

Regional Marine Advisor - Engineering Report

Application: Maritime Usage Licence (MUL) application for marine environmental surveys for the purposes of site investigation in support of future offshore renewable energy development.

Applicant: The Department of Environment, Climate and Communications.

Document control			
Rev	Date	Prepared by	Reviewed by
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Consenting Unit,
MARA,
Newtown Road,
Wexford.

18/06/2024

Re: Maritime Usage Licence (MUL) application for marine environmental surveys for the purposes of site investigation in support of future offshore renewable energy development.

Applicant: The Department of Environment, Climate and Communications. (DECC)

Usage: Marine environmental surveys for the purposes of site investigation in support of future offshore renewable energy development.

Site Location: Maritime Area off the south coast of Ireland.

Supporting information considered:

- Completed Application Form dated 07/03/2023.
- AIMU Report, Version D0.2 08/03/2024

Project Overview and Background

DECC seek to undertake a survey of the South Coast DMAP area to inform future offshore renewable energy development. The primary stated objective of this survey is to gather data on the sub-surface geology within the upper 100 meters below the seabed. This information will be used in assessing the suitability of the area for potential offshore wind and grid infrastructure development within the South Coast DMAP. The marine survey will include geophysical and some minor geotechnical investigations.

The proposed Maritime Usage is as follows;

Marine Site Investigation Works:

- Geophysical Surveys.

Hull-mounted Multibeam Echosounder,

Hull-mounted Sub Bottom Profiler,

Towed Sparker System, primary sound source,

Towed Mini-Air-Gun Sound Source, secondary sound source where inadequate penetration achieved with primary sound source,

Towed 150m long 48-channel Mini Streamer Hydrophone Array, with a positioning tail-buoy at the end,

Towed Side Scan Sonar,

Drop camera, dropped overboard from vessel

- Geotechnical Survey.

Day Grab or Hammon Grab for sampling soft sediments dropped overboard from vessel.

The above works are described in the supporting documentation submitted with the application, the location of the works are within the proposed MUL Area.

Marine Advisor Review and Assessment

Appropriate Consent Instrument

Under the Foreshore Act the Minister for Agriculture, Food and the Marine (MAFM) retains the function for authorisations in relation to a fishery harbour centre, an activity which is wholly or primarily for the use, development or support of aquaculture, or an activity which is wholly or primarily for the use, development or support of sea-fishing including the processing and sale of sea-fish and manufacture of products derived from sea-fish.

As the proposed site investigation works are not in relation to a retained function of the MAFM the appropriate instrument for authorisation is the MAP Act. More specifically, item 3 of Schedule 7 of the MAP Act 2021 includes “Marine environmental surveys for the purposes of site investigation” The proposed site investigation works, the subject of this application, therefore require a Maritime Usage Licence (Schedule 7.3 Maritime Usage) as applied for by the applicant.

Site Inspection, Existing Use and Activities

As the maritime usage is proposed for a large area off shore of the south coast of Ireland and there are no intertidal or shore based elements to the proposed survey works I did not conduct a site inspection, see figure 1.

