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15th April 2023

RE: OREPD II Observations

Dear Offshore Environment and Consenting Division,

Please find attached observations as part of your consultation process over OREDP II.

Best Regards,

[REDACTED]

1. Overall Observations

A. Consultation Process:

A number of our members attended the OREDP II Consultation in the Arklow Bay Hotel on the 14th April 2023 and found that:

- The event was organized by RPS, a subcontractor for the wind industry. Though this may not be a technical conflict of interest, it certainly sends a very poor message for a public consultation, which we would like to highlight.
- Tickets contained 'ends at 13:00' with no start time indicated. This resulted in some members of the public turning up to the consultation late due to no fault of their own.
- Incorrect location was indicated on invitations, indicating the Tara Hotel was the location for the event (see Appendix A).
- Members of the public who wished to attend were indicted that there were no tickets and would be placed on a waiting list (denying access).
- Given consideration of the above point, it was disappointing to see that both the attendance by the public was very low and that government associated attendees made up most of the attendees (this included members of the Department of the Environment, Climate and Communications, members of the Marine Institute). The remaining attendees included; employees of the wind industry, IFPO, subcontractors of the wind industry and Green Party employees). This left very little space for ordinary members of the public. **This should be taken into account in any outcome of the consultation.**

B. Lack of update of OREDP I

ORED P I, completed in 2014, was due for a full review in 2020. This has not yet happened and the completion of OREDP II does not negate that commitment.

The Offshore Renewable Energy Development Plan (ORED P I), drafted in 2010 was adopted in 2014 having been seriously criticised as a result of the numerous data gaps and the lax methodology employed in drafting the plan. All official documents stated that the OREDP would be subject to an interim review of the Plan and associated SEA in 2017 with a full review of both to be carried out in 2020.

The Offshore Renewable Energy Development Plan (ORED P) – **Interim Review** (published May 2018) states (Page 3):

*'This Review Report focuses exclusively on the OREDP and does not incorporate a review of the associated SEA. It is important to note that this review does not make any changes to the OREDP; rather the review aims to chart progress on the Plan, identify challenges that have emerged and identify areas that need to be prioritised or require further attention. **A full review of the Plan and associated SEA will take place in 2020.***

Given the major developments in technology and environmental assessment since the OREDP and its associated SEA were published and indeed the serious questions surrounding

underlying data and methodology, we have been keenly awaiting the required review of the Plan and associated SEA due in 2020.

C. Exclusion of considerable ORE Developments

The Draft OREDP II (p.18) states:

“the successor to the OREDP I (which is the OREDP II)”,

Being a successor, rather than an additional ‘plan’, one would expect that the ‘plan’ would include all ORE projects, including those in OREDP I (*i.e.* all ORE developments), including phase I and phase II projects, however, (p.77-78) states:

[Cumulative assessment] “Considered the potential for cumulative effect of OREDP I, including specified Phase 1 projects where they have been identified, with OREDP II. Specific locations of potential Phase 2 projects were not available to inform the cumulative assessment.”

This is a wholly unacceptable situation, which indicates that the whole of the OREDP II assessment is flawed, including associated Appropriate Assessment and Strategic Environmental Assessments.

It is unclear from the documents provided with the OREDP II what will happen to Phase I and Phase II projects that are not successful in the ORESS auctions and how this will impact the OREDP II or if a conflict arises how this will be addressed.

D. Exclusion of significant developments associated with ORE:

The Draft OREDP II (p.19) states:

“with cable routes to be considered at individual project level”

As cable routes (both export and inter-array) are likely the most ecologically disruptive processes associated with ORE development, exclusion is not acceptable. This again indicates that the whole of the OREDP II assessment is flawed, including associated Appropriate Assessment and Strategic Environmental Assessments. In relation to the provisions of the habitats and EIA directive, this amounts to an exercise in project splitting which should not be facilitated by government policy.

