

Noeleen Roche

Subject: FW: Arklow Energy Ltd application for Dumping at Sea Permit
Attachments: CCA comment on Arklow Energy Dumping at Sea.docx

From: coastalconcern@gmail.com [<mailto:coastalconcern@gmail.com>] **On Behalf Of** Coastal Concern Alliance
Sent: 06 January 2017 15:25
To: Licensing Staff
Subject: Arklow Energy Ltd application for Dumping at Sea Permit

Dear Sirs

Please find attached a submission from Coastal Concern Alliance objecting to the Application by Arklow Energy Ltd for a Dumping at Sea Permit as advertised on 7 December.

I would be grateful if you could acknowledge receipt of this submission.

Thank you

Valerie Freeman
on behalf of
Coastal Concern Alliance

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Arklow Energy Limited - Application for Dumping at Sea Permit

Coastal Concern Alliance (CCA) notes that "Arklow Energy Limited has submitted an application to the Environmental Protection Agency for a permit under Section 5 of the Dumping at Sea Act 1996. This application refers to the levelling of up to 99,999 tonnes of material over an eight year period. Seabed levelling will be undertaken as the need arises...within an area to the east of the turbines forming the Arklow Bank Wind Park 13km east of Arklow...The material being redistributed is dominated by sand and gravelly sands with mobile surface sediments. The seabed levelling will be undertaken by a sea bed plough towed behind a vessel (i.e. there will be no loading of material) which will be redistributed within the area being applied for".

Coastal Concern Alliance Objection

The 25 MW Arklow Bank Wind Park, built, owned and operated by US multinational General Electric as a demonstration facility for its 3.6MW turbines, consists of seven turbines erected in 2004. The 25 MW wind park was introduced by Airtricity as the first phase of a much larger wind park comprising 200 turbines which Airtricity proposed to build in the years ahead. A foreshore lease permitting the construction of this massive offshore wind farm, then the biggest in the world, was awarded by Minister for the Marine Frank Fahey in 2002 on his sole authority under the outdated Foreshore Act 1933. There was no statutory involvement of local authorities and no affordable public right of appeal. This foreshore lease, awarded without any marine plan or public tender, was subsequently sold on by Airtricity before construction at a price reflecting the huge size of the development permitted. (The laxity of Irish foreshore governance, seriously out of line with good international practice, has been much commented on. New regulations and legislation to address this deficit are currently being introduced))

Prior to the awarding of the foreshore lease, the Department of the Marine hired an external environmental consultancy to assess the developer's Environmental Impact Statement and advise on the impact of the proposed wind farm, which was to be constructed on the shallow near shore Arklow sandbank stretching for 25km parallel to the Wicklow coast. Concerns were raised about the environmental impact of this large scale industrial development on the sandbank; however records released to CCA under Freedom of Information indicate that the Department of the Marine went ahead and awarded the foreshore lease in January 2002 without authorising the production of the *Final Assessment Report & Conclusions* from the environmental consultancy they had engaged to advise them.

Coastal Concern Alliance are deeply concerned about the inappropriate manner in which the 200 turbine Arklow Wind Park, was permitted under outdated legislation and regulations without full and proper environmental impact assessment of the effects of construction and operation on a dynamic and important wildlife habitat. Our concerns are borne out by this application for a dumping permit for 99,999 tonnes of sand material to enable levelling of the sandbank.

It is widely accepted that marine habitats are being destroyed, degraded and disturbed by human activity in the coastal zone. *Sandbanks partially covered by sea at all times* are an important marine habitat listed for protection in the EU Habitats Directive. In 2008 Ireland's National Parks and Wildlife Service (NPWS) which has responsibility for conservation of protected habitats identified construction and maintenance of wind farms as a threat to the integrity of Ireland's sandbanks. (*Ref Conservation Status Assessment Report: Sandbanks Slightly covered by Seawater at all Times 2008*)

With regard to the typical species found the Report states:

- *Shallow sandy sediments are often important nursery areas for fish and consequently can provide feeding grounds for seabirds (especially puffins, guillemots, razorbills and sea duck).*
- *A recent EIS over the Arklow Bank has shown that there is a far greater avian diversity (25-30 species) over these shallow waters and surrounding areas (5-10 species) and has been shown to be important for feeding and resting (Fehilly Timoney & Co 2001) Therefore these banks are also likely to represent an important feeding area for diving bird species.*
- *Cetaceans are relatively abundant in Irish coastal waters (IWDG 2004) and it is likely that there are greater feeding resources over sandbanks due to the hydrodynamics effects than in the surrounding waters. The area where greater cetacean recording effort has concentrated on sandbanks within Irish waters has shown a significant and consistent recording of bottlenose dolphins*

CCA is concerned that the levelling of the seabed by annual dredging will have significant environmental effects on the marine wildlife and birds which depend on the shallow near shore bank for spawning, foraging, prey species etc. The noise and disturbance may have significant impact on birds, fish and marine mammals including the harbour porpoise, a threatened species, protected under the EU Habitats Directive and known to be present in relatively large numbers in the area. Impact on coastal processes is unknown.

Because of the inadequacy of the environmental impact assessment of the original proposal for the construction of the 200 turbine wind farm on the Arklow Bank; the recognised importance of the sand bank and its species under the Habitats Directive, and the absence of Environmental Impact Assessment by the regulatory authorities of the current proposal to dredge and dump 99,999 tonnes of sand material on the bank over 8 years, **CCA object to the awarding of this dumping at sea permit.**

In conclusion this current application, necessitated by the operation of just seven turbines, sounds a warning note about possible unanticipated environmental implications of work necessitated by the large scale offshore wind development (up to 800 turbines) proposed by developers for shallow nearshore banks along Ireland's East coast. It is vital that marine renewable energy developments which are meant to help with climate mitigation and therefore biodiversity protection should not themselves cause damage to the very biodiversity they are meant to protect.

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CCA is an independent voluntary citizens group established in 2006 to campaign for reform of the Foreshore Act 1933 and the introduction of a proper planning system to safeguard our coastal environment in the public interest. We are in favour of marine renewable energy provided such facilities are carefully sited and subject to independent environmental impact assessment and full cost benefit analysis