

Appendix 1: Responses to Scoping Report



**ÚDARÁS EITLÍOCHTA NA HÉIREANN
IRISH AVIATION AUTHORITY**

FOIRGNEAMH na hAMANNÁ, 11-12 SRÁID D'OLIER
BAILE ÁTHA CLIATH 2, ÉIRE
THE TIMES BUILDING, 11-12 D'OLIER STREET
DUBLIN 2, IRELAND
T: (01) 671 8655 F: (01) 679 2934
www.iaa.ie

8 July 2010

Dr. Paddy Kavanagh, Senior Consultant
ESBI Environmental
Stephen Court
18/21 St. Stephen's Green
Dublin 2

Re: Atlantic Marine Energy Test Site – Annagh Head, Co. Mayo

Dear Dr. Kavanagh

I refer to your query of 25 June 2010 to the Irish Aviation Authority concerning the above test site.

I wish to advise that we have no observations on your proposals.

You might note that our full postal address for planning correspondence is: The Irish Aviation Authority, The Times Building, Corporate Affairs, Fourth Floor, 11-12, D'Olier Street, Dublin 2.

Yours sincerely


Tom Cooney
Corporate Affairs



COMMISSIONERS OF IRISH LIGHTS

Harbour Road, Dun Laoghaire, Co. Dublin

Mr Tim Ryan
Local Aids to Navigation Inspector

Tel: +353 1 271 5483 E-mail: t.ryan@cil.ie
Fax: +353 1 271 5566 Web: www.cil.ie

Our Reference: ESB/WETS/HoM

Date: 09/07/2010

Dr Paddy Kavanagh,
Senior Environmental Consultant,
ESB International,
Stephen's Court,
18-21 St. Stephens Green,
Dublin 2.

Re. Atlantic Marine Energy Test Site – Annagh, Co. Mayo - Environmental Scoping Report

Dear Dr Kavanagh,

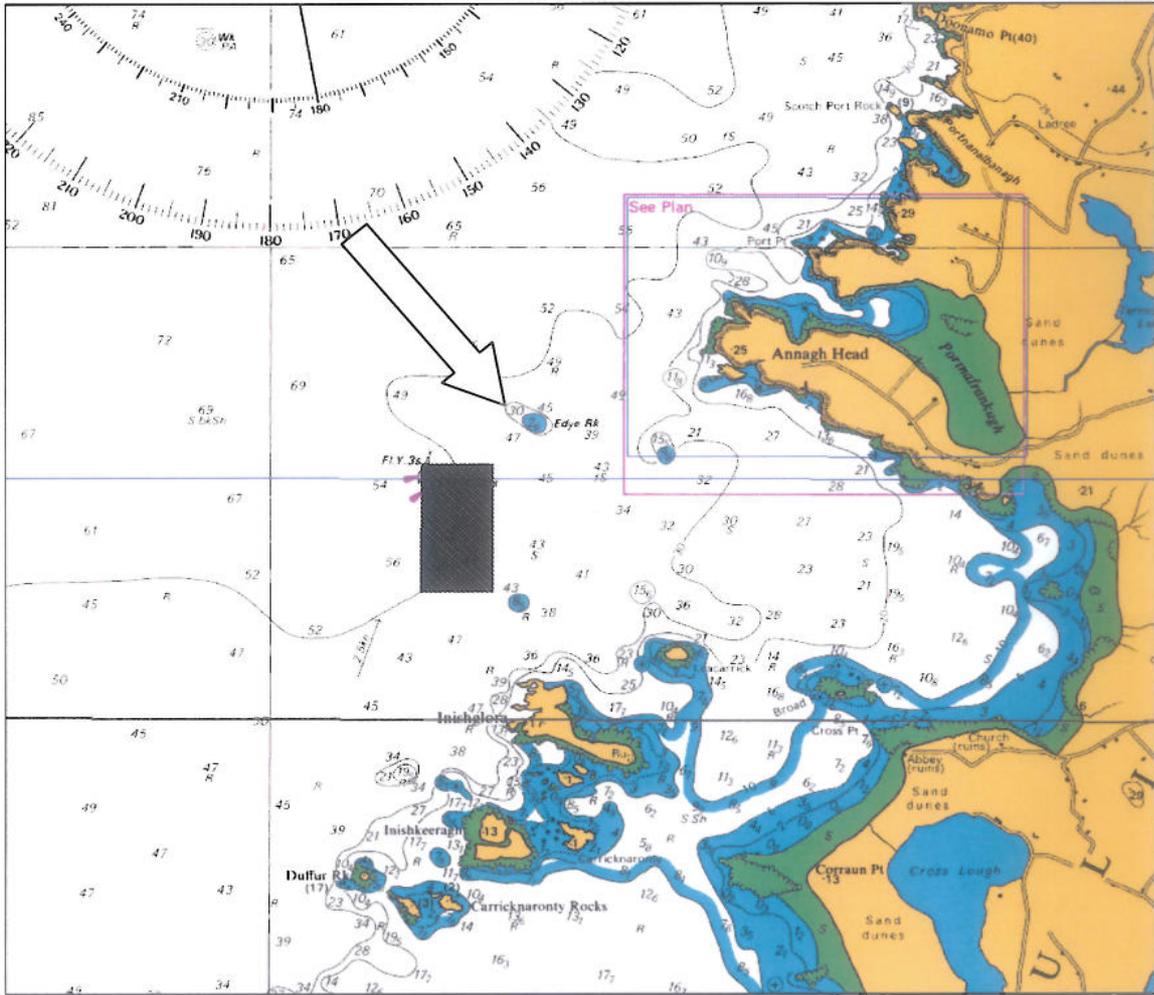
Thank you for your scoping consultation document relating to the proposed Atlantic Marine Energy Test Site at Annagh, Co. Mayo. Your prior engagement with CIL and the proposed installation of appropriate Aids to Navigation (Lighted Cardinal Buoys) for each test site is welcomed.