E. Inadequate Data Management Policy

A precautionary approach should be taken to the data to be considered within the OREDP II. I see no evidence of this approach. In fact, the opposite approach is quite evident. This is unacceptable, and environmentally untenable particularly given the neglect to gather data over the last 20 years and the considerable lack of data which currently exists. We propose the following approaches:

- Where data is available it should be included, regardless of date of acquisition, unless preceded by more up-to-date and data with a higher confidence level.
- Broad knowledge should be included in the process and account taken for the impending (and late) designation of MPAs. Given the known importance of land sea interactions, and the lack of specific data, this should equate to an ecological no-go zone for ORE development around the shoreline, of an area $(30-8.3\%=21.7\%)$, taking into account the remaining MPA requirements to meet our 2030 commitments. Given the [OSI estimate of our coastline](#) (3,171 km) and the [Marine Institute’s estimate of our marine territory](#) (880,000 km²), this equates to a **60km exclusion zone around Ireland’s coast.**

- There can be no more political accommodation of the “full effects still unknown” excuse in relation to papering over the now established direct and indirect significant environmental impacts, resulting from lax and ill-conceived nearshore site selection for fixed wind - in areas of vulnerable keystone marine and coastal habitats.
- Candidate Natura 2000 sites should be included in the data sources.
- Contested Annex I habitats should be included in the analysis.
- Computational assessments of likely Annex I sites should be carried out (based on shear flow, sediment type, depth, etc) as has occurred in other jurisdictions (e.g. UK), particularly in light of lack of data in Irish waters.
- Data decisions should be clearly outlined in a way that is easily digested by the public. We would recommend decision tree flow diagrams. These should clearly outline the exact reasons for decisions, including reasons for excluding data.
- Data from ORE developments currently being undertaken in Irish waters should be incorporated into the data analysis and decisions for OREDP II.
- All further licensing and leasing activities in Irish waters should be subject to strict data sharing policies, where there should be strict regulation around exclusion of data that is not in the public interest. exclusive data control by private interests is part of the current day tragedy of the commons.
- All data, including broad areas identified, should be presented and published in a dedicated OREDP II site in suitable format (e.g. shapefile).

Table 3 (p. 33-34) outlines inclusion criteria for data. The criteria presented may be acceptable in a country with an abundance of high-quality data; however, in Ireland the criteria are far too restrictive and would effectively exclude most data. This is contrary to a precautionary approach and must be reversed.

Section 8.3 ‘Exclusions’ (p42) contains no environmental exclusions. This is wholly inadequate. For example MSDF Descriptor 11 should be included, not just ‘High density shipping routes (AIS Shipping Traffic Intensity greater than 10 hours)’. Any area with a cumulative sound exposure level (SEL_{cum}) > 70% of GES should be excluded from further ORE development to ensure that GES is obtained and that the MSDF is implemented. Any evidence of any protected habitat or species (under either Habitats directive, Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR)) or [IUCN Red List of Threatened Species](#) in the vicinity of the area should result in an exclusion at the early stages of the assessment.

The reasons for inclusion of certain environmental data (e.g. Herring Spawning Grounds, p.48) and the exclusion of other data (e.g other spawning grounds) is unclear. **The lack of inclusion of seabird sensitivity mapping and migratory route mapping** (both publicly available) is unclear and the justification for such exclusion is difficult to imagine.

F. Purpose of the OREDP is Unclear

The OREDP II (p14) states “The OREDP II provides a framework and evidence base to facilitate the future identification of Broad Areas most suited for the development of fixed wind, floating wind, wave and tidal as part of the enduring plan-led regime. It does not identify specific areas for ORE development but provides a framework based upon the development of criteria which can be used to identify Broad Areas from within which offshore renewable areas will be designated under the MAP Act as part of the enduring plan-led regime.”

