



Headquarters, PO Box 3000
Johnstown Castle Estate
County Wexford, Ireland

Ceanncheathrú, Bosca Poist 3000
Eastát Chaisleán Chaile Sheáin
Contae Loch Garman, Éire

T: +353 53 916 0600

F: +353 53 916 0699

E: info@epa.ie

W: www.epa.ie

LoCall: 1890 33 55 99

Email to:

ocean.energy@seai.ie,

OffshoreEnergyConsultation@decc.gov.ie

Offshore Environment and Consenting Division,
Department of the Environment, Climate and Communications,
29 – 31 Adelaide Road,
Dublin 2, D02 X285

17th April 2023

Our Ref: SCP220403.2

Re: Draft Second Offshore Renewable Energy Development Plan (OREDP II) and associated SEA Environmental Report

Dear Sir / Madam,

We acknowledge your notice, dated 24th February 2023, in relation to the Draft Second Offshore Renewable Energy Development Plan (OREDP II) and Strategic Environmental Assessment Environmental Report (SEA ER). We welcome the opportunity to engage with the process at this stage. We also acknowledge that our previous submission, made at the Scoping stage of the SEA process, has been considered in preparing the draft OREDP II and SEA ER

The EPA is one of the statutory environmental authorities under the SEA Regulations. In our role as an SEA environmental authority, we focus on promoting the full and transparent integration of the findings of the Environmental Assessment into OREDP II and advocating that the key environmental challenges for Ireland are addressed where relevant and appropriate to OREDP II. Our functions as an SEA environmental authority do not include approving or enforcing SEAs or plans.

Where we provide specific comments on plans and programmes, our comments focus on the EPA's remit and areas of expertise (in particular water, air, climate change, waste, resource efficiency, noise, radon and the inter-relationships between these and other relevant topics e.g. biodiversity), as appropriate and relevant to the particular plan or programme.

The EPA recognises that the energy sector plays a key role in helping Ireland transition to cleaner and more renewable sources of energy, and that offshore renewable energy will play a significant

role in advancing Ireland's environmental commitments towards achieving climate neutrality by 2050.

We acknowledge the aims of OREDP II, to establish a plan-led environmentally sustainable approach to developing Ireland's offshore renewable energy resource to progress Ireland's long-term climate ambitions. We welcome the intention that OREDP II will align closely with the National Marine Planning Framework and the Maritime Area Planning Act 2021, so that in implementing OREDP II, it will be cognisant of other relevant sectors operating within the marine environment.

We welcome that OREDP II supports the climate action targets to deliver at least 5-Gigawatts of offshore wind energy by 2030 and an additional 2-Gigawatt offshore wind for green hydrogen production for the same time period, as set out in the Climate Action Plan 2023. It also takes account of the Government's longer-term ambition for at least 30-Gigawatt floating energy.

Our submission comprises this cover letter setting out our key messages and two appendices: Appendix I providing specific comments on the draft OREDP II and Appendix II providing specific comments on the SEA Environmental Report.

Key Messages of this Submission

1. Integration of the environmental assessments into the Plan

The OREDP II should include a clear commitment to integrate and implement the full suite of recommendations and mitigation measures identified in the SEA Environmental Report (SEA ER) and the Appropriate Assessment Natura Impact Statement into OREDP II. This will maximise the potential for overall positive environmental outcomes. This integration is essential to ensure that OREDP II successfully advances the achievement of Ireland's commitments towards climate neutrality by 2050, while also protecting and improving water quality, biodiversity and also considers wider environmental aspects, such as landscape sensitivity.

For the proposed SEA and Appropriate Assessment (AA) recommendations related to OREDP II, we suggest including a table in OREDP II which shows how these recommendations have been reflected in OREDP II.

2. Designated Area Marine Plans

We note that the SEA includes recommendations for aspects to be addressed in both OREDP II and in the lower-level Designated Area Marine Plans, which will further develop and assess the resource potential of Ireland's marine environment in greater detail. To ensure that these are acted upon, we recommend that OREDP II includes a commitment to integrate that the SEA and AA recommendations into the Designated Area Marine Plans.