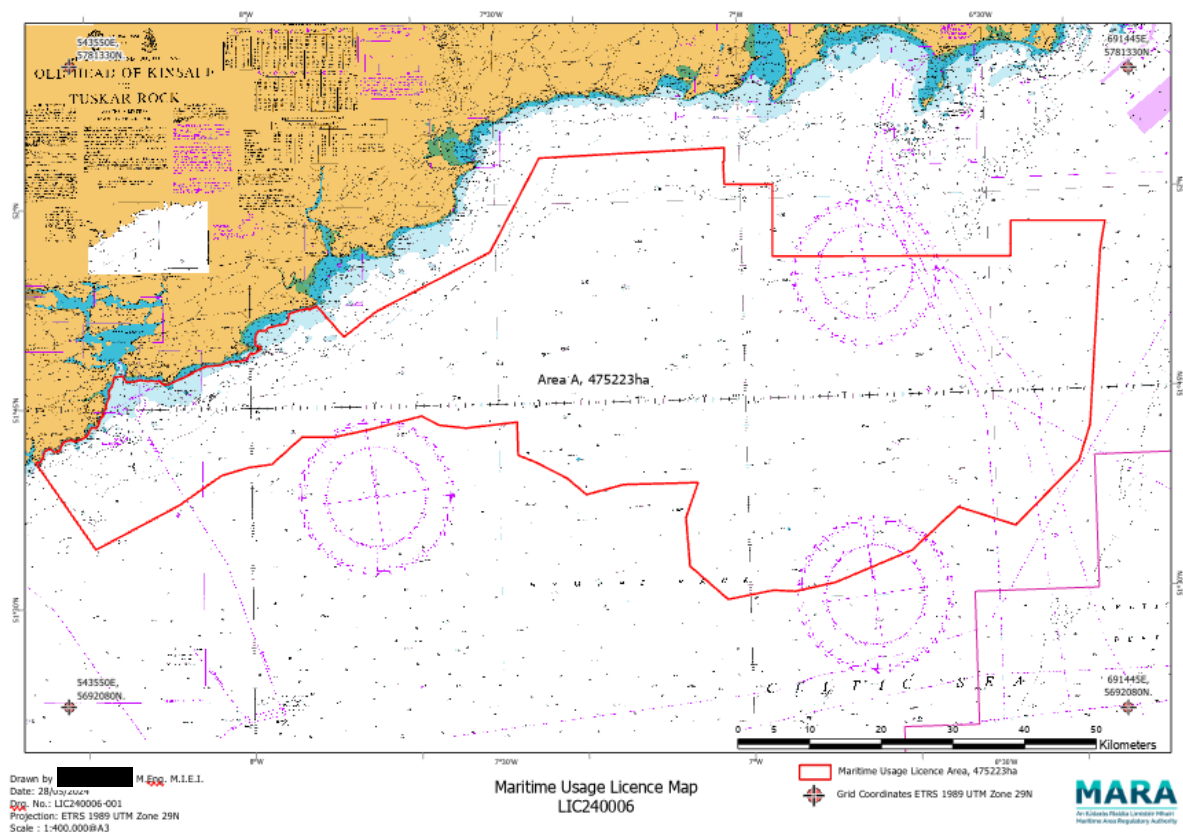


Figure 1. South Coast of Ireland showing S.I. Area outlined red

The site is 475,223ha of open sea off the south coast of Ireland extending from approximately east of the Old Head of Kinsale County Cork to south of Carnsore Point County Wexford, The seaward extend being between 15km to 70km offshore and in a water depth of between 10m and 75m.

Site Consent and Application History

The MUL area overlaps with the following existing foreshore licences;

File ref	Holder	Usage	Comment	Further Consideration Required
FS004585	BT Ireland	Telecommunications Cable	Overlays with proposed survey. Cables are identified on Navigation Charts. Proposed survey will not impact cable or vice versa. Foreshore Licences for cables are non-exclusive and therefore no impediment to the issuing of a MUL from an engineering perspective.	No
FS006281	Port of Cork Company	Dredging and Dumping of Dredged Spoil	Proposed survey overlaps with Dumping at Sea site. Proposed survey will not impact on Dump Site or vice versa. Foreshore Licences for Dumping at Sea sites are non-exclusive and therefore no impediment to the issuing of a MUL from an engineering perspective.	No
FS005115	PSE Kinsale Energy	Decommissioned Gas Pipeline	Overlays with proposed survey. Gas pipelines are identified on Navigation Charts. Proposed survey will not impact pipeline or vice versa. Foreshore Licences for Pipelines are non-exclusive and therefore no impediment to the issuing of a MUL from an engineering perspective.	No
FS006253	PiPiper Infrastructure	Telecommunications Cables	Overlays with proposed survey. Cables are identified on Navigation Charts. Proposed survey will not impact cable or vice versa. Foreshore Licences for cables are non-exclusive and therefore no impediment to the issuing of a MUL from an engineering perspective.	No

FS006408	Port of Cork Company	Dumping of Dredged Spoil	Proposed survey overlaps with Dumping at Sea site. Proposed survey will not impact on Dump Site or vice versa. Foreshore Licences for Dumping at Sea sites are non-exclusive and therefore no impediment to the issuing of a MUL from an engineering perspective.	No
FS006982	Energia Renewables	Site Investigation	Overlays with proposed survey. Foreshore Licences for Site Investigations are non-exclusive and therefore no impediment to the issuing of a MUL from an engineering perspective.	None
FS006983	SSE Renewables	Site Investigation	Overlays with proposed survey. Foreshore Licences for Site Investigations are non-exclusive and therefore no impediment to the issuing of a MUL from an engineering perspective.	No
FS007050	Greenlink	Electricity Interconnector	Overlays with proposed survey. Cables are identified on Navigation Charts. Proposed survey will not impact cable or vice versa. Foreshore Licences for cables are non-exclusive and therefore no impediment to the issuing of a MUL from an engineering perspective.	No
FS006916	EirGrid	Electricity Interconnector	Overlays with proposed survey. Cables are identified on Navigation Charts. Proposed survey will not impact cable or vice versa. Foreshore Licences for cables are non-exclusive and therefore no impediment to the issuing of a MUL from an engineering perspective.	None

The application overlaps with the following Existing MUL applications on hand;