The OREDP then goes on to identify broad areas for development of ORE, specifically it identifies areas for development of floating wind, without designating any areas for fixed bottom ORE, tidal or wave energy. It should be made clear that in identifying ‘broad areas’ the **ORED II is identifying areas for ORE development** that will be later put through a DMAP process. As site selection is internationally known as key to avoiding environmental damage, the **ORED II process is also key to avoiding environmental damage. We believe that the data used, the process implemented and the decisions made during this process are inadequate to ensure minimisation of environmental damage and the restoration of GES.**

8.4. Environmental Factors (p.46) states that “The factors mapped do not pre-empt decisions on licence or consent applications for ORE”. This statement appears to undermine the whole OREDP II purpose. If the purpose of the OREDP II is not to select areas and exclude areas from ORE development then the **entire purpose of the process is unclear** to us.

Three broad areas of interest are outlined (p.83), these include: Celtic Sea-East; Mid-West (Shannon/Foynes area); North-West (off Donegal coast). The reason for choosing these areas is not made clear within the document and the exclusion of floating wind technology in areas of the Irish sea is not made clear either. INFOMAR has previously highlighted suitability of deeper areas of the Irish sea as suitable for floating technology.

Section 12 (p86) of the OREDP II states that ‘*Adoption of the OREDP II principles in the development of ORE*’, however, it is not clearly laid out what these ‘*principles*’ are.

G. Lack of detail of Environmental Safeguards

- If Buffer zones are used and what those buffer zones are around Natura 2000 sites to ensure ‘strict protection both within and outside Natura 2000 sites’ is not clear. This is particularly pertinent for mobile species.
- Protections put in place for species protected under the Wildlife Act (as amended) are not clear, in particular for basking sharks, among other species.
- Page 60 discusses the imminent enacting of the MPA legislation, as well as ‘a screening exercise in the Irish sea’...‘to identify areas most likely to be designated as MPAs.’ In light of these developments this group suggests that outcomes from these processes be incorporated into the OREDP II and a new iteration of the OREDP II be published within 6 months of the findings. Any weighting within OREDP II of the obligation to carry out MPA designation in accordance with an ecosystem based approach (and to give effect to Fair Seas mapping of biodiversity hotspots for this purpose) has already been undermined by insertion of Head 14 (2) in MPA

legislation “(2) The designation of Marine Protected Areas under section 11, 12 and 13 shall be without prejudice to existing rights, consents, authorisations, leases, licenses or the like (hereinafter called authorisations) granted on or before the date of the designation of the Marine Protected Area.”

- There appears to be a considerable lack of ornithological expertise on the OREDP II Advisory Group, specifically Birdwatch Ireland’s absence is striking. We would like clarification as to the reasons for this absence and any independent replacement for this knowledge gap.
- We also note that all ‘OREDP II Steering Group’ and ‘OREDP II Data and Scientific Group’ are government bodies.
- Given that Phase 1 projects are located in areas identified as problematic with respect to the OREDP II environmental data (see Figure 8-6, p47 OREDP II), and that OREDP II is said to have “considered the potential for cumulative effect of OREDP I, including specified Phase 1 projects” (p.77), it is unclear to me the outcomes from this OREDP process.
- Lack of MSDF data used to inform the OREDP II, for example, in the SEA, under ‘Marine Pollution’ (SEA 10) noise of wind turbines it is stated that “Average noise exposure from wind turbines in the exposed population to be kept below 45 dB Lden Traffic noise should be below 54 dB Lden.” Finding that “OREDP II activities do not lead to the introduction of noise at levels which significantly adversely affect the marine environment.” This does not take into account any marine traffic in the area (as should be assessed under MSDF D11) or surveying and construction activities, which will have a much higher impact. This is just one example of such a lax approach, with no quantification of effects. This approach is applied throughout the OREDP II and associated AA and SEA. This approach does not provide a sufficient basis for drawing any reasonable conclusions or proceeding with this ‘plan’.

H. Lack of Environmental data in assessing Broad Areas

There appears to have been **no environmental consideration** given to the location of the ‘Potential Broad Areas of Interest’ given their proximity to land. This was confirmed to me by employees of the DECC at the OREDP II consultation meeting. This is absolutely unacceptable. A lack of data was cited as being the reason for this omission. There is a host of known environmental principles which should be considered in a situation of reduced environmental information (land-sea interactions being but one) and choosing sites with no environmental data is not an acceptable situation. Sites appear to have been chosen specifically because of the lack of environmental data. This approach is the exact opposite of a precautionary principle, assuming that where there is no data there is no environmental effect. It should be assumed that where there is no data there is the highest level of environmental effect.