3. Protecting the Status of Water Bodies

The SEA identifies potential for likely significant effects associated with developing the different technologies proposed under OREDP II. For example, developing fixed wind infrastructure, without mitigation being applied, could lead to significant negative environmental impacts. We note however, that with mitigation applied, the SEA determines a more favourable, but still uncertain situation arising, in the case for fixed wind technology. In the interests of protecting the quality

and status of our waterbodies, we recommend that OREDP II includes a commitment requiring ORE developments to fully take account of the relevant requirements of the Water Framework Directive and Marine Strategy Framework Directive. Where the potential for significant effects on water quality remains uncertain, even after mitigation being applied, further environmental monitoring and research is required, which should also be considered.

4. Implementation and Coordination

We note the governance structures proposed to be established to implement OREDP II. It will be critical that clear governance and communications structures are established and maintained, so that in implementing OREDP II, opportunities to maximise the synergies and co-benefits between different sectors are considered, while also looking to avoid conflicts with other related sectoral policy commitments. Consideration should also be given to describing how the governance structures will engage civil society stakeholders.

5. Monitoring Considerations

We note that monitoring is proposed to be carried out for the Designated Area Marine Plans, and at a project level. Monitoring should also be carried out for at the strategic level of OREDP II. In this context, OREDP II should provide clarity on how the significant environmental effects of the implementation of OREDP II will be monitored, to identify at an early stage any unforeseen adverse effects.

The main sources of information related to the strategic environmental objectives set out in the SEA, as well as monitoring frequency and responsibility for monitoring aspects, should be incorporated into OREDP II alongside a commitment to publish the results of monitoring with a relevant interpretation, in a timely manner.

6. Alignment with key plans and programmes

DECC should align OREDP II with key relevant higher-level plans and programmes including the National Marine Planning Framework and the National Planning Framework. It should also comply with the relevant requirements of the EU Marine Strategy Framework Directive; Habitats & Birds Directives; and the Water Framework Directive to provide for the protection of water quality and marine biodiversity.

If you have any queries or need further information in relation to this submission, please contact Cian O'Mahony, Strategic Environmental Assessment Unit directly. I would be grateful if you could send an email confirming receipt of this submission to: sea@epa.ie.

Yours sincerely,



Dr Micheal Lehane.

Director

Office of Radiation Protection and Environmental Monitoring

Appendix I: Specific Comments on the draft OREDP II

Plan title and duration

The title of OREDP II should indicate the timescale over which it will apply e.g., 2023 to 2030 or 2023 to 2050.

Format of OREDP II

We suggest that the key objectives for OREDP II, set out in Section 2.3 are codified, and included in a table summarising the various actions and commitments of OREDP II. Providing this information, along with the relevant timescales and responsibilities will help track, monitor and report on progress in implementing OREDP II.

ORED P I overview and update on actions

ORED P II should include a section which summarises the progress in delivery of the actions/commitments in ORED P I. Similarly, an update should be provided on progress in implementing each of the plan-level mitigation measures in Section 3 of ORED P I. Where measures remain outstanding, and are still relevant for ORED P II, these should be reflected in ORED P II and SEA ER.

Alignment with relevant international, European, and national plans and programmes

We note the various plans and programmes referred to in the SEA ER and ORED P II. We suggest that ORED P II and SEA ER should include a summary description, setting ORED P II within the overarching environmental policy supporting its development and implementation.

At an international level, ORED P II and SEA ER should have regard to the relevant UN Sustainable Development Goals (SDGs), in particular SDGs 13 (Climate Action) and 14 (Life below Water), reflecting the SDG principle that our resources be appropriately managed to achieve social, economic and environmental objectives. At an EU level, this should include the EU Green Deal, Fit For 55 package, the 8th Environment Action Programme and RePowerEU.

At a national level, this should also consider the Climate Action Plan 2023, National Energy and Climate Plan (NECP) 2021-2030 and the relevant aspects of the draft River Basin Management Plan 2022-2027 (related to coastal and estuarine waters).