File ref	Holder	Usage	Comment	Further Consideration Required
LIC230017	Microsoft	Site investigation	Overlays with proposed survey. Maritime Usage Licences for Site Investigations are non-exclusive and therefore no impediment to the issuing of a MUL from an engineering perspective.	No

Section 120 Part 7 of the MAPA which relates to Conditions attached to a MUL states that “It shall be deemed to be a condition of each licence that the part of the maritime area the subject of the licence is not for the exclusive use of the Schedule 7 usage the subject of the licence except where the licence expressly states that such part is for the exclusive use of such usage.” Accordingly it is assumed that any MUL issued will not be for exclusive use. This non-exclusive element together with the nature and short duration of the works proposed means that any potential MUL issued can coexist with all existing Foreshore Consents and Maritime Usage Licences under consideration. While completing their maritime usage the holder of a MUL has a responsibility not to damage or interfere with a third party’s property, infrastructure or fishing gear. Considering the proposed maritime usage is for geophysical and very minor geotechnical surveys there is no significant potential for conflicts between existing licenced or proposed maritime usages.

All maritime area within the 12NM limit is presumed state owned unless proven otherwise. Outside the 12NM limit the state holds the sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds. This licence area includes Maritime Area within and outside the 12NM limit. There are no known proven private claims of ownership to the maritime area the subject of this application.

Please note any potential environmental cumulative impacts of the proposed usage and any other proposed or existing licenced activity will be considered by the ARD Unit of MARA through the Environmental and Appropriate Assessment processes.

The proposed Site Investigation works does not conflict with any existing overlapping or adjacent consents or applications nor could it significantly injure the public use of, access to or enjoyment of the maritime area in question.

The total size of the maritime area, which is the subject of the application, is **475223ha**.

Coastal and Seabed Morphology and Sediment Transport Processes

Given the nature of the proposed maritime usage, and the limited range of potential disturbance impacts on seabed sedimentation, even in the absence of mitigation measures, the project will have no significant impact on Coastal and Seabed Morphology or Sediment Transport Processes.

Fisheries and Aquaculture

Subject to the comments of the SFPA and relevant public submissions, it is my opinion that,

- Considering the scale and nature of the proposed maritime usage, there is no potential for significant negative impacts on the spawning and nursery grounds of commercial fish and shellfish species during the proposed Site Investigation works.
- During the completion of the proposed maritime usage there is no significant potential for impact upon legitimate fishers operating in the vicinity.
- There are no aquaculture sites in direct proximity to the proposed Site Investigation works and therefore no impact is envisaged.

To further mitigate any potential the applicant has proposed to employ an on-board Fisheries Liaison Officer.

Navigation

MARA shall in the performance of its functions under the MAP Act have regard to the rights of the public in relation to navigation. It should be noted any vessels will be moving at slow speeds and will comply with the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs). To further mitigate any potential risk the licensee shall arrange for the publication of a Marine Notice through the Maritime Safety Policy Division of the MSO.

Cultural Heritage

The National Monuments Service (NMS) is tasked with addressing the protection and preservation of our underwater cultural heritage and in this regard the Underwater Archaeology Unit (UAU) of NMS has a wide remit, including quantification of the record, research, underwater survey, excavation and regulation. The UAU also assesses potential development impacts on underwater archaeology by making recommendations to the relevant planning authorities and other regulatory bodies on developments which have the potential to impact on underwater archaeology.

The proposed site investigation works have a limited potential to impact underwater archaeology. To mitigate any risk the licensee shall, in advance of operations, consult and comply with the requirements of the Underwater Archaeology Unit of the National Monuments Service.

Water Framework Directive (WFD)

Section 121 Part 2b (ii) of the MAP Act requires MARA to have regard to the WFD when considering a licence application. Council Directive 2000/60/EC (the WDF) on establishing a framework for community action in the field of water policy was adopted by all member states in October 2000. Since 2000, the WFD has been the main law for water protection in Europe. It applies to inland, transitional and coastal surface waters out to 1nm as well as groundwater. It ensures an integrated approach to water management, respecting the integrity of whole ecosystems, including by regulating individual pollutants and setting corresponding regulatory standards. It is based on a river basin district approach to make sure that neighbouring countries cooperate to manage the rivers and other bodies of water they share.

The key objectives of the WFD are set out in Article 4. It requires Member States to use their River Basin Management Plans and Programmes of Measures to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. The WFD is the primary legislation, which is supported by the Groundwater Directive, and other directives targeting the quality of surface waters.

The applicant's AIMU report has assessed the implications of the project on the receiving waterbodies and it concludes that, based on the scale and scope of the proposed project no impact on the any receiving waterbody will occur. This conclusion is based on the fact that the vessel proposed for the surveys is MARPOL compliant, regulated by the stringent control of waste, waste water and non-indigenous species and as such, no waste production is associated with the proposed project and therefore does not have the potential to cause a deterioration in water quality.