I. Lack of Ecosystem Based Approach

The entire document and process lacks an ecosystem based approach, which is required under the MSP Directive and important to ensure Ireland reaches GES under the MSDF.

J. Lack of quantitative approach

Every aspect of this OREDP II and associated AA and SEA are lacking in quantitative approach, which means that decisions are being made on little or no basis, with the opinion of the assessor being paramount. There are so many unknowns in the marine environment that this approach is wholly inadequate and lacking scientific principles.

K. Lack of clarity on when OREDP II updates will occur

The OREDP II discusses 'The implementation of the iterative update process for the plan' (p86) and the implementation of an Adaptive Management Plan (AMP), which is welcomed, however, there is no clarity provided as to AMP will be implemented or what level of change will constitute the meriting of a revision. Some examples in this regard would be most useful. The 'governance groups' membership is outlined to be 'based on relevance and appropriateness' but no clarity is provided as to what constitutes relevance or appropriateness. This level of detail is key to effective implementation. The 'governance groups' core membership is said to be 'drawn from Government departments and public bodies' and 'other stakeholders, including at a regional and local level, may also provide input.' This language and level of certainty for the public is unacceptable and assurances of inclusion of stakeholders, particularly environmental stakeholders, including voluntary organisations at local and National level should be assured at this stage of the process.

L. OREDP II Strategic Environmental Assessment - Data Decision Log

- Of 259 datasets identified, 5 (1.9%) were deemed includable in the OREDP II.
- Of the 259 datasets identified, 7 (2.7%) were deemed as already included in the OREDP II
- Therefore, **95.4% of the datasets were excluded from OREDP II**
- No justification for exclusion of these datasets was provided in 60 (24.3%) of the excluded datasets. This is not acceptable and public consultation cannot be considered to be whole or complete until such justification is provided.
- Numerous datasets were excluded with incomplete or unclear justifications. This is not acceptable and public consultation cannot be considered to be whole or complete until such justification is provided.
- Spawning and Nursery grounds are incorrectly excluded due to "Not a reason to prevent an area from being developed (impacts can be largely mitigated)". This does not tally with best scientific evidence.
- Much data is excluded because it is not in GIS format. Data can be relatively easily converted to GIS format and where it is not possible due to lack of provided coordinates, etc, it can be incorporated in a qualitative way.
- "Estuarine waters only" is not a valid reason to exclude data, given the close proximity of much of the areas assessed to shore.
- The exclusion criteria around "Lack of provenance" is not clear, further clarification in those particular cases is requested.
- Atlantic salmon data is excluded on the basis of "Not marine data", yet it is noted that "species do migrate into the marine. >15km buffer around points recommended by NPWS" and yet the reasons for its exclusion from the OREDP II process are not clear.
- Salmon migration is excluded and reasons provided state "Data for 3 individual fish in a localised area" this is not clear. Please provide clarification.
- Data associated with:
 - Arctic tern foraging radii
 - Black headed gull foraging radii
 - Common gull foraging radii
 - Common tern foraging radii
 - Cormorant foraging radii
 - Fulmar foraging radii

- Gannet foraging radii
- Guillemot foraging radii
- Herring gull foraging radii
- Kittiwake foraging radii
- Leachs storm petrel foraging radii
- Lesser Black backed gull foraging radii
- Little tern foraging radii
- Manx shearwater foraging radii
- Puffin foraging radii
- Razorbill foraging radii
- Roseate tern foraging radii
- Shag foraging radii
- Storm petrel foraging radii
- SPA Network Seabird Foraging Radii 2021

are all excluded and reasons provided state *“Foraging range is applied for screening of sites but does not necessarily mean birds are present (density would be a better layer to use)”* this is not clear, nor is it clear if alternative foraging range is included. Please provide clarification. **This process appears to be excluding all data because it is not considered as a good enough standard and then assuming that a lack of data means no environmental impact. This contravenes a number of laws, conventions and principles, including the Habitats and Birds Directives, Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) and the Convention on Biological Diversity, among others.**

