



From:	Assessment Research and Data Unit
To:	Maritime Authorisations Unit
Date:	29 th May 2024
Subject:	Final Environmental Report - Revised
Maritime Usage Licence number:	LIC230001
Applicant:	North Irish Sea Array Windfarm Limited
Location of proposed activity:	Approximately 12km off the coast of counties Dublin, Meath and Louth.
Type of maritime usage activity:	Marine environmental surveys for the purpose of site investigations

Background

North Irish Sea Wind Farm Ltd. (NISA Ltd.) are seeking a Maritime Usage Licence for a period of up to 7 years to conduct site investigation activities for the proposed North Irish Sea Array (NISA) wind farm to be located approximately 12km off the coast of counties Dublin, Meath and Louth. The objective of the NISA site investigations is to determine the environmental conditions, seafloor and subsurface geological characteristics within the Licence Area. The overall area that is the subject of this application is approximately 125km².

Preliminary Environmental Report

A Preliminary Environmental Report was prepared by the ARD and submitted to the Maritime Authorisations Unit on 21st February 2024. The conclusions in that report remain valid. The report noted that an appropriate assessment screening determination was made and determined that a Stage 2 Appropriate Assessment was required. The report also noted the risk assessment for Annex IV species, submitted with the licence application, and noted the conclusions of the report in relation to risk posed to Annex IV species as a result of the proposed site investigation works.

Assessment of Impacts of the Maritime Usage (AIMU) Report

The applicants AIMU report provided a comprehensive project description, programme of works and fully assessed the impacts of the project on the receiving marine environment. Specifically, the AIMU Report considered:

- Land & Soils
- Water

- Biodiversity
- Fisheries and Aquaculture
- Air Quality
- Noise & Vibration
- Landscape/Seascape
- Traffic & Transport (including navigation)
- Cultural Heritage
- Population & Human Health
- Major Accidents & Disasters
- Climate
- Waste
- Material Assessment

Having considered the nature, duration and location of the site investigation works, I conclude that there is no likelihood of significant effects on the receiving marine environment subject to the recommended licence conditions.

National Policy and EU Directives

The following European legislative instruments have been considered in the assessment of this licence application:

i. Marine Strategy Framework Directive (2008/56/EC)

Having reviewed and assessed the information submitted for this application, I am satisfied that the overall objective of this project does not contravene the objectives of the MSFD. Furthermore, I am satisfied that no implications shall arise from this project which would adversely affect MARAs obligations under the MSFD.

ii. Water Framework Directive (2000/60/EC)

Having reviewed and assessed the information submitted for this application, I am satisfied that the overall objective of this project does not contravene the objectives of the WFD. Furthermore, I am satisfied that no implications shall arise from this project which would adversely affect MARAs obligations under the WFD.

iii. Environmental Impact Assessment Directive (2014/52/EU)

The ARD completed an assessment for EIA requirement on 21st February 2024. This concluded that the project does not fall within the scope of the EIA Directive and therefore an EIA is not required.

iv. Bird Directive ((79/409/EC) and Habitats Directives (92/43/EEC)

The ARD undertook an Appropriate Assessment in respect to this project. Having considered the documents submitted by NISA , the observations received from the public consultation on the application, the appropriate assessment concluded, for the purposes of Article 6(3) of the Habitats Directive and Regulation 42(11) of the Birds and Natural Habitats Regulations, that the proposed site investigation activities for the proposed North Irish Sea Array (NISA) wind farm (either individually or in combination with any other plans or projects) will not adversely affect the integrity of any European sites , in view of the sites' conservation objectives, subject to the implementation of the mitigation measures. The ARD specifies mitigations that must be included in a maritime usage licence that may be granted in respect of the NISA application.

National Marine Planning Framework

The National Marine Planning Framework (NMPF) sets the framework for the forward planning component of our marine planning system. I am satisfied that this project, when undertaken in accordance with the recommended licence conditions will be consistent with the objectives of the NMPF.