We note that *“Export cabling, terrestrial infrastructure and/or grid connection requirements are not directly covered by ORED P II”*. While they are not directly covered by ORED P II, the potential for cumulative effects that may arise from these aspects should be considered. In this regard, ORED P II should include a commitment to take the relevant plans from the key stakeholders responsible for these elements (such as Eirgrid) into account. The ORED P II should also consider the availability of relevant infrastructure at suitably located ports to facilitate the roll out of construction, operation, maintenance, and decommissioning activities.

Hierarchy of ORED P-related plans and assessments

The ORED P II should specify that the Designated Area Marine Plans will be completed, along with associated SEAs/ AAs, in advance of any environmental assessments relating to projects identified in the Designated Area Marine Plans.

An initial suite of proposed Designated Area Marine Plans areas should be identified as part of the initial phase of OREDP II implementation. Baseline data collection should commence on a phased and priority basis, following publication of OREDP II. This should inform the proposed “opportunity and constraints mapping exercise” that will guide the selection of Designated Area Marine Plans areas. The prioritisation should reflect the degree of uncertainty associated with potential for significant environmental effects, associated with the different technologies considered for OREDP II.

Hydrogen Policy and cumulative effects

We note the proposal for the preparation of a Hydrogen Policy. In preparing this policy, the requirements of the SEA and Habitats directives should be taken into account.

There is merit in clarifying to what extent does OREDP II and SEA /AA consider the potential environmental implications of harnessing 2GW of offshore wind for the purposes of production of green hydrogen., You should also clarify whether the assessment for potential for cumulative effects takes account of the proposed green hydrogen related aspects (e.g activities related to construction, generation, transmission, storage) as part of development of 2GW of offshore wind under OREDP II.

Adaptive Management Plan (AMP) Approach and Governance Structure

We welcome the proposed Adaptive Management Plan approach which reflects a whole of Government responsibility, to implementing OREDP II. The proposed groups include an Implementation Group and related Data and Environmental Subgroups. We welcome the proposal, in *Section 13.2 Management of OREDP II*, to establish an Implementation Group supported by an environmental monitoring subgroup. Consideration should also be given to including a specific Technology/ Research Subgroup in the governance structure for implementation of OREDP II.

We note and welcome that OREDP II Implementation Group reports into the governance model for Project Ireland Marine 2040. It is important that the environmental monitoring associated with OREDP II is also reported to the Implementation Group, on an annual / biennial basis. The monitoring should inform the proposed environmental sensitivity mapping to be undertaken for Broad Areas of Interest, the Designated Area Marine Plans SEAs and AAs and where relevant project level EIAs and any subsequent environmental assessments carried out under OREDP II.

Broad Areas of Interest and DMAPS

With regards the Broad Areas of Interest proposals for ORE developments, we recommend clarifying whether the Broad Areas of Interest will be fully defined prior to finalising OREDP II, or whether these may be reviewed over time and refined, where appropriate. This would potentially facilitate consideration of designations including Marine Protection Areas which may be defined during the implementation phase of OREDP II.

We note the ‘Broad Areas of Interest’ identified for offshore renewable energy, based on wind resource potential, bathymetry potential, data availability, onshore infrastructure, industrial opportunities, location of demand and proximity to grid connections. The extent to which environmental constraints have played a part in defining these initial areas for each of the possible

renewable energy types considered in OREDP II should be more clearly described (Fixed Wind, Floating wind, wave energy and tidal energy).

We also suggest that OREDP II describes the extent to which onshore infrastructure has been taken into account, for example, availability or status of supporting grid connectivity or proposed upgrades to existing grid infrastructure that will support offshore developments.

It would also be useful to describe whether the initial Broad Areas of Interest (BAI) relate to all forms of ORE technology covered by OREDP II.

In addition, the extent to which the Broad Areas of Interest, either individually or in combination, can achieve the 7 GW of offshore renewable energy by 2030 target should be highlighted. This is in the context of the Broad Areas of Interest being able to sustainably accommodate the requisite ORE development targets under the different ORE technologies.

