapes are a key resource for the Irish people and the importance of their protection in the national interest must be given due prominence in Ireland's new coastal and marine planning system. Key heritage bodies in the UK have recently joined together to launch a "[Manifesto for Coasts and Seascapes](#)" emphasising the need for coasts and seascapes to be recognised and protected as a key resource in the marine environment. The ideas underlying this manifesto are very relevant to Ireland at this time.

CCA view it as a very serious omission that no independent, professional assessment has been made of cumulative landscape impact of the developer-led projects set out in the draft OREDP. The extensive offshore windfarms permitted and proposed 5/12 km offshore, involving hundreds of huge 5MW, turbines are out of line with good international practice. They will have a significant impact on the character and quality of designated East coast landscapes and protected "views and prospects" – a key part of Ireland's heritage. The failure of Irish regulators to commission an independent, visual impact assessment represents a serious failure of proper governance. Experience throughout the EU shows that visual impact of offshore wind farms is a matter of key importance to local authorities and communities.

Given the central importance of Ireland's unspoilt coastal landscapes to our national identity, quality of life, amenity, heritage and tourism, it is clear that landscape issues alone should warrant a full cost/benefit analysis before large scale offshore wind farms are permitted in our near-shore waters. This is particularly important in view of the following:

- technological advances which are increasingly facilitating the development of deep water wind farms far from sensitive coastlines
- the introduction of 12nm (22km) coastal buffer zones in many EU countries as standard good practice
- the fact that Ireland does not need offshore windfarms to meet renewable electricity targets.

Coastal landscape impacts must be viewed as a key constraint in all major development, in particular offshore wind farms inside the 12nm zone. It is acknowledged in the SEA of the Offshore Renewable Energy Development Plan for Ireland that national seascape/ landscape character assessments are inadequate. This central data gap must be filled and international best practice followed in assessing visual impact of marine development

The CCA [Photomontages](#) available here give an idea of the potential visual impact of some of the offshore wind farms proposed off Ireland's East coast.

Conclusion

Coastal Concern Alliance has been monitoring foreshore administration since our establishment in 2006. We are very aware of the legacy issues which the new administration has inherited and the difficulties which these present.

There is currently a crisis of public confidence in Irish governance. Unless the inadequate coastal governance of the recent past is openly acknowledged and addressed, Ireland's new integrated Coastal and Marine Planning process will be severely compromised.

This administration must ensure that the future of Ireland's East coast is not shaped by past speculative activity facilitated by outdated legislation and inadequate regulation. We have the opportunity to become a world leader in protecting our coastal landscapes and marine wildlife while fostering marine development which is truly sustainable. We must grasp that opportunity for the sake of future generations.

Further information is provided in CCA's [*Irish Offshore Wind: Beyond the Reach of Planning \(2011\)*](#).