

[REDACTED]
Consenting Unit,
MARA,
Newtown Road,
Wexford.
12/07/2024

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

Applicant: Electricity Supply Board.

Site Location: Maritime Area Adjacent to ESB Moneypoint Power Station, Co. Clare.

Supporting information considered:

- Completed Application Form dated 23/11/2023.
- AIMU Report, Version F01 1, 23/11/2023

Project Overview and Background

This is an update to my previous report dated the 24/05/2024. In Ireland, there is no dedicated port facility that is capable of producing Floating offshore Wind (FOW) turbines on a scale that is necessary to meet future demands. ESB propose to deliver a dedicated hub facility at Moneypoint for the construction and deployment of FOW turbines. ESB intends to undertake a survey campaign, the subject of this application, in the maritime area at Moneypoint to inform the engineering design of the proposed Moneypoint Hub Project. The marine surveys will include geophysical, geotechnical, environmental, and met ocean surveys.

The proposed SI works in the Maritime Area is proposed as follows;

Phase 1 Marine Site Investigation Works:

- Marine Geophysical Surveys.

Multi Beam Echosounder (MBES), sub-bottom profiler (SBP), Side Scan Sonar (SSS), Magnetometer surveys and visual surveys (e.g., drop-down video, ROV, etc.)

- Metocean Surveys.

1 no. Acoustic Doppler Current Profiler (ADCP) to measure ocean currents.

- Marine Environmental/ Ecological Surveys.

Benthic Sampling/ Grab Samples, 1 no. Static Underwater Acoustic Recorders, Ornithology surveys, Marine Mammal surveys, Shipping and Navigation Surveys, Marine Archaeology Surveys and Marine Habitat Surveys.

Phase 2 Marine Site Investigation Works:

- Marine Geotechnical Investigations.

Sampling/coring boreholes at 20 locations to a maximum of 30m investigation depth below seabed level, Vibrocores at c.25 locations.

The above works are described fully in the supporting documentation submitted with the application, the location of the works are shown on the drawings submitted and 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 requires a Maritime Usage Licence (Schedule 7.3 Maritime Usage) as applied for by the applicant.

Site Inspection, Existing Use and Activities

I inspected the site of the proposed works on 11th of April 2024. The site located in the Shannon Estuary adjacent to Moneypoint Powerstation see figure 1.



Figure 1. Shannon Estuary at Moneypoint Power Station showing S.I. Area outlined red (BMcD, 18/04/2023)

The site is currently partly occupied by jetty and bridge ashore. The jetty was used for unloading coal for the power station currently no new deliveries of coal are envisaged as the station is currently being converted to run on Heavy Fuel Oil and there is sufficient stock of coal in storage to supply the power station until the conversion works are completed. The SI works will not interfere with the jetty and link bridge.



Photo 1 Existing bulk coal unloading jetty and link bridge ashore (BMcD 11/04/2024).



Photo 2 Site of proposed S.I. Works looking south east from eastern end of Power Station (BMcD 11/04/2024)



Photo 3 Site of proposed S.I. Works looking south west from western end of power station (BMcD 26/03/2024)

Site Consent and Application History

The MUL area overlaps with the following foreshore consents;

FS004039 Clare County Council Slipway, a slipway and line of fendering piles, 99yrs from 1969 Ferry slip at Killimer.

FS004530 Eirgrid Plc, Site Investigation, 2008, Completed.

FS004531 Eirgrid Plc, Site Investigation, 2007, Completed.

FS004825 Killimer Dock Services Limited, slipway, jetty and dolphins, 99yrs from 2004, Ferry facilities at Killimer

FS005173, Shannon Ferry Limited, slipway and dolphins, 99yrs from 1984, Ferry facilities at Killimer

FS005504 Ferry Service, 50yrs from 1964, now lapsed and not evident any structure ever completed.

FS005674 Alexander Moore Vandeleur, Board of Trade Deed 2/1917, seaweed harvesting strip along coast

FS005791 Eirgrid Ltd, Cable, 99yr from 2015

FS006318 Electricity Supply Board, Wind turbines on private reclaimed foreshore

FS006389 Electricity Supply Board Landing Facilities 99yrs from 1979 Construction of a jetty & carry out works in connection with a proposed electricity generating station.

FS006760 Eirgrid Plc Site Investigation, Completed

FS007141 ESB, 10 yrs from 2020, Sediment Sampling Collection for ten years.

The only potential conflicts with the above consents are with existing infrastructure which includes ESB's own Jetty and bridge, Eirgrid's Cable and Ferry infrastructure at Killimer. The risk conflict is negligible as the geotech is being done by ESB around their own existing infrastructure and adjacent to Eirgrid's Cable route. In relation to the ferry infrastructure it is only proposed to complete geophysical surveys adjacent to this which will have no conflict. To ensure this and the orderly management of the maritime area the applicant will be required to consult with the Eirgrid and the Ferry Operator prior to starting the works on site.

The proposed licence area does not overlap with any existing or proposed Maritime Area Consents or Maritime Usage Licences. It does overlap with the existing foreshore consents as outlined above however due to the nature of the works and the mitigation proposed there is no conflict with the existing foreshore consents.

All maritime area within the 12NM limit is presumed state owned unless proven otherwise. This licence area is entirely within the 12NM limit, ESB have valid title to part of the maritime area the subject of this application. 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 **927.53ha**.

Coastal and Seabed Morphology and Sediment Transport Processes

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.

Fisheries and Aquaculture

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.
- The site does overlap partly with an Oyster Fishery Order (OFO). To ensure the orderly management of the maritime area the applicant should be made aware of the existence of the OFO to allow them to take due regard of same.

Navigation

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 mitigate any 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.

Considering the scale and nature of the works and the mitigation measures outlined in Section 6 of the AIMU 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, I am satisfied the proposed works is consistent with ORE policies number 1, 2, 6, 7 and 10 of the NMPF.

Licence Term

The Applicant has requested a term of 3 years for the Licence, I have no objection to the granting of a 3 year term.

Assessment & Conclusion

The maritime area which is the subject of this application is part privately owned by the applicant. 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 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 LIC230008 Dated: 22/04/2024 Drg. No.: LIC230008-001 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. The licence shall be for a duration of 3 years from the Commencement Date.

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

6. 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 it's natural condition.

Reason: In the interest of orderly administration of the maritime area.

7. 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.

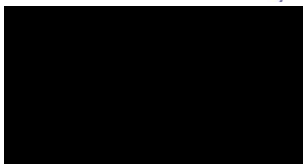
Reason: In the interest of orderly administration of the maritime area.

8. Prior to the commencement of the Permitted Maritime Usage, the Holder shall engage with other relevant consent holders for the maritime area the subject of this licence, specifically the following;

- a. The holder of Oyster Fishery Order Site id: T08/004BOFO,
- b. The holder of Foreshore Licence File reference: FS005791 for Submarine Power Cable,

to plan and schedule the Permitted Maritime Usage to ensure any disruption, if any, to the other relevant consent holders is managed appropriately. Records of all engagements and consultations held and agreements reached, if any, shall be maintained by the Holder and made available to the Grantor if requested.

Reason: In the interest of orderly administration of the maritime area and to ensure the protection of existing infrastructure.



[Redacted] M.Eng. M.I.E.I.
Senior Marine Advisor