



Irish Wildlife Trust

8 Cabra Road

Dublin 7

D07T1W2

Registered Charity (CRA) Number: 20010966

April 20<sup>th</sup> 2023

**Re: Public Consultation on Ireland's OREDP II**

**2. General**

*Do you agree that the development of Offshore Renewable Energy in your local area is important to achieving Ireland's energy and climate targets?*

Strongly Agree

**Agree**

Neither Agree nor Disagree

Disagree

Strongly Disagree

*Do you agree that the development of Offshore Renewable Energy in your local area will deliver positive local economic, social, or environmental benefits?*

Strongly Agree

Agree

Neither Agree nor Disagree

**Disagree**

Strongly Disagree

*Do you agree that it is appropriate to have future development of offshore renewable energy guided by a plan-led model with greater state involvement, rather than being developer / project led?*

**Strongly Agree**

Agree

Neither agree nor disagree

Disagree

Strongly disagree

The Irish Wildlife Trust has answered 'disagree' to the question 'Do you agree that the development of Offshore Renewable Energy in your local area will deliver positive local economic, social, or environmental benefits?' Environmental benefits cannot be assumed in regards to ORE. Changing the environment with infrastructure will have knock on effects to the habitats and species which reside there. If ORE infrastructure is not placed in a suitable area then the environmental effects will certainly be more negative than positive. We can not ignore the possible detrimental effects to biodiversity and look only at the positive environmental effects in regards to cleaner energy than the fossil fuel industry. Environmental benefits should be looked at in each area and considered against the environmental benefits in that area if no ORE infrastructure was placed there.

### **3. Identifying Broad Areas of Interest**

*A number of criteria have been used in the draft OREDP II to map areas technically suitable for offshore renewable energy and other factors and activities relevant to future planning.*

*These are:*

*Availability of localised datasets;*

*Bathymetry / water depth;*

*Proximity to electricity demand centres;*

*Industrial opportunities;*

*Proximity to existing / planned interconnectors;*

*Supporting onshore infrastructure;*

*Wind resource potential for floating offshore wind*

*Do you agree that these criteria can be applied to the process of identifying Broad Areas of Interest? Please see Section 11 of the draft OREDP II for more information*

Strongly agree

**Agree**

Neither agree nor disagree

Disagree

Strongly disagree

*Are there other criteria you think should be considered in identifying Broad Areas of Interest?*

### **Identifying Broad Areas of Interest**

Environmental considerations should be taken into account when identifying broad areas of interest. The fact that environmental issues have not been taken into consideration from the start of the mapping process, sends a message that they are not as important as other criteria. If an area meets the criteria currently listed and progresses to the next stage without considering environmental issues, this makes it more likely for the environmental issues to be overlooked as they will be seen as a greater obstacle. The environmental reasons therefore appear to be secondary in the decision making process.

There are many environmental data gaps across the maritime area in Ireland and if an area is a potential Broad Area of Interest, it should be the number one priority to fill these data gaps as soon as possible. If this was considered primarily along with the other criteria, it would allow for the maximum amount of time to fill these knowledge gaps. During the stakeholder engagement process it was stated that more in depth surveys would take place at the DMAP stage where there were data gaps. This restricts the amount of time available to collect these data and the quality of the data which would be collected.

The climate crisis and biodiversity crisis are two issues which cannot be solved independently and must be addressed simultaneously. Ignoring the environmental issues during the first stage of identifying broad areas of interest will ultimately result in conflict down the line.

#### **4. Reviewing the OREDP II**

*Do you agree with the proposed approach to reviewing the OREDP II being every five years, at a minimum, with the evidence base for the OREDP II updated regularly?*

*See section 12.1 of the draft OREDP II for more information*

Strongly agree

**Agree**

Neither agree nor disagree

Disagree

Strongly disagree

In regards to question 4, *Do you agree with the proposed approach to reviewing the OREDP II being every five years, at a minimum, with the evidence base for the OREDP II updated regularly?* We have answered yes although there needs to be greater clarity on exact time frames within the adaptive management plan in section 12.1 of the OREDP II . The review should begin before the 5 year mark and conclude within each 5 year period at least. The MSFD is reviewed in a 6 year cycle and the process is continuous throughout the entire cycle with reporting required sequentially every 2 years. The review process of the OREDP should be as frequent as other environmental review processes at national and EU level.