Environmental Sensitivity Mapping

With regards the timing of the environmental sensitivity mapping for the broad areas of interest, we recommend that you include information on when this is expected to commence and how it relates to the Designated Area Marine Plans identification and preparation process. Any relevant transboundary environmental sensitivities could be considered also on these maps.

There is merit also in including a commitment to update the maps regularly to take account of more updated information, over the lifetime of OREDP II. Doing so, will ensure these maps remain fit for purpose to inform development of future OREDPs, while avoiding potential for significant environmental effects.

In addition to environmentally sensitive areas, other relevant mapping information could be included, for example with regards marine transport or marine related sports and leisure activities. This will be particularly relevant at the Designated Area Marine Plans and EIA phases.

Mitigation Measures

OREDPP II should include a specific section on SEA and AA mitigation measures which summarises the full suite of proposed recommended SEA and AA mitigation measures.

We acknowledge that the Designated Area Marine Plans will also be subjected to SEA and AA. The commitment to providing for multiple opportunities for public participation and consultation in the Designated Area Marine Plans process is also welcomed. In this regard the Digital SEA accompanying OREDPP II consultation reflects a good practice approach to potentially engaging the wider public on the OREDPP and SEA/AA process. It would be useful to consider a similar approach for the Designated Area Marine Plans.

Roadmap for assessing the offshore area

With regards the roadmap for assessing offshore areas, consider expanding on the description of the development and timing of the proposed opportunity and constraints assessments, as well as sensitivity assessments proposed for the identification of potential effects of different technologies and device types on the marine environment.

Environmental Research

The EPA welcomes that the role of research is highlighted in the draft OREDP II and also the inclusion of the EPA Research 2030 Framework in the Research Integration Schedule. The EPA manages an environmental research programme that delivers essential scientific support for environmental policy development, implementation and broader decision making.

There are opportunities to coordinate research activities arising from OREDP II with the EPA's research programme. Through its Research Integration Plan, OREDP II Management Group will have the opportunity to engage with the EPA, and to contribute potential research actions aligned to EPA's thematic priorities. Previous examples of co-funded research projects between the Marine Institute and the EPA include *mapping the spatial and temporal distribution of underwater noise in Irish Waters*, *Towards an Integrated Policy Framework for Maritime Spatial Planning in Ireland*, and the *Investing in Blue Carbon*.

Appendix II: Specific Comments on the SEA Environmental Report (SEA ER)

General Comments

The EPA's key observation with respect to the SEA ER relates to the lack of integration of the findings of the assessment into OREDP II. We also note that a Natura Impact Statement has been prepared in support of OREDP II, which includes mitigation measures. These should also be reflected in OREDP II. It would be useful for the SEA ER to include all recommendations and mitigation measures from the Natura Impact Statement and discuss how these will be incorporated into OREDP II.

Non-Technical Summary Comments

You should review the requirements of the aspects to be included in the Non-Technical Summary, as set out in Annex I (j) of the SEA Directive, to ensure all the relevant information is included.

We suggest that information is included on the potential negative effects associated with the different technologies, and how OREDP II will be providing mitigation for these effects. We also recommend that the evolution of the area in the absence of OREDP II is referred to.

Baseline Conditions

Annex I(b) of the SEA Directive requires that the SEA ER provide information relating to the relevant aspects of the current state of the environment and its likely evolution without implementation of the plan or programme. Consequently, the SEA ER should include a description of the likely evolution of the current state of the relevant aspects of the environment without the implementation of OREDP II.

A more detailed summary of the baseline environment topics should be included in the main body of the SEA ER. This should consider existing environmental problems relevant to OREDP II as well as the evolution of the specific aspect of the environment in the absence of OREDP II. The Baseline Environment description should be put in the context of OREDP II.

Climate Change

References to the Climate Action Plan in OREDP II and the SEA ER should be updated to refer to the Climate Action Plan 2023.

Sediment

The baseline description should clarify to what extent contaminated sediments have been considered and identified. Potential sources of contamination should be identified along with areas of potential concern, and these should be taken into account, as appropriate.

