



SECTION	COMMENT
<p><b>2.4.1 Phase One</b> ‘The completion of this consultation will enable the MAC application process and criteria to be finalised with the MAC application window expected to open to Relevant Projects in April 2022. Assessment of these applications is expected to be completed within the 90-day timeline as set out in the Act.’</p>	<ul style="list-style-type: none"> <li>• How will application assessment be achieved in the absence of initial assessment of priorities for designations of an expanded Marine Protected Area network and in the absence of sufficient environmental and ecological impact assessment for the areas and technologies proposed?</li> </ul>
<p><b>2.4.1 Phase One</b> ‘Following receipt of a MAC (expected by Q3 2022), projects will be eligible to apply for development permission, otherwise known as planning permission, directly from ABP. This process will include full statutory consultation and environmental assessment processes.’</p>	<ul style="list-style-type: none"> <li>• When will the minimum standards for the environmental assessment, required to allow planning applications to be submitted, be decided, and published?</li> <li>• Will these minimum standards be open to public and stakeholder consultation?</li> </ul>
<p><b>2.4.3 The Enduring Regime</b> ‘An enduring plan-led regime for offshore wind projects that will deliver post-2030 offshore capacity beyond the Government’s 5GW target remains under development by the Department. The work being undertaken on the Offshore Renewable Energy Development Plan (ORED P) II will inform this approach.’</p>	<ul style="list-style-type: none"> <li>• This infers that the current regime is being conducted largely in the absence of a plan and is a worrying approach to a consenting process that will hand effective control over significant areas of the Irish EEZ to private companies for a generation or more.</li> </ul>
<p><b>2.5.2 Areas of assessment and how Relevant Projects will be evaluated</b> ‘The table below provides a summary of the proposed elements of a MAC application assessment, the objective of each, and the proposed approach to assessment in each of these areas.’</p>	<ul style="list-style-type: none"> <li>• There is no listed requirement to align with Irish and EU Environmental Policy including assessment of suitability of the area for licensing in terms of presence of features or species for which MPAs are currently designated or likely to be future designated.</li> </ul>

### **2.5.5 Out of Scope**

'There is no screening for either Appropriate Assessment or environmental Impact Assessment at the MAC stage, as the MAC process is decoupled from the development permission process which will be made to ABP.'

- The approach proposed is the exact opposite of the approach that should be taken to ensure that Offshore Wind Development in Ireland does not further contribute to Ireland's Biodiversity Emergency.
- There is a need to consider Appropriate Assessment and Environmental Impact Assessment at this stage as once a MAC has been granted there will be a strong and undeniable impetus to allow development of some nature within the license area.
- Additionally, after a MAC is granted, it is subject to assessment paid for by the successful applicant to determine suitability of the site. The independence of such an assessment would be of question, with it being in the against the MAC holders' interests to find the area unsuitable for development.
- In any case extensive site investigations may occur before development happens. Therefore, an ORE site may be developed without any independent site environmental and ecological research at any stage. Environmental assessment should occur prior to granting MACs to prevent site disturbance of environmentally important areas during site investigations.
- Areas unsuitable for development need to be screened from the Offshore Windfarm Development process at the earliest stage possible.

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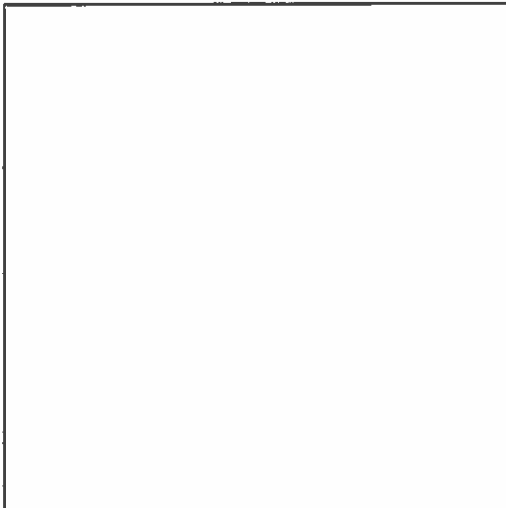
'Full environmental assessment of a project will occur at development permission stage, post-grant of MAC. Respondents should be mindful of this distinction when making submissions under this consultation.'

- This approach is not desirable (see previous comment) nor is it fair to applicants that they be expected to engage in a process where a given consent may be precluded from progressing due to environmental and ecological concerns.
- There is an urgent need to publish guidelines on what environmental assessment and monitoring measures are necessary to establish an accurate baseline description of the sites prior to development and what ongoing environmental monitoring measures will be required.