A concern has arisen in relation to Test Site B. In certain circumstances, vessels, especially south going vessels, may be tempted to avoid the site by passing to the east. This would bring vessels into close proximity with a submerged rock, namely Edge Rock as shown on the attached chartlet. We recommend that a risk analysis be carried out on this potential risk, which may have an increased probability following the installation of Test Site B.

If we can offer any further assistance to the ESB on this or any other matter, please do not hesitate to contact me.

Yours sincerely,

Tim Ryan
Local Aids to Navigation Inspector





Department of Defence
An Roinn Cosanta

600/01

20 July 2010

Dr Paddy Kavanagh
Senior Environmental Consultant
ESB International
Stephen's Court
18-21 St Stephens Green
Dublin 2

ATLANTIC MARINE ENERGY TEST SITE – ANNAGH, CO MAYO

Dear Dr Kavanagh

Your letter dated 25 June 2010 enclosing the Scoping Consultation Document in relation to the above refers.

Having consulted with the Defence Forces, this Department has no observations or recommendations to make regarding this marine energy test site.

Yours sincerely


LORNA WHORISKEY
EXECUTIVE BRANCH

Telephone: 01-8042234
Fax: 01-6779023
Email: lorna.whoriskey@defence.irlgov.ie

Dr. Paddy Kavanagh,
Senior Consultant

ESBI Environmental,
Stephens Court,
18-21 St. Stephens Green,
Dublin 2.

Regional Inspectorate, Inniscarra
County Cork, Ireland

Cigireacht Réigiúnach, Inis Cara
Contae Chorcaí, Éire

T: +353 21 487 5540

F: +353 21 487 5545

E: info@epa.ie

W: www.epa.ie

LoCall: 1890 33 55 99

21 July 2010

Re: Proposed development for offshore Atlantic Wave Energy test site near Annagh Head, Co. Mayo.

Dear Sir/Madam,

I refer to your letter of 25 June 2010 received on 12 July 2010, requesting comments from the Agency on the above development and its assessment.

It is noted that the proposed development is not a licensable activity under the Environmental Protection Agency Act, 1992, as amended, and the Waste Management Act, 1996, as amended, nor has it been classified as an SID. Therefore, please be advised that the Agency has no observations in regard to the proposed development at this time.

Please note that there is no requirement for you to acknowledge receipt of this letter.

Yours sincerely,



Sonja Smith,
Office of Climate, Licensing & Resource Use

Encl



Irish Coast Guard
GARDA CÓSTA na hÉIREANN
Department of Transport
Leeson Lane,
Dublin 2.



Dr Patrick Kavanagh
Senior Consultant
ESBI Environmental
28th July 2010

Ref Atlantic Marine Energy Test Site – Annagh Co. Mayo

Dear Paddy,

Thank you for your invitation to comment on SEAI's test site.

The Coast Guard's major concern with all such activity is concerned with the safety of maritime traffic in the area and any threat to the environment. The question of the safety of maritime traffic overlaps with the functions of MSO and CIL but centres on the search and rescue element principally. The clear marking of the test areas is important. We would also recommend that, where possible, AIS transceivers should be employed. At present it is a requirement to have contingency plans in place for offshore developments and in this case there should be plans in place to respond to devices or arrays, which may either wholly or in part, come adrift thereby becoming a possible danger to shipping.