#### **5. Sharing our Maritime Space**

*The draft OREDP II proposes that our maritime space can be shared, to encourage co-existence and co-location of offshore renewable energy and other maritime uses & activities. This is to maximise economic, social, & environmental benefits or uses of an area. Do you:*

Strongly agree

**Agree**

Neither agree nor disagree

Disagree

Strongly disagree

*Do you have any specific recommendations of how offshore renewable energy developments can share our marine space with other maritime uses and activities? (Tick as*

*many as you wish).*

Aquaculture - **Research into the environmental impacts of this would need to be undertaken**

Boating - **yes**

Commercial Fishing including trawl, dredge, line, net, and pot fishing - **some fishing methods could occur**

Community Facilities

Cultural Activities

Education & Training

Ferries / Cruise Ships / Transport

Heritage Conservation

Marine Aggregate Extraction

Marine Research - **Research should be progressing alongside site identification for ORE and continue whenever an ORE site is chosen and until the end of decommission of the project**

Other water sports / leisure

Shipping

Species and Habitat Protection

Tourism including eco-tourism

Other

*Please outline your recommendations here:*

Marine Protected Areas are areas designated with the primary purpose of protecting and conserving nature. While offshore wind farms can potentially have some conservation benefits, their primary goal is not conservation. Therefore, we believe they cannot co-exist inside MPA's. If they do, this will have a negative effect on Ireland hitting their environmental targets and meeting the promises made at a national, European and international level.

A requirement under the EU's Maritime Spatial Planning Directive states that the "Marine Spatial Plan (MSP) has to contribute to achieving the objectives of, inter alia, the Marine Strategy Framework Directive (MSFD), the Habitats and Birds Directives, the Water Framework Directive as well as the Common Fisheries Policy (CFP)." The MSFD is the overarching environmental standpoint under the MSP and the National Marine Planning Framework<sup>1</sup> (NMPF), with achieving Good Environmental Status in each of the 11 indicators the primary goal. To adhere to the objectives under these directives the precautionary principle and ecosystem based approach should both be used when deciding where is a suitable area for ORE. The MSFD states 'In order to promote the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources, maritime spatial planning should apply an ecosystem-based approach as referred to in Article 1(3) of Directive 2008/56/EC with the aim of ensuring that the collective pressure of all activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while contributing to the sustainable use of marine goods and services by present and future generations'<sup>2</sup>. Ireland is currently being taken to the EU Court of Justice for not achieving their conservation objectives under the Habitats and Birds Directives and this highlights the dire state of Ireland's implementation of environmental legislation. Adding more pressure such as the improper placement of ORE

and not applying an ecosystem-based approach will only further the deterioration of the marine environment.

Offshore wind is a very important and necessary part of hitting our climate targets and the transition to clean energy. However if we fail to minimise its impacts on the marine environment any net benefit gained will be invalidated by the degradation of ecosystems that sequester carbon, provide ecosystem services and regulate our climate.

## **6. Implementing the OREDP II**

*An all-of-government approach is proposed to ensure effective implementation of the OREDP II. Do you agree with the Governance Structure proposed to oversee this process, i.e., Steering Group, Project Team of the Department of Environment, Climate and Communications (DECC), Geological Survey Ireland (GSI) and Sustainable Energy Authority of Ireland (SEAI) advised by an Advisory Group, a Data & Scientific Group and an Environmental Group?*

*Please see section 12.2 of the draft OREDP II for information.*

Strongly agree

**Agree**

Neither agree nor disagree

Disagree

Strongly disagree

The IWT has responded 'Agree' to the question, 'Do you agree with the Governance Structure proposed to oversee this process, i.e., Steering Group, Project Team of the Department of Environment, Climate and Communications (DECC), Geological Survey Ireland (GSI) and Sustainable Energy Authority of Ireland (SEAI) advised by an Advisory Group, a Data & Scientific Group and an Environmental Group?'. We have answered agree but have some concerns.

