

Offshore Wind: Consultation to Inform a Grid Development Policy for Offshore Wind in Ireland.

A chara,

"Ireland has ambitious climate targets towards 2030, including a target to develop at least 3.5 GW of offshore wind energy, as published in the Climate Action Plan (CAP) in June 2019. To meet these targets, the Government has to put in place a policy framework for the delivery model for offshore grid in alignment with National Marine Planning Framework" (NMPF).

"The Marine Strategy Framework Directive (MSFD) requires EU member states, including Ireland, to achieve good environmental status (GES) in the marine environment by the year 2020. GES in the marine environment means that seas are clean, healthy and productive, and that human use of the marine environment is kept to a sustainable level."

Laudable and worthwhile objectives of a policy framework that unfortunately is not yet Government policy as the consultation and draft is at Stage 2 of 4 stages, nor has the public had any sightings of any accompanying Environmental Impact Studies (EIS) Strategic Environmental Assessment (SEA) or Appropriate Assessment (AA) of all related activities in the marine environment and their impacts.

In the absence of a completed and determined National Marine Planning Framework, (NMPF) how can we, the public, the government, the minister and his servants, be informed in decision making on Offshore Wind Development "in alignment with the NMPF", in the absence of an SEA or AA of its impacts on humans and the environment ? Furthermore I ask if this renewable energy development model has been stress tested in preventing the exacerbation of climate change and further undermining of environmental protection and democracy? Will effective applications of existing laws and enforcement suffice to protect habitats and biodiversity, human lives and rights?

As Offshore Wind development is a response to a **global** climate crisis and we are in the middle of a Pandemic which has required a **global** response and accompanying **global** responsibility, so now must all renewable energy development be subjected to a **global** response and responsibility to human rights and environmental protections all along the value chain. The instance of child and slave labour in cobalt mines in the Democratic Republic of Congo to supply renewable energy materials to the industry must be subjected to the same adverse impacts studies and laws that we have in place to protect our environment and human rights in Europe.

The destructive impacts that mining for materials and minerals has on the quality of air, water and soil, often making them unfit for human or animal consumption must be assessed on its global impacts as well as local. Seismic testing in the marine environment and the mining of the sea bed to develop offshore wind farms and a transmission grid has not been sufficiently assessed for impacts on spawning and nursery grounds of marine species crucial to the health of the planet as a whole, many who are in severe decline or on the point of extinction.

Considering Access to justice and that EU institutions are looking into the adoption of EU legislation on mandatory Human Rights and Environmental Due Diligence, DG Justice has commissioned a study on the subject.

<https://responsiblebusinessconduct.eu/wp/2020/05/27/ep-rbc-working-group-eu-is-well-placed-to-show-leadership-with-its-future-due-diligence-legislation/>

EU Commissioner for Justice, Didier Reynders, made a landmark announcement recently in a webinar organized by European Parliament's Responsible Business Conduct (RBC) Working Group. The group represents the key MEPs working on Business and Human Rights across political groups and parliamentary committees.

Heidi Hautala, MEP and Chair of the RBC Working Group says: *"We cannot wait longer to create a level playing field in which responsible instead of irresponsible businesses will be rewarded. With our response we MEPs want to give our full support to the Commission to develop this long awaited and much needed piece of legislation. Through constructive and open dialogue we want to help build majorities and overcome obstacles in EU institutions and among Member States."*

In its letter, the Working Group reminds that the Covid-19 crisis has highlighted the precarious nature of global value chains; whilst the subsequent health, economic and social crises have reinforced the need to ensure their resilience and sustainability.

To this end, the Working Group reiterates its support for the Commission to start shaping EU-level mandatory legislation which should be horizontal covering all sectors, and it should have effective enforcement measures and access to remedy for victims and affected communities through liability for harms caused or contributed to by businesses.

MEPs outline in their statement key principles to the forthcoming legislation:

1. Applies to all business undertaking of all size across the EU;
2. Includes the obligation to respect human rights and the environment in their own domestic and international activities, and to ensure such respect throughout their global value chains, products, services and business relationships;
3. Ensures that business enterprises have an obligation to identify, prevent, mitigate, monitor and account for potential and actual human rights abuses and environmental harm in their entire global value chains;
4. Is supplemented by more specific standards and guidance that provide clarity and certainty to business and stakeholders about the processes and topics expected to be covered.
5. Establishes civil liability for human rights abuses and environmental harm and provides access to remedy for victims;
6. Provides authorities with effective instruments to monitor compliance and ensure enforcement, including through penalties and sanctions.

1. <https://op.europa.eu/en/publication-detail/-/publication/8ba0a8fd-4c83-11ea-b8b7-01aa75ed71a1/language-en>

2. <https://www.corporatebenchmark.org/>

3. https://www.europarl.europa.eu/doceo/document/TA-9-2020-0054_EN.pdf

In light of the forthcoming legislation governing responsible businesses globally and considering Ireland's poor performance in enforcing existing laws, we are not in a position to properly plan for a very uncertain future. Undertaking major offshore wind industries without a plan in place is reckless and contrary to access to justice for the environment and compounds the human rights abuses inherent in the supply chain of this industry. Therefore I think it unwise if not impossible to address the 15 questions in the Consultation Document in any meaningful way and I request all plans and consultations on the further development of offshore wind be deferred until stringent legislation and enforcement mechanisms are in place and in line with our European partners and that also respect and protect our global communities.

Le Meas,