Considering the above it is my opinion that there is no significant risk of these works impacting the chemical or ecological status of inland, transitional, coastal surface waters and ground waters.

National Marine Planning Framework (NMPF)

The NMPF is a national plan for Ireland's maritime area. It sets out, over a 20-year horizon, how we want to use, protect and enjoy our marine area. The NMPF sits at the top of the hierarchy of plans and sectoral policies for the marine area and provides a coherent framework in which those sectoral policies and objectives can be realised. All decisions on individual applications determined under the MAP Act, must secure and be consistent with the objectives of the plan, similar to the way that terrestrial plans form part of the decision-making tool-kit in the on-land planning process. NMPF objectives are supported by specific policies that articulate factors that can form part of objective consideration.

Having reviewed and assessed the information on file for this application to complete site investigations works against the objectives of the NMPF, and subject to any comments by Department of Environment, Climate and Communications, I am satisfied the proposed works are consistent with ORE policies number 1, 2, 6 and 10 of the NMPF.

Licence Term

The Applicant has requested a term of 12 months for the Licence, I have no objection to the granting of a 12 month term.

Assessment & Conclusion

If completed as proposed and in accordance with the conditions set out below there will be no conflicts with existing leases, licences, MACs, MULs or applications on hand nor will the works proposed have significant adverse impacts on the public use of, access to and enjoyment of the maritime area, to navigation or to sea fishing or aquaculture. The works are in alignment with ORE Policies of the NMPF.

Recommendation

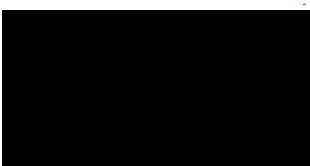
I have no objection to the granting of a Maritime Usage Licence under Section 119 of the MAP Act for this application subject to the following general and specific conditions;

General Conditions

1. The Holder shall use that part of the Maritime Area labelled Area A and shown outlined red on the attached drawing titled: Maritime Usage Licence Map LIC240006 Dated: 18/06/2024 Drg. No.: LIC240006-001 the subject matter of this licence, for the purposes as outlined in the application documentation except as may otherwise be required in order to comply with the licence conditions.
Reason: In the interest of clarity.
2. The Holder shall notify the Grantor 14 days prior to the commencement of the Permitted Maritime Usage or any subsequent part or phase of the Permitted Maritime Usage. This notification shall include an up to date Programme of Works for the completion of the Permitted Maritime Usage.
Reason: To ensure the orderly undertaking of the proposed maritime usage.
3. The licence shall be for a duration of 12 months from the Commencement Date.
Reason: To ensure the orderly administration of licenced usages in the maritime area.
4. The Holder shall ensure that contractors, and their subcontractors, are made aware of all conditions and project specific requirements and they are required to have briefings on these to ensure all parties are fully aware of these requirements.
Reason: In the interest of orderly administration of the maritime area.

Specific Conditions

1. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult and comply with the requirements of the Underwater Archaeology Unit of the Department of Housing Local Government and Heritage. National Monuments Service, G37, Custom House, Custom House Quay, Dublin 1, D01 W6X0.
Reason: To ensure the continued preservation of objects of archaeological interest.
2. Prior to the commencement of the Permitted Maritime Usage the Holder shall, through consultation and agreement with the Department of Transport, Marine Survey Office and Commissioners of Irish Lights, arrange for the publication of a Marine Notice through the Maritime Safety Policy Division. Navtext and radio broadcast warnings frequency to be agreed with the Irish Coast Guard.
Reason: In the interest of navigational safety.
3. On completion of the Permitted Maritime Usage, the Holder shall submit to MARA a statement from a Chartered Engineer confirming that works are completed in accordance with the documents submitted and the Maritime Area has been restored to its natural condition.
Reason: In the interest of orderly administration of the maritime area.
4. The Holder shall not damage or interfere with any third party's property or infrastructure while conducting the Permitted Maritime Usage.
Reason: In the interest of orderly administration of the maritime area
5. Prior to commencement, and for the duration, of the Permitted Maritime Usage the Holder shall employ a Fisheries Liaison Officer to consult with and fully inform relevant fishers in order that interactions with ongoing fishing activities in the area are minimised during the course of the Permitted Maritime Usage.
Reason: To protect the right to fish.
6. While conducting the Permitted Maritime Usage the Holder shall not interfere with any fishing gear or obstruct any fishers or fishing vessels engaged in fishing.
Reason: To protect the right to fish.



_____ M.Eng. M.I.E.I.
Senior Marine Advisor