Members of these groups have not been confirmed yet and we feel that there should be more consultations to ensure that the most qualified and appropriate people are chosen for these groups. Researchers and specialists with expertise in specific species and habitats will need to be involved, along with key stakeholders. It states that other stakeholders at regional and local level 'may' provide input. The wording within the OREDP II should reflect that regional and local key stakeholders will provide input. Representatives from eNGO's that are established as being nationally recognised and appropriate for the role should also be resourced for these groups. There should also be investigation into members of the groups so that there are no conflicts of interest.

## **7. Data to consider**

*In your view, are the criteria that have been developed to assess data suitable for inclusion in the OREDP II, namely:*

*Relevance (i.e., within the remit of the OREDP II, important within the NMPF)*

*Spatial relevance (i.e., relevant to the whole maritime area)*

*Provenance (i.e., data that has passed quality checks)*

*Accessibility (i.e., data is available and in a suitable format)*

*Temporally Valid (i.e., collected within a relatively recent timeframe)*

*Please see section 7.2 of the draft OREDP II for more information.*

Yes

**No**

No opinion / N/A

In regards to question 7, *In your view, are the criteria that have been developed to assess data suitable for inclusion in the OREDP II, namely: Relevance (i.e., within the remit of the OREDP II, important within the NMPF), Spatial relevance (i.e., relevant to the whole maritime area), Provenance (i.e., data that has passed quality checks), Accessibility (i.e., data is available and in a suitable format), Temporally Valid (i.e., collected within a relatively recent timeframe), we have answered no. This is due to the question in section 7.2 of the draft OREDP II plan under criteria 2: Spatial relevance 'Is the data representative of the entire OREDP II plan area for the relevant species/habitats?'*

The Irish maritime area is over 490,000 km<sup>2</sup> and the broad areas of interest identified as suitable for ORE are also extremely large. It would be difficult to find datasets which represent the entire area significantly and so regional datasets are necessary to allow the cumulative impacts and whole ecosystem and population impacts to be assessed. It is important to look at the entire maritime area but also important to note that there are vast differences across the area and more regional datasets should be taken into consideration at this early stage. While these datasets may be looked at further down the line during the SEA and AA assessments, they should be included in the initial mapping process to avoid wasting time considering areas that are not environmentally suitable. For the interest of transparency, all data sets used should be made accessible to the public, and the data should be used across the board for all developers to minimise discrepancies.

## **Data Gaps**

Environmental research in the proposed areas for offshore wind farms should begin before the site is approved. This will allow there to be strong baseline data on environmental factors in the area. This research should be continued alongside progress of any approved wind farm and the dataset continuously updated. Consistent monitoring of the effects of the wind farm will allow for unbiased conclusions to be made on the effectiveness and accuracy of the SEA and AA which were undertaken.

In the 259 datasets which were analysed for potential use in the OREDP II, not one dataset on elasmobranchs found in Irish waters was used. There are six datasets on elasmobranchs listed in the 259 and one of these was duplicated so there are only five relevant. Four fit all five criteria (one states there was no data provided) of relevance, spatial relevance, provenance, accessibility and temporally valid. One dataset from Inland Fisheries Ireland had point data from anglers which was submitted. It is listed that the IUCN Red List<sup>3</sup> is suitable for use in the OREDP II and that it was incorporated into the baseline. On the IUCN Red List, it is listed that 1,199 elasmobranch species<sup>4</sup> are listed as critically endangered, endangered or