- ‘Ireland's Red List No. 11: Cartilaginous fish’ is excluded and reasons provided state *“General descriptions and point location data from numerous sources”* this is not clear. Please provide clarification.
- All WESPAS data is excluded and reasons provided state *“Temporally & spatially restricted”*, as all data is ‘Temporally & spatially restricted’ and this data relates to recent studies within Irish territorial waters it is not clear why this has been excluded. Please provide clarification.
- Mackerel Egg Survey 2019 is excluded and reasons provided state *“Point data only”*, this reasoning is not clear. Please provide clarification.
- ‘2021 Rockabill to Dalkey Harbour Porpoise Survey’ is excluded and reasons provided state *“Temporally & spatially restricted”* as all data is ‘Temporally & spatially restricted’ and this data relates to recent studies within Irish territorial waters it is not clear why this has been excluded. Please provide clarification.
- Numerous datasets are excluded for the reasons ‘>10 years old data’. In the absence of more recent or more reliable data this data should be included as would be best scientific practice.
- ‘2017-18 Thermal imaging survey for Harbours seals’ is excluded and reasons provided state *“Shorebased point location data only”*. Given that Harbours seals are predominantly shore based mammals it is not clear why this data is not relevant to the process. Please provide clarification.
- Numerous datasets are excluded for the reasons ‘If not a subset of All-Irish dataset, temporally & spatially restricted’ as all data is ‘Temporally & spatially restricted’ and this data relates to recent studies within Irish territorial waters it is not clear why this has been excluded. Please provide clarification.

- **No link to data is provided for ‘NPWS SAC surveys’ (row 108). This is a contravention of the Aarhus convention and the dataset should be provided with the consultation. We absolutely protest about the exclusion of this data without having oversight of the data.**
- No links are provided to numerous datasets. This is a contravention of the Aarhus convention and the dataset should be provided with the consultation and all datasets should be provided online to the public during and after the consultation.
- Numerous datasets are excluded for the reasons ‘Partial coverage of Irish waters’ or ‘Localised data’. As almost all data would only partially cover all Irish waters the reason for exclusion is unclear. Please provide clarification.
- No copy of ‘X-ROTOR data: Seabird distribution and vulnerability to wind farms’ dataset is provided. This is a contravention of the Aarhus convention and the dataset should be provided with the consultation and all datasets should be provided online to the public during and after the consultation. D1.3 Periodic Status Report # 2 from this project states *“Field work was conducted to collect data on flight behaviour, sensitivity to disturbance and conservation status for 81 seabird species present in European waters before calculating Collision and Displacement Vulnerability Indices to assess the most at-risk species to wind turbines. These indices were combined with distributions of 12 commonly occurring seabird species in the North-East Atlantic based on surveys conducted between 1980 and 2018, to generate vulnerability maps for breeding, wintering and migration periods when risk is likely to vary. **This was presented as D7.10 at the end of 2021.**”* Therefore, output from the project are available, relevant and should be included in the OREDP II.
- ‘OSPAR point data’ is excluded and reasons provided state ‘OSPAR point data, specifically, distribution of *Modiolus modiolus* and *Sabellaria spinulosa* reefs in the Irish Sea’. This reason is not clear why this has been excluded. Please provide clarification.
- ‘Data unavailable at the time of plan development’ and similar reasons are provided for exclusion of many datasets. The reasons for the unavailability of the data is not clear. Please provide clarification.
- ‘Coarse scale’ and similar reasons are provided for exclusion of many datasets. The reasons for this as a reason for exclusion of the data is not clear. Please provide clarification. We believe that coarse data is better than no data and that these datasets should be included in the OREDP II.
- ‘Cetaceans and seabirds in Irish waters’ is excluded and reasons provided state ‘Please note that although the dataset covers approximately 90% of Irish waters, the 10% that is not covered may be disproportionately important but without a dataset it is impossible to be sure. This gap needs to be flagged for projects potentially progressed in this area.’ We believe that some data is better than no data and that these datasets should be included in the OREDP II.
- ‘Data access restricted’ and similar reasons are provided for exclusion of many datasets. The reasons for the restriction on these data sets is not clear. Please provide clarification.
- ‘Accessibility and age’ and similar reasons are provided for exclusion of many datasets. The reasons for the accessibility restriction on these data sets is not clear. Please provide clarification. We do not believe that age should be a reason for excluding data and we believe that old data is better than no data.