Biodiversity Designated Sites

In light of ongoing identification of further designation sites for Designated Area Marine Plans, project EIA and ongoing OREDP II review, updates of biodiversity related designations should be undertaken on an ongoing basis to ensure the most recent suite of designations (or proposed designations) are captured in the scope of the related assessments.

Landscape and Seascape

The likely implications of the Marine Institute's Seascape Character typology on ORE potential and development should be described.

Population and Human Health

The implications of OREDP II in the context of population and human health should be set out.

Data Gaps

We note Section 11 *Data Gaps* and associated *Table A-1 Currently Identified Data Gaps*. For significant environmental data gaps of relevance to OREDP II, proposals should be put forward for addressing these gaps during the initial OREDP II implementation phase. The timing, phasing and responsibility for filling the key data gaps should be set out in Table A-1.

While the Designated Area Marine Plans will provide the more detailed decision-making and environmental assessments regarding the development of offshore renewable energy in Irish waters, it would also be useful for environmental information from the phase 1 projects to be referred to in the Baseline Conditions description, where available.

The more detailed analysis associated with the *environment model* in the Designated Area Marine Plans stage assessments, should help facilitate the understanding and appropriate mitigation of potential significant adverse environmental effects identified in this lower tier planning level (Designated Area Marine Plans) as well as project level (EIA) assessments. In this regard, all the relevant lower tier assessments identified in Tables 7-1 to 7-9 in the Environmental Report, should be included in the scope for baseline investigations required for Designated Area Marine Plans. In addition, the Designated Area Marine Plans/ project-specific EIA mitigation associated with Tables 7-1 to 7-9 should be reflected in OREDP II.

Decommissioning and Repowering

The OREDP II, the SEA and AA should also consider aspects and implications in relation to decommissioning and repowering of ORE-related infrastructure over the lifetime of the plan.

Dumping at Sea considerations

We note that OREDP II and the SEA sets out the intention to exclude existing dumping at sea sites (including a 500m buffer) from potential sites to be identified as suitable for ORE development. The OREDP II should also take account of maintenance dredging activities, some of which could be related to existing renewable energy sites, such as in the Arklow Bank. It is worth noting that dredging can be included in the meaning of dumping, which may require a dumping at sea permit. The EPA is responsible for dumping at sea permitting, while DHLGH is responsible for foreshore consenting (dredging) considerations.

Our knowledge of inactive and active dumping at sea sites is based on those sites which have been granted a permit under the Dumping at Sea Act. Some aspects to consider in this regard are:

- The requirements of the Dumping at Sea Act should be considered in relation to potential ORE sites or in assessing the Broad Areas of Interest. This should also be taken into account in any Designated Area Marine Plans that may arise out of implementing OREDP II

- OREDP II should consider the number of ORE developments that may/will require dumping at sea permits and whether a strategic approach will be taken to the selection of the required dumping at sea sites.

Wastewater Considerations

Consideration should be given to including “*nearshore wastewater discharge points*” in the list of exclusion areas.

Additional considerations

There is merit in clarifying some of the following aspects or describing whether some of these aspects may be more appropriate to consider at a Designated Area Marine Plans level for example:

- The level of development that can be accommodated sustainably within each Broad Area of Interest. The OREDP II and SEA both identify high potential levels of development, and the SEA describes that “*The technology model identifies an estimated 42GW of gross technical resource capacity... Given the extent of the available resource, significant positive effects are predicted in relation to promoting renewable energy (SEA 6) and minimising greenhouse gases (SEA 7).*” (Section 6.2.1.2). An indication should be included in either OREDP II or SEA or both on how much of this resource should be developed.
- OREDP II should also consider supporting efforts towards greater sharing of resources to both improve efficiency/economic benefits and reduce environmental costs, e.g. requirements for data sharing or funding a common pool of environmental data, joint use of electricity connectors, maintenance activities etc.