vulnerable which was analysed by the IUCN Shark Specialist Group<sup>5</sup>. With these alarming figures, it would seem appropriate to take into consideration any elasmobranch data that are available for Irish waters, since we have around 71 species in Irish waters, with many of these species threatened with extinction. Elasmobranch's life history traits make them especially susceptible to disturbances and threats as they tend to have delayed sexually maturity, long gestation periods and low fecundity. They are essential for healthy marine environments and help maintain a balanced ecosystem and stable foodchain<sup>6</sup>. This is a huge gap in the data which has been overlooked by the OREDP II plan and shows that a thorough environmental assessment of the impacts of the ORE has not been conducted.

No datasets relevant to fish species in Irish waters were used in the OREDP II. Several datasets were relevant to fish spawning and nursery grounds and the reason they were not included was stated as 'Not a reason to prevent an area from being developed (impacts can be largely mitigated)'. Some of these species (such as the black belly angler monkfish *Lophius budegassa*) are species which inhabit the seabed and fixed wind structures would be extremely detrimental. It has been shown that underwater noise causes harm to fish species with the spawning period being highly sensitive to the impacts of noise<sup>7</sup>. The Irish Wildlife Trust fails to see how these effects can be mitigated. Detrimental effects to fish spawning grounds will not only have a devastating environmental effect it will also have a socio-economic effect and the fishing industry and supply chain would be affected.

Data relating to Northern Ireland was also dismissed. It is not always enough to assess impacts on a project to project basis and the broader area must be looked at. A project could be deemed to be sustainable but when taking into account other projects (including cross-border) the cumulative impacts may not be environmentally suitable.

In the draft OREDP II on p.35 it states "*The data assessment carried out for the OREDP II has substantially updated the evidence base of marine data and knowledge relevant to spatial planning for ORE. The data collected has informed not only the development of the OREDP II but has created an evidence basis for the future identification of areas most suitable for ORE as part of the enduring plan-led regime*" and the Irish Wildlife Trust strongly disagrees with this statement as it is clear this has not been done.

## **8. Environmental Reports**

*In your view, do the Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) carried out to inform the draft OREDP II cover all relevant matters?*

Don't know / I have not read the SEA and AA reports

Yes

**No**

If no, please explain:

*Notes from document - 'To enable a reasonable and meaningful assessment for the purposes of this NIS, a risk based approach has been adopted, combined with a mitigation hierarchy, to determine whether the OREDP II can be delivered with no adverse effect on integrity (AEOI)*

*resulting and no requirement to consider alternatives or derogate from the requirements of the aforementioned regulations*

*For clarity, the NIS has concluded no AEOI in all cases and there is therefore no need to progress through the derogations*

*It should further be noted that the absence of a defined AEOI risk at a strategic level does not automatically follow that a conclusion of no LSE will be drawn at project level, and full assessment will be required.-*

In the SEA section for migratory fish there are only four species listed, Sea lamprey (*Petromyzon marinus*), River lamprey (*Lampetra fluviatilis*) Twaite shad (*Alosa fallax*) and Atlantic salmon. This is a very limited scope of the migratory fish found in Irish waters which include top predators such as Atlantic Bluefin Tuna and Blue shark. No species of elasmobranch has been included in this assessment with many Irish elasmobranchs habitat being located on the seafloor where fixed offshore wind turbines would have a detrimental effect to them. Many elasmobranch species are also not included in the Habitat Directive and so impacts on this group of animals will not be looked at in future AA's.

AA's only cover habitats and species listed under the Habitats and Birds Directives and so many species will not be included within these reports. Along with that an ecosystem based and whole site approach will not be taken.

If a site is designated as appropriate for ORE and the site is not listed under the habitats/birds directives and hasn't received designation as an MPA under the new Irish MPA legislation due to a delay in the designation process, a thorough environmental investigation should be completed along with a public consultation taking into account the features and species of the site. Appropriate scientific researchers and NGO's specialised to these certain habitats/species within the site should be included in this part of the process.

