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Consenting Unit,
MARA,
Newtown Road,
Wexford.

11/03/2024

Re: Maritime Usage Licence (MUL) application for the undertaking of marine environmental surveys for the purposes of site investigation.

Applicant: North Irish Sea Array Windfarm Ltd

Site Location: 124.99km² licence area in the North Irish Sea off the coast of counties Dublin, Meath and Louth as detailed on the maps accompanying the application.

Supporting information considered:

- Completed Application Form
- Application Drawings and Maps
- AIMU Report
- SISAA Report
- NIS Report

Project Overview and Background

North Irish Sea Array Windfarm Limited (NISA Ltd), a joint venture between Statkraft Ireland Ltd and Copenhagen Infrastructure Partners P/S, have applied for a Maritime Usage Licence under the Maritime Area Planning Act (2021) to undertake site investigation activities to inform the development of the North Irish Sea Array (NISA) offshore windfarm (OWF) and export cable, off the coasts of counties Dublin, Meath and Louth.



Figure 1.0 – Proposed Licence Area

The applicant intends to undertake survey campaigns within the proposed licence area, outlined in Figure 1, to inform the location and design of the proposed offshore wind farm and export cable route. The site investigation activities will include marine geophysical, hydrographic, geotechnical, benthic subtidal and intertidal ecological surveys, environmental, metocean, archaeological surveys and water quality monitoring. The total licence application area is 124.99 km².

The proposed geophysical element of the works will involve single beam echo sounder, multibeam echo sounder, side scan sonar, magnetometer and sub-bottom profiler surveys. The collected data will be used to better understand the water depths, topography and relief and structure of the seabed and the subsurface structure, in particular the sub-surface stratigraphy, determining sediment strata and the elevation of competent bedrock.

The geotechnical survey will evaluate physical properties of the superficial seabed sediments and/or bedrock formations and will comprise up to:-

- 94 no. boreholes
- 224 no. seabed CPTs
- 110 no. gravity cores
- 300 no. grab/core samples
- 30 Intertidal trial pits

Metocean site investigations will evaluate the wind, wave and current conditions across the Licence Area. These site investigation activities will involve the mobilisation of buoys and bottom profilers to collect data over periods varying from hours up to 12 months although floating LiDARs may be deployed for up to 24 months. The proposed metocean survey equipment includes up to 3 floating LiDAR buoys, up to 3 Waverider buoys and the deployment of up to 5 Acoustic Doppler Current Profilers (ADCP)

Marine Advisor Review and Assessment Appropriate Consent Instrument

Under the Foreshore Act the Minister for Agriculture, Food and the Marine 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 survey works are not in relation to a retained function of the Minister of Agriculture, the appropriate instrument for authorisation is the MAP Act. More specifically, item 3 of Schedule 7 of the MAP Act 2021 includes for the undertaking of marine environmental surveys for the purposes of site investigation or in support of an application under Part XXI of the Act of 2000. The proposed surveys, the subject of this application, therefore require a Maritime Usage Licence (Schedule 7.3 usage) as applied for by the applicant.

Site Inspection, Existing Use and Activities

I inspected the proposed export cable landfall site area on 16/01/2024. The proposed landfall area is situated to the north of Balbriggan immediately to the south of Braymore Point. The coastline in the vicinity of the proposed cable landfall site is an intertidal beach with low lying cliffs above the HWM (see photographs 1 and 2).



**Photograph 1 – Shoreline in the Vicinity of the Proposed Cable Landfall Site Investigation Area
Looking North. (16/01/2024. taken by P.N)**



**Photograph 2 – Shoreline in the Vicinity of the Proposed Cable Landfall Site Investigation Area
Looking South. (16/01/2024. taken by P.N)**

The proposed site investigation works in this area will involve trial pits in the intertidal zone and benthic grab sampling. The proposed works will have no permanent impact on other legitimate users or existing access arrangements. At the time of inspection I observed several families walking on and using the beach as an amenity area. Public access to areas of the beach will be temporarily restricted during the trial pit works. The application includes for up to 30 trial pits. The applicant estimates that each trial hole could be completed in approximately 1.5 hours meaning that the trial pit element of the survey campaign, considering tidal working, could take up to 2 weeks to complete. The applicant has stated that they will engage with key stakeholders and users of the maritime area prior to and during survey periods.

Site Consent and Application History

The proposed licence area is in the vicinity of the following maritime authorisations:-

- Lir (FS007392), Setanta (FS006973)
- Cooley Point (FS006852)
- Clogher Head (FSS006787)
- Statkraft North Irish Sea Array (NISA) Cable Route (FS007358)
- Statkraft North Irish Sea Array (NISA) Site Investigations Array Area (FS007031)
- Microsoft Ireland Operations Ltd (LIC230018)
- Mares Connect Electricity Interconnector (FS007635).

The proposed Site Investigation activities will not interfere with any existing maritime authorisations.

