

ACCC plan of action
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Emerald Floating Wind and Western Star Floating Wind

Response to the Public consultation on the draft Aarhus Convention Compliance Committee (ACCC) Plan of Action

The Emerald and Western Star projects welcome the opportunity to engage with the Department of the Environment, Climate and Communications (DECC) and provide feedback on the Public Consultation on the draft **Aarhus Convention Compliance Committee (ACCC) Plan of Action**

Both projects propose up to 1.3GW floating wind farm each off the South and West coast of Ireland. In both cases the projects are being developed in joint venture (JV) partnership by Simply Blue Group and Shell Renewables and Energy Solutions. Emerald will utilise the site of the decommissioned Kinsale gas platforms; Western Star will be located off the west coast of Clare at a minimum distance of 35km from Loop Head. At full capacity these projects will produce enough energy to power circa 2 million homes.

Floating offshore wind (FLOW) is a unique opportunity for Ireland, due to an abundance of wind energy and available water depths. It can add to the benefits of traditional fixed-bottom wind by helping to make Ireland a world leader in producing renewable energy; fighting climate change; reducing biodiversity loss and securing significant untapped energy resources. Accessing our offshore wind resource via floating devices will allow us to both power our national energy needs and export clean energy to Europe; bolstering energy security and reducing reliance on imported fossil fuels. Both the Emerald and the Western Star projects demonstrate that floating offshore wind is ready – and able – to deliver, not just in the years to come, but today.

Both Emerald and Western Star JV partnerships are committed to developing the projects safely and sustainably, as part of the Irish energy transition. The projects have put in place teams and resources to engage respectfully with all relevant stakeholders, to secure the consents, grid connection and route to market. Both projects are committed to listening to the voice of coastal communities, addressing environmental concerns and engaging with supply chain to bolster local job opportunities. Both projects support the principles of Aarhus with regards to access to information, access to public participation and access to justice, as key pillars of sound environmental governance. We believe that the public should be supported to have access to environmental information via transparent and timebound processes. With these principles in mind, the JVs wish to make the following comments.

- **Recommendation: Para. 4 (a)(i) decision VII/8i**

It is not clear how these proposed amendments to the Planning and Development Act will be taken into account in the development of secondary legislation under Maritime Area Planning Act 2021; in particular with regard to *Marine Area Consent* as set out in Part 4 and *Licenses Authorising Certain Maritime Usages in the Maritime Area* as set out under Part 5. It will be important to ensure that there will be a consistency in the approach and that the requirements for AA and EIA for extensions to licenses for offshore site investigations and project deployments will be appropriately aligned and no more onerous than for other activities.

- **Recommendation: Para. 4 (a)(ii) decision VII/8i**

As above

- **Recommendation: Para. 4 (b)(i) decision VII/8i**

We support appropriate and clearly stated timelines be put in place to deal with 'Access to Information on the Environment'. These timelines should be sufficient to allow for appropriate delivery by the relevant agency/department.

- **Recommendation: Para. 4 (b)(ii) decision VII/8i**

We recommend that that AIE information is adequately described so it is clear from the outset what it includes and ideally should not require court proceedings to determine. While the DECC website and AIE form provide an adequate description of requirements; it is recommended that a more user friendly and accessible guidance document should be considered for use by the public which clearly outlines what AIE data is, what it is not, when it can be requested, how it can be requested, what the processes are to follow, the timelines etc.

- **Recommendation: Para. 4 (c)(i) decision VII/8i**

With regards to access to information which may inform a cost benefit analysis of an environmental decision; the amended legislation should ensure that data which is commercially sensitive to a specific project should not be eligible for release under AIE.

- **Recommendation: Para. 4 (c)(ii) decision VII/8i**

We support appropriate and clearly stated timelines are put in place to deal with appeals to decisions made on 'Access to Information on the Environment'. These timelines should be sufficiently timed so that they can be appropriately managed by the agency/department in reviewing the appeal.

Finally, given the outcome of the High Court decision of the 25th of January 2021 with respect to *Right to know CLG Vs Commissioner for Environmental Information and Raheenleagh Power DAC* (Notice Party), we would recommend that proposed updates to AIE guidance be consulted with all independent power producers given that they are now brought within the ambit of Access to Information on the Environment Regulations 2007.