The SEA report must contain the measures which will be used to mitigate any significant adverse effects to the environment. This is stated under the EU Directive 2001/42/EC - Strategic Environmental Assessment Directive. It has not been stated in any of the reports along with the OREDPII what measures will be used for this and so it has not fulfilled it's role.

On pg. 78 of the OREDP II it states under 'Assessment of the risk of the plan to specific marine habitats and species protected by law, alone or combination with other plans or projects' that 'with appropriate mitigation measures, the Plan will not have an adverse effect on the integrity of protected European sites'.

It states that significant or residual uncertain environmental effects will be monitored by the Environmental Subgroup. In section 12 it notes that these subgroups will be established after the publication of OREDP II and that core members will be taken from government departments and public bodies and that other stakeholders at regional and local level 'may' provide input. It is important that appropriate members are chosen for the environmental subgroup (such as experts from NGO's and environmental researchers specialising in the specific species/habitats which will be affected) to make sure that the most qualified people are working on environmental monitoring and mitigation measures. Other stakeholders should also be consulted and the wording within the OREDP II should reflect this. Another



public consultation should be held to ensure that the correct people are put in place for this role.

### ***Other information***

*Please tell us any other relevant information regarding the Draft OREDP II e.g., implementation, management, future regional plans, etc.*

The United Nations Environment Programme Finance Initiative acknowledged in 2021 that “as marine renewables grow in prominence, there is also a clear need for greater clarity on their impacts on society and the environment as well as how they interact with other users of the marine environment”<sup>8</sup>. ORE is an important tool in the fight against climate change but it must be placed in the correct place. Ecosystem based marine spatial planning should be used to ensure negative environmental impacts are kept to a minimum. Developments must be plan led rather than developer led and be aligned with an ambitious action plan for conservation and restoration. Existing conservation obligations under EU and international legislation must be adhered to along with any new national legislation. While some activities such as sustainable fishing can occur within marine protected areas, other activities cannot co-exist as it will be harmful to the conservation goals of the area. Due to the fact that conservation is not the primary goal for ORE and that it is large scale industrial infrastructure, the Irish Wildlife Trust do not believe that they should be placed within protected areas or areas which will get future designation as protected areas. There needs to be at least 30% of Irish waters designated as protected areas and this leaves the majority of the Irish maritime area available for ORE developments.

<sup>1</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/139100/f0984c45-5d63-4378-ab65-d7e8c3c34016.pdf#page=null>

<sup>2</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.257.01.0135.01.ENG%20](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.257.01.0135.01.ENG%20)

<sup>3</sup> <https://www.iucnredlist.org/>

<sup>4</sup>

<https://www.iucnssg.org/news/new-global-study-finds-unprecedented-shark-and-ray-extinction-risk#:~:text=In%20this%20new%20global%20analysis,Endangered%2C%20Endangered%2C%20or%20Vulnerable.>

<sup>5</sup><https://www.iucnssg.org/>

<sup>6</sup>[https://www.researchgate.net/publication/338790362\\_Importance\\_of\\_sharks\\_in\\_ocean\\_ecosystem](https://www.researchgate.net/publication/338790362_Importance_of_sharks_in_ocean_ecosystem)

<sup>7</sup><https://link.springer.com/article/10.1007/s11160-020-09598-9>

<sup>8</sup> de Vos, K., Smith, J., Bruneau, N., Fritsch, D., Wilson, C., Garfunkel, A., Rising Tide: Mapping Ocean Finance for a New Decade, The United Nations Environment Programme Finance Initiative, 2021, [https://www.unepfi.org/wordpress/wpcontent/uploads/2021/02/The\\_Rising\\_Tide-Mapping\\_Ocean\\_Finance\\_for\\_a\\_New\\_Decade.pdf](https://www.unepfi.org/wordpress/wpcontent/uploads/2021/02/The_Rising_Tide-Mapping_Ocean_Finance_for_a_New_Decade.pdf)