All maritime area is presumed state owned unless proven otherwise. There are no known or established claims of private ownership within the proposed licence area. Therefore the maritime area the subject of this application is currently presumed state owned and the proposed SI works do not conflict with the existing overlapping and adjacent consents or applications nor does it significantly injure the public use of, access to and enjoyment of the maritime area in question.

The total size of the maritime area, which is the subject of the application, is **124.99 km²**.

Coastal and Seabed Morphology and Sediment Transport Processes

The direct sampling activities which will be undertaken as part of this survey campaign include up to 94 boreholes, up to 224 CPTs, up to 110 vibrocores, benthic grab sampling and up to 30 trial pits in the intertidal zone on the cable landfall route. Given the nature of the proposed works, 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.

Sea Fishing 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 negative effects on the spawning and nursery grounds of commercial fish and shellfish species due to the Site Investigation operations.
- The Site Investigation operations have limited potential to affect legitimate fishers operating in the vicinity of the surveys, therefore the holder should engage with the local fishing community to ensure appropriate measures are in place and that clear and comprehensive notification/communication is provided prior to any works. The applicant should appoint a Fishery Liaison Officer (FLO) to engage with local fishing community to minimise disruption as far as reasonable practicable to fishing activity.
- Based on the information supplied by the applicant and relevant data available on Marineplan.ie, there does not appear to be any overlap between the Department of Agriculture, Food and the Marine (DAFM) aquaculture sites and the Licence Application area. The closest licenced aquaculture facility is located approximately 30 km from the licence area in Carlingford Lough, Co. Louth, for Pacific Oyster. Considering this, no impacts on aquaculture are anticipated.

Navigation

The applicant has stated that up to two specialist geotechnical vessels will be engaged in undertaking the geotechnical survey. They will typically be travelling at slow speeds and will also be stationary for a large portion of the time (approximately 6 hours at a CPT location, 24-36 hours at a nearshore borehole location and up to 48 hours at an offshore borehole location). The proposed works will also entail the deployment of up to 3 metocean buoys.

To mitigate any risk, in advance of the survey works being undertaken, the holder shall consult with the Commissioner of Irish Lights (CIL) and the Marine Survey Office (MSO) and shall arrange for the publication of a Marine Notice through the Maritime Safety Policy Division within the Department of Transport, Tourism and Sport.

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 Site Investigation activities, particularly the proposed boreholes, will have the 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 Water Framework Directive when considering a licence application. Council Directive 2000/60/EC (the Water Framework Directive WFD) 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 as well as groundwaters. 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 (RBMPs) and Programmes of Measures (PoMs) 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 WFD applies to inland, transitional and coastal surface waters out to one nautical mile. The applicant's AIMU report identifies and addresses the main potential sources of pollutant including increased sediments and accidental spillages, accordingly I am satisfied that the proposed site investigation activities will not result in a deterioration in a designated water body (or protected area) and will not jeopardise the attainment of good status (or the potential to achieve good ecological and chemical status).

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 conduct a marine Site Investigation survey against the objectives of the NMPF, I am satisfied the proposed works are

consistent with the objectives of the NMPF. In particular the proposed usage will assist with ORE Policies 1, 2 and 4 of the NMPF.

Licence Term

The applicant has requested a **7 year term** for the licence, from an engineering and estate management perspective I have no objection to the granting of a 7 year licence in this instance.

Assessment & Conclusion

The maritime area which is the subject of this application is state owned, there are no significant conflicts with existing leases, licences, MACs, MULs or applications on hand.

The works if completed as proposed will not 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 1, 2 and 4 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 conditions:-

1. The Holder shall use that part of the maritime area as shown lined red on the attached drawing titled: *Maritime Usage Licence Map 1 of 1, LIC230001*, the subject matter of this licence, for the purposes as outlined in the application and for no other purposes whatsoever.

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. 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.

4. 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.

5. Prior to the commencement of the Permitted maritime usage, the Holder shall employ a Fisheries Liaison Officer (FLO) to consult with relevant fishers and fisher's representative organisations in order that interactions with ongoing fishing activities in the area are minimised during the course of the Permitted maritime usage.

Reason: To minimise disruption of other legitimate users of the maritime area and to ensure the orderly undertaking of the proposed maritime usage.

6. The licence shall be for a maximum duration of 7 years from the Commencement Date.

Reason: To ensure the orderly administration of licenced usages in the maritime area.

7. During the course of the intertidal trial pit operations the holder shall ensure that existing public access arrangements are maintained, where possible, and all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation.

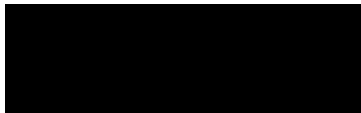
Reason: To ensure the orderly undertaking of the proposed maritime usage.

8. The maritime area shall be restored to its natural condition on completion of the Site Investigation works to the satisfaction of MARA.

Reason: To ensure the orderly undertaking of the proposed maritime usage.

9. 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: To ensure the orderly undertaking of the proposed maritime usage.



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