Environmental Assessment

We acknowledge the assessment findings, as set out in *Chapter 6 – Assessment of OREDP II* of the SEA ER. Table 6-2 shows the impact of floating offshore wind as being ‘*minor positive*’ for coastal processes (SEA2), water quality (SEA3), marine pollution (SEA4), human health (SEA17), and disruption (SEA18). However, the associated text (p.81) notes that “*Due to proposed water depths for deployment (>60m), use of floating wind technology largely avoids effects on coastal and estuarine processes... also helps to avoid or minimise disturbance...*” consideration should be given to amending the mitigation text from “*minor positive*” to “*neutral*”.

There is also merit in providing a greater discussion on the full range of effects (synergistic, short, medium, long-term, permanent or temporary effects) in the main body of the SEA ER text. While Appendix 4 to the SEA ER discusses these effects, the main text does not make this distinction. This is important, as there will be different impacts during surveys, construction, operation, and decommissioning, which could require different forms of mitigation.

Environmental Monitoring

We recommend that SEA related monitoring is closely linked to the proposed mitigation measures arising from the SEA and AA processes, and that the progress in implementing OREDP II is also monitored. There should be a clear alignment between monitoring OREDP II and monitoring required under the SEA Directive. Doing so would enable the environmental performance of OREDP II to be evaluated and provide for increased transparency during implementation. There

may also be merits in aligning periodic reviews of OREDP II with existing cyclical reporting e.g. State of Environment reports, etc.

We note the role of the proposed Environmental Subgroup and recommend that this role also reviews the results of the significant or residual uncertain environmental effects in implementing OREDP II. We also note that the reporting cycles for the Marine Strategy Framework Directive form an essential element of the Environmental Monitoring Programme (EMP). The EMP should be included in the final OREDP II and in the SEA Statement. We also recommend that the DECC publish environmental monitoring reports at regular intervals.

In *Chapter 12 – OREDP II Adoption and Implementation* of the SEA, the responsibilities of the organisations responsible for implementing the specific measures of OREDP II should be clearly set out.

We note that proposals for monitoring include the following aspects:

- Impacts on coastal sediments and processes for fixed wind and wave technology
- Impacts on classified waterbodies of fixed wind technology
- Impacts on habitats, species and ecosystems for all ORE technologies
- The configuration of inter-array cabling for tidal generation technology to minimise the impacts of electromagnetic fields

We recommend that a table is provided showing the relevant monitoring of the environmental objectives, indicators considered, frequency and responsibility for monitoring the various elements.

EPA guidance on SEA-related monitoring is available at: <https://www.epa.ie/publications/monitoring--assessment/assessment/strategic-environmental-assessment/guidance-on-sea-statements-and-monitoring.php>.

The Monitoring Programme should be flexible to take account of specific environmental issues and unforeseen adverse impacts should they arise during implementation. It should consider and address the possibility of cumulative effects and consider assimilative capacity of areas identified for ORE development. Monitoring of both positive and negative effects should be considered. The monitoring programme should set out the various data sources, monitoring frequencies, responsibilities, and reporting. If the monitoring identifies adverse impacts during the implementation of OREDP II, DECC should ensure that measures are in place so that effective remedial action can be taken in a timely fashion.

Future Amendments to OREDP II

Where modifications to OREDP II are proposed, these should be screened for likely significant effects, using the same method of assessment applied in the “environmental assessment” of OREDP II.

SEA Statement – “Information on the Decision”

Once OREDP II is adopted, an SEA Statement should be prepared that summarises:

- How environmental considerations have been integrated into OREDP II;

- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of OREDP II;
- The reasons for choosing OREDP II adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of OREDP II.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process. Guidance on preparing SEA Statements is available on the EPA website at the following link: <https://www.epa.ie/publications/monitoring--assessment/assessment/strategic-environmental-assessment/guidance-on-sea-statements-and-monitoring.php>

Environmental Authorities

In accordance with the SEA Regulations the following authorities should also be consulted with:

- Minister for Housing, Local Government and Heritage.
- Minister for Environment, Climate and Communications; and,
- Minister for Agriculture, Food and the Marine.

Transboundary consultation

Where the potential for likely significant transboundary effects is identified in the SEA, the Department should ensure that the relevant transboundary authorities are consulted, as required under the SEA Protocol.