	<ul style="list-style-type: none"> <li>• It is unfair to ask applicants to engage in the MAC process in the absence of clear guidance on the minimum environmental impact assessment required for the development permission stage nor what environmental and ecological impacts would be deemed sufficient to block to development.</li> <li>• The outlined process appears to take little or no consideration of the suitability of sites for development on environmental and ecological terms, ignores completely the forthcoming MPA designation process and proffers development at any cost based on potentially false assumptions that any environmental or ecological impact can be mitigated by the developer.</li> <li>• Background work needs to be conducted to update current mitigation guidelines to reflect industry best practice for site assessments, surveys and construction of renewable generation sites, including the NPWS <i>Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters</i> which the IWDG is concerned are currently insufficient to mitigate the impacts of noise-generating activities on marine mammals in Irish Waters. The IWDG is also concerned that the regulatory process by which the NPWS Guidelines work require assessment as currently there is little or no effective regulation of the mitigation process.</li> <li>• Site assessment and consideration of the suitability of any given site for development should include stated minimum periods of acoustic monitoring to determine both marine mammal species present, their use of the area and ambient noise levels. This assessment must start prior to works commencing in order to give a reasonably accurate picture of baseline environment.</li> </ul>
<p><b>3.1.1 Consistency with Offshore Renewable Energy policy</b>  'Wind turbine technology'</p>	<ul style="list-style-type: none"> <li>• It is important to consider that the final selection of any 'Wind turbine technology' may be site specific and dependent on the environmental and ecological impact assessment of the site</li> </ul>

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<p><b>Consultation Question</b></p> <p>'Do you consider the criteria to be appropriate? What alternative criteria, if any, would you suggest?'</p>	<ul style="list-style-type: none"> <li>• MAC applicants should be expected to provide evidence of implementation of ecological and environmental best practice and innovation to minimise ecological and environmental impacts of marine developments and maximise ecological and environmental benefits resulting from development.</li> <li>• MAC applicants should be able to provide strong evidence of implementing ecological and environmental stewardship of previous development sites throughout the lifetime of those developments.</li> <li>• Senior Members of the Team should be able to demonstrate at least 10 years of ecological and environmental experience demonstrating implementation of best practice, innovation, and ecological and environmental stewardship.</li> </ul> <p><b>Innovation</b></p> <ul style="list-style-type: none"> <li>• This section should include novel and innovative measures undertaken to reduce ecological and environmental impacts and maximise ecological and environmental benefits.</li> </ul>
<p><b>3.2.3 Public Interest</b></p> <p>'Are there any other public interest considerations which the Department should consider at MAC application stage?'</p>	<ul style="list-style-type: none"> <li>• Given the stated overriding and urgent need to progress Offshore Wind to reduce our energy carbon footprint and impact on Global Warming. Applicants should be required to divest conflicting interests and investments in oil and gas development and provision.</li> </ul>
<p><b>3.3.1 Levy Framework</b></p> <p>'A development levy rate of €20,000/km<sup>2</sup>/annum is proposed, indexed to HICP'</p>	<ul style="list-style-type: none"> <li>• We are concerned that the proposed levy may create an expectation of planning permission being granted regardless of the potential environmental and ecological impact.</li> <li>• We are also concerned that the proposed levy may encourage overdevelopment of the licensed areas and lead to corners being cut and required environmental and ecological impact being given lower priority than they merit.</li> <li>• In view of plans to levy developers, there is a question as to what the levy funds will be used for, especially in relation to mitigating</li> </ul>

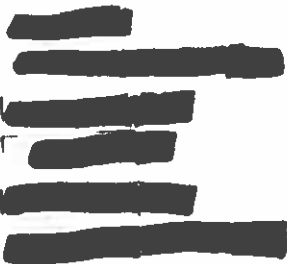


the environmental and social impacts of the proposed developments. The MECC should actively consider a funding obligation similar to the Scottish Marine Environmental Enhancement Fund (SMEEF) for all MAC consents to contribute to as a condition of consent. This would provide funds to support communities and other groups in marine biodiversity enhancement and innovation projects. See: <https://www.nature.scot/funding-and-projects/scottish-marine-environmental-enhancement-fund-smeeef>

**3.3.4 Duration of a MAC**

'Based on international practice, a period of thirty years is often cited as a common duration for maritime area consent (or equivalent authorisation). Is thirty years an appropriate duration for a MAC?'

- The proposed duration is an extraordinary period to allow effective control over activity and access to significant portions of the Irish Sea Area to private companies.
- This should carry with it the highest onus of stewardship on the companies to which MACs and consents are granted and needs to be accompanied by the highest levels of strong and effective environmental and ecological monitoring and regulation, to ensure environmental and ecological impacts are minimised, and guarantee potential environmental and ecological benefits are maximised.



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