Consultations

A 30- day public consultation period was undertaken under Regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011, commencing on 27 February 2024, with

the public invited to make observations. This public consultation period was subsequently extended to 15 April 2024. MARA also requested observations on the licence application from the following public bodies: Commissioner for Irish Lights, Department of Environment, Climate and Communications, Department of Agriculture, Food and the Marine (Foreshore Unit), Inland Fisheries Ireland, Marine Institute, Marine Survey Office, Department of Transport, National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Bord Iascaigh Mhara.

A total of four submissions were received on foot of the consultations, two from public bodies and two from members of the public. The submissions are outlined below.

Public Bodies	MARA Response
Commissioner of Irish Lights	
<p>Irish Lights has no objection to the granting of this licence based on the information supplied.</p> <p>Irish Lights requests that the following terms be included in the licence:-</p> <ul style="list-style-type: none"> • Before any aid to navigation (AtoN) can be established, altered or disestablished approval in the form of Statutory Consent under the Merchant Shipping Act must be obtained from the Commissioners of Irish Lights. The AtoN must be coloured and marked as per IALA (International Association of Marine Aids to Navigation and Lighthouse Authorities) Standards. Any Appropriate Assessment activity conducted as part of this licensing process should include the impact of the deployment of surface marking buoys and associated mooring which are required as part of the project. • The licence sought is located in a relatively busy traffic area. Irish Lights therefore advise consultation with local authorities and the Marine Survey Office (MSO), A Marine Notice should be published for the information of all local maritime users detailing the works, and any vessels which may be engaged in Site Investigation works. 	<p>MARA notes the comments from the Commissioner of Irish Lights. The onus is on the applicant to engage with the Commissioner of Irish Lights in relation to statutory requirements under the Merchant Shipping Act.</p> <p>The proposed works will not include deployment of surface marking buoys or associated moorings (AtoN).</p> <p>Furthermore, the onus is on the applicant to engage with the Department of Transport, relevant local authorities and the Marine Survey Office in relation to the requirements to marine traffic.</p> <p>The ARD team recommends that a condition be included in the licence stating that the licence is for the purposes of undertaking an activity in the maritime area and does not negate the licensee’s statutory obligations under any other legislation.</p>
Marine Institute	
<p>The Marine Institute (MI) noted that the proposed site investigations do not include bird monitoring or investigations and questioned if there is sufficient data already available to inform this</p>	<p>Maritime Usage Licences are not subject to Environmental Impact Assessments but the point is noted.</p>

Public Bodies	MARA Response
<p>subject area at the EIA stage for any future planning applications.</p> <p>The MI also noted the importance of considering the cumulative effects of the activities in light of the location and timing of similar activities along the east coast and the likely longer-term effects on marine mammals, birds and other biota, if any, and how these effects might be measured.</p> <p>Furthermore, the MI advised that similar data gathering exercises should be carried out in a coordinated fashion in order to avoid redundancy of effort and minimize disturbance while also broadening spatial and temporal extent of the baseline of information on habitats and species. The extension of ecological surveying beyond the footprint of the MUL area might also be considered.</p>	<p>The cumulative effects of the proposed activities have been considered alongside the cumulative effects of other proposed projects for these site investigation works as part of the appropriate assessment.</p> <p>MARA notes the submission of the MI and will ensure it is taken into consideration in respect of similar data gathering exercises.</p>
Public Submissions	
<p><i>Private Individual</i></p> <p>The individual was concerned that NISA had not planned public meetings in Gormanstown and Stamullen, Co. Meath, close to the coastal area where the licence is being sought.</p>	<p>The arrangement of public meetings is outside the scope of the appropriate assessment and also outside the scope of the MUL.</p>
<p><i>Private Individual</i></p> <p>The individual objected to the granting of a licence for this area on the basis of the archaeological importance of the site.</p> <p>The submission also referred to the environmental importance of the MUL area. In particular, the individual noted the importance of the area to a number of species (Roseatte Terns, grey seals, oyster catchers, short eared owls and herons).</p> <p>The submission also referred to the unsatisfactory manner in which the extension to the period for public consultation was communicated.</p>	<p>While the comments relating to archaeology are outside the scope of the appropriate assessment, it should be noted that the applicant stated in their application that an archaeological survey is included in the proposed activity. This work will be undertaken by a suitably qualified archaeologist to determine the location of all known archaeological features in advance of the geotechnical and environmental survey.</p> <p>The impacts of the proposed site investigation works have been considered in the context of the appropriate assessment for this licence application.</p> <p>The public was advised of an extension to the public consultation period through newspaper notices in one national paper and three relevant local papers. Copies of these notices are available on the MARA website.</p>

