



CONSERVATION PLAN FOR IRISH CETACEANS

COASTAL CONCERN ALLIANCE COMMENTS

Coastal Concern Alliance (CCA) welcomes the Conservation Plan for Irish Cetaceans and is in general agreement with its comprehensive recommendations for action. **However we have specific concerns about the threat to cetacean conservation posed by the inadequate legislative and regulatory regime governing the awarding of foreshore leases for construction of offshore renewable energy projects in Irish waters.**

CCA is highly supportive of the bid to develop marine renewable energy (wind, wave and tidal) to meet our national energy and greenhouse gas reduction objectives. However we believe that protection of marine ecosystems and biodiversity must be our first consideration. Offshore renewable energy may involve significant and unprecedented industrial development in Ireland's coastal zone. It is clear that such development must be to a proper scale and properly sited to avoid damaging impacts on a marine environment already threatened by human activity.

1. Outdated legislation governing marine development

Under the Foreshore Act 1933, acknowledged by the Government to be outdated and undemocratic, foreshore leases for two of the biggest offshore wind farms in the world, have been awarded by Minister for the Marine in Wicklow's nearshore zone, with no statutory involvement of local authorities and no public right of appeal. Sites for these extensive developments have been picked out by developers on "a first come first served basis" with no competitive tender, no prior selection of potential development zones by the government and no strategic environmental assessment, in apparent contravention of Directive 2001/42/EC (the SEA Directive), transposed in 2004.

2. Extensive development proposed off Wicklow coast

The consented windfarms, 520MW Arklow Bank and 1100MW Codling Bank, are out of line with good international practice in regard to size, scale and proximity to sensitive coastlines. At end 2008, a total of **1620MW of offshore wind power** had been **approved** off Wicklow compared to **1200MW installed** worldwide. The two consented

developments will involve a total of 420 huge turbines (up to 5MW) occupying over 100 km², 10/15km off the coast.

In addition to this consented development, an application was lodged in March 2009 for a foreshore lease for construction of another 1000MW offshore wind farm development – Codling Bank 2 - off Wicklow. Numerous applications have also been lodged for foreshore licences (for initial site investigation) in the area. It appears that the Wicklow coastline is being targeted by developers who view it as particularly profitable because of the number of shallow sand banks situated in this area and the proximity to large centres of population and grid connections. **If the developments consented and proposed off Wicklow go ahead, the result will be the world's largest concentration of nearshore wind farm development, totalling over 2620MW, involving over 600 turbines up to 5MW each, covering approximately 150 km², close to the Wicklow coast.**

3. Possible impact on Cetaceans

It is clear that such large scale development of a sensitive nearshore zone, unprecedented worldwide, could have very significant impacts, cumulative and individual, on cetaceans, in particular harbour porpoises.

Key concerns

- The possible impact of offshore wind farms on cetaceans, during construction, operation and decommissioning as documented by OSPAR, ASCOBANS, etc.
- The identification of noise as a pollutant by the EU Marine Strategy Framework Directive.
- The gaps in international scientific knowledge about the impacts of offshore wind farms and other marine renewable energy devices on cetaceans.
- The fact that studies to date have been carried out on small offshore wind farm developments and are not applicable to the extensive development proposed.
- The gaps in our understanding of the ecology of cetaceans in Ireland and the importance of Irish waters for breeding, feeding and migration.
- The identification of the Irish Sea in numerous surveys as an important habitat for harbour porpoise.
- The recent identification of Dublin Bay (north of Wicklow) and Carnsore Point (South of Wicklow) as possible cSACs for harbour porpoises. (Densities of porpoises in Dublin Bay are amongst the highest recorded in Ireland to date).
- The absence of an adequate base line survey of Wicklow coastal area using line transect methodology to determine distribution and abundance of harbour porpoises. (Such a survey was carried out in eight Irish coastal sites by IWDG during July/September 2008).

4. Legal provisions

The Conservation Plan sets out Ireland's key legal obligations as follows:

- All cetaceans are protected under the Wildlife Amendment Act (1976-2005) including protection of their “*resting places*” and from “*wilful interference*” up to **12 nautical miles** (22 km) offshore.
- Under the 1992 EC Habitats Directive (92/43/EC) and the European Communities (Natural Habitats) Regulations (1976) all Annex 1V species and their habitats are afforded strict protection within the Irish Exclusive Fisheries Zone.
- Ireland is legally obliged to designate Special Areas of Conservation (SAC) for harbour porpoise and bottlenose dolphin.

SUMMARY

Taking into account the following:

- The inadequate legislative and regulatory regime governing the permitting of offshore wind farms in Irish waters.
- The size and scale of the offshore wind farm development permitted off Wicklow under this regime with no Strategic Environmental Assessment.
- The gaps in our understanding of impacts of such large scale development on cetaceans.
- The absence of robust baseline data on the distribution and abundance of cetaceans, including harbour porpoises off the Wicklow coast, where over 2,600MW of offshore wind farms development is proposed.

CCA is of the opinion that to fulfil Ireland’s legal obligations and ensure the protection of cetaceans, the following “Future Actions” should be taken:

Monitoring

a) Adequate base-line survey should be conducted to determine distribution and abundance of cetaceans off the Wicklow coastline BEFORE the extensive offshore wind farm development permitted is allowed to proceed and before any further applications for foreshore leases/foreshore licenses in the area are considered.

Pollution

b) Research should be carried out regarding the possible cumulative effect on cetaceans of such a massive concentration of offshore wind farm development on sand banks, in Wicklow’s nearshore zone. Individual project impacts may be minor when considered in isolation but significant when projects are viewed collectively.

CCA urge that such research should be carried out as part of Ireland’s first SEA for Offshore Renewable Energy Development currently at scoping stage under the management of the Ocean Energy Unit at Sustainable Energy Ireland. Absence of robust base-line data on cetacean distribution and abundance in Ireland’s key target zone for offshore renewables must be urgently addressed in the context of this SEA.

c) A review should be carried out of the robustness of the cetacean impact analysis contained in the EIS submitted by developers in connection with the Arklow Bank and Codling Bank 1 projects.

Such a review is necessary given the acknowledged inadequacy of the consenting process under which these extensive developments were permitted. Queries must also be raised about the robustness of the EIS conducted in relation to the Arklow project in particular. These concerns are expressed in the *Preliminary Report on Assessment of EIS for Arklow Bank Wind Park (20/8/2001)* prepared by Environmental Impact Services Ltd, the environmental consultancy retained by the Department of the Marine to assess the EIS prepared for the Arklow development who concluded with regard to “Sufficiency of Data” that the EIS contained “*insufficient information on which to base a decision*”.

ADDENDUM

In conclusion, Coastal Concern Alliance would draw attention to the following publication which provides scientific backing to the concerns raised in this submission:

Proceedings of the ASCOBANS /ECS Workshop

Offshore Wind Farms and Marine Mammals- Impacts and Methodologies of Assessing Impacts

ECS Special Publication Series No 49 (Feb 2008)

http://www.wdcs.org/submissions_bin/wind_farm_workshop.pdf

Ends

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