- 'OSPAR Disturbance Indicator Atlas' appears to be very pertinent data regarding impact of ORE development. The reason provided 'Not a relevant criteria' is not clear to us. Please provide clarification.
- Exclusion of 'Fair Seas - Revitalising our seas report' is a missed opportunity as Fair Seas have delivered what the OREDP should be delivering, using a precautionary approach. We believe that this dataset should be included on that basis.
- 'transboundary data' does not appear to be a valid reason for excluding data. If the data does not relate to Irish territorial waters then that should be stated.
- 'Seasonal seabird distribution' is excluded and reasons provided state 'Data limited to east coast Ireland only'. Why this is a valid reason for exclusion is not clear. Please clarify.
- 'EMODnet Seabed Habitats Broad Scale Habitats' is excluded and reasons provided state 'Accessibility and age'. Please provide clarification.
- 'IUCN Key Biodiversity Areas' is excluded and reasons provided state 'Not a relevant criteria'. Please provide clarification.



Appendix A:

eventbrite

ORED II Public Consultation - Arklow Workshop

Workshop Attendee

Arklow Bay Conference, Leisure & Spa Hotel, Sea Road, Y14 DX02 Arklow, Ireland

Friday, 14 April 2023, ends at 13:00 (IST)

Event Information:

Thank you for registering for the Department of Environment, Climate and Communications Workshop on the Government's Draft Offshore Renewable Development Plan (ORED II).

We look forward to welcoming you to the Tara Hotel on the 13th of March at 2pm.

Important: Advance Reading

* Please come prepared to discuss the Draft ORED II - you can read / download the report and associated public consultation materials from www.gov.ie/OffshoreEnergyPlan.

Format

- * Participants will be placed in discussion groups with other organisations to consider elements of the Draft Plan together.
- * A team of Facilitators will manage the event. They will help discussion groups / participants to stay on-topic and ensure all have equal opportunities to contribute.
- * Throughout the consultation process, the feedback provided will be considered by the Department and its consultants to inform them in finalising the ORED II. Feedback will also be published in a Public Consultation Findings Report.
- * There will be opportunities for informal discussions / networking after the workshop concludes.

Content

- * The workshop will focus entirely on the Draft ORED II. The purpose is to gather feedback to inform the Department in finalising the Plan this year. It will include focused discussions on
 - o Identification of Broad Areas of Interest
 - o Implementation, management and monitoring of the ORED II
 - o How the ORED II can support the principles of shared use in our Maritime

Space

Time

- * Please arrive 15-20 minutes before the scheduled start time.
- * The Workshop will last for up to two hours.

Important: Workshop Protocols

- * The quality and range of feedback received at the Workshop is dependent on each participant being respectful to one another, focusing on the discussion topics as they arise and arriving prepared, having read the Draft Plan.
- * There is strong interest in attending this workshop so please notify us if you are no longer able to attend so that we can extend an invitation to those on our Cancellation List. Email: OREDII2Consultation@rpsgroup.com

We look forward to seeing you. In the meantime, if you have any queries related to the event logistics, please contact OREDII2Consultation@rpsgroup.com.

An Roinn Comhshaoil, Aeráide agus Cumarsáide
Department of the Environment, Climate and Communications

29-31 Bóthar Adelaide, Baile Átha Cliath, D02 X285
29-31 Adelaide Road, Dublin, D02 X285

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