Conclusion and Recommendation

Having considered the information submitted in support of the application, I have no objection to the granting of a Maritime Usage Licence under Section 119 of the MAP Act for this application subject to inclusion of the following conditions:

1. This licence is for the purposes of licensing under the Maritime Area Planning Act, 2023, as amended, and nothing in this licence shall be construed as negating the Holders statutory obligations or requirements under any other enactments or regulations.
Reason: *To clarify the scope of this licence.*
2. The Holder shall ensure that the survey activities are carried out and completed in accordance with the conditions of this licence.
Reason: *To clarify the scope of this licence.*
3. Prior to the commencement of the activity the Holder shall consult with the Marine Survey Office to ensure that all vessels engaged in this activity conform to Irish Certification standards.
Reason: *To ensure protection of the marine environment.*
4. On completion of the activity the Holder shall provide the United Kingdom Hydrographic Office (UKHO) at hdc@hdc.hydro.gov.uk with the latest bathymetry data so that the appropriate charts can be updated.
Reason: *To ensure protection of the marine environment through availability of monitoring data.*
5. The Holder is required to submit details of all acoustic surveys undertaken in accordance with this licence to Marine Environment, Department of Housing, Local Government and Heritage. This data shall be provided in the reporting format of the OSPAR Impulsive Noise registry.
Reason: *To ensure protection of the marine environment through availability of monitoring data.*
6. Marine Mammals
 - i. The Holder shall appoint a Marine Mammal Observer for the purposes of overseeing the activity. The Marine Mammal Observer shall satisfy the requirements of the National Parks and Wildlife Service.
 - ii. The Holder shall implement risk control and mitigation measures for marine mammals in accordance with National Parks and Wildlife Service *Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters*.
Reason: *To ensure the protection of the marine environment.*
7. Birds
 - i. The movement of tracked vehicles in the intertidal area will be restricted to minimum access tracks necessary to achieve completion of the site investigation activity.
 - ii. Any trial pits excavated for the purposes of the site investigations will be refilled as soon as practicable.
 - iii. Where the Holder observes significant clusters of birds, actively fishing and/or diving, within 500m of the vessel, the survey route shall be altered to maintain a 500m buffer from the birds. Records of same must be kept by the Licence holder.
Reason: *To ensure protection of the marine environment.*

8. Accidental events

The Holder shall ensure that there is a Shipboard Oil Pollution Emergency Plan on-board ship. This plan should specify:

- i. Information on the location and detail of spill response resources on-board ship;
- ii. Information on crew training in relation to oil pollution response;
- iii. How ship crew will interface with other site investigation operators, where applicable.

Reason: *To ensure protection of the marine environment.*

9. Prior to commencement of the activity the Holder shall engage 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 activity.

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

10. The Holder shall coordinate with other licence holders within a 24km radius of the site boundary to ensure that no temporal overlap occurs between projects in respect of geophysical, seismic and geotechnical activities. Where necessary, the Grantor will determine the timing of activities to ensure that there is no temporal overlap.

Reason: *To ensure the protection of the marine environment.*

11. The Holder shall ensure that all vessels used in this activity are free of invasive marine species on their hulls and in their ballast water.

Reason: *To ensure the protection of the marine environment.*

12. The Holder shall as a minimum keep the following documents together and available for inspection by the MARA:

- i. a copy of the licence related to this maritime usage;
- ii. all correspondence with the MARA;
- iii. up to date drawings, plans and maps relating to the maritime usage;
- iv. documents and photographs to provide evidence of compliance with licence conditions;
- v. marine positional log; and,
- vi. any elements of the licence application and associated documentation referenced in this licence.

Reason: *to allow MARA to enforce the above conditions, to ensure the protection of the marine environment.*

[Redacted]

[Redacted]

Senior Marine Advisor – Environment