In relation to the initial work itself, the Coast Guard requires a Radio Navigation Warning to be broadcast during cable laying and device anchoring operations. The Coast Guard will broadcast these warnings for a period until a Marine Notice is promulgated. Before commencement of operations the Coast Guard must be informed of the vessels and number of personnel involved and daily reports made to MRSC Malin Head.

If there are any queries please contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hugh Barry'.

Hugh Barry
Operations and Training Officer

Ph +353 (0) 1 6783443
Mob. +353 860495138
Email; hughbarry@transport.ie



An Taisce – The National Trust for Ireland

Tailor's Hall, Back Lane, Dublin 8

Tel: 01 4541 786 Fax: 01 4533 255

Email: planning@antaisce.org

20100730-06-esb int ltd

30th July 2010

Dr Paddy Kavanagh
Senior Consultant
ESBI Environmental
Stephen Court
18-21 St Stephen's Green
Dublin 2

RE: ATLANTIC MARINE ENERGY TEST SITE – ANNAGH CO MAYO

Dear Dr Kavanagh,

Thank you for referring the scoping document to An Taisce.

We have no comments or concerns at this stage.

We would appreciate copies of the Environmental Impact Statement and Appropriate Assessment for the site as soon as they are available.

Yours sincerely,

Anja Murray
Natural Environment Officer

6 August 2010

Dr. Paddy Kavanagh,
ESB International Limited,
Stephen Court,
18-21 St. Stephen's Green,
Dublin 2,
Co. Dublin.

Re: Atlantic Marine Energy Test Site – Annagh, Co. Mayo – ESBI.

Dear Mr Kavanagh,

Having reviewed the various plans and drawings that were referred with the Environmental Scoping Report, Inland Fisheries Ireland-Ballina is satisfied that the proposed Wave Energy Test Site off Annagh Head in County Mayo will have no negative fishery implications.

Yours sincerely



John Conneely
Director
ESBI-wave-810



Comhshaol, Oidhreachta agus Rialtas Áitiúil
Environment, Heritage and Local Government



9th August 2010

Dr Paddy Kavanagh,
Senior Consultant,
ESB International Ltd.,
Stephen Court,
18/21 St Stephens Green,
Dublin 2

Our Ref: G2010/409

Re: Atlantic Marine Energy Test Site – Annagh, Co. Mayo

A chara,

I refer to your letter of 25th June 2010, seeking observations on the Environmental Scoping Report for the above proposed development. Please find outlined below the Marine Research observations and recommendations of the Department of the Environment, Heritage and Local Government.

Marine Research Observation

- The proposed development would in part occur within and/or adjacent to a number of designated Natura sites.
- A scoping/information meeting was held with the applicants on the 12th March 2010 in the Marine Institute where details of the proposed development were outlined. No comment issued subsequently from DEHLG. It was advised that the applicant should formally submit a scoping request through DAU.
- It is likely that a significant proportion of the documentation included within the scoping report will be useful in formulating an assessment of the potential implications of the proposed development to marine conservation interests. However, in order to complete this process a document, or section within the Environmental Assessment, should be generated which is specifically targeted towards the provisions of Article 6(3) and Article 12 of Council Directive 92/43/EC.
- The implications of the proposed development in relation to coastal habitats or birds have not been assessed but should be considered by the relevant person in NPWS.

Marine Research Recommendation

1. EU Habitats Directive- Article 6(3) assessment

As noted in the Environmental Scoping Report the proposed development would occur partly within:

Please note – our new address for all correspondence is:
The Manager,
Development Applications Unit,
Department of the Environment, Heritage and Local Government,
Newtown Road,
Wexford



- Mullet / Blacksod Bay Complex (Site Code: IE000470)

Furthermore it would be adjacent to a number of designated Natura sites including:

- Erris Head cSAC (Site Code: IE001501)
- Inishglora and Inishkeeragh SPA (Site code: 4084)
- Duvillaun Islands (Site Code: IE000495)
- Inishkea Islands (Site Code: IE000507)

Details of the boundaries and qualifying interests of Natura sites are available on <http://www.npws.ie>

Article 6(3) of Council Directive 92/43/EC (*the Habitats Directive*) states that “Any plan or project not directly connected with or necessary to the management of the [Natura] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives”. This is transposed into national legislation by Regulation 31 of the European Communities (Natural Habitats) Regulations 1997. The proposed development would require such an assessment as the works would occur within or adjacent to designated Natura sites.

Guidance on this process can be found within “Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC” published by the European Commission in 2001. A recent document entitled “Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities” published by the Department of the Environment, Heritage & Local Government is available to download on <http://www.npws.ie/en/WildlifePlanningtheLaw/AppropriateAssessment/>.

A significant proportion of the information already collected within the Environmental Scoping Report will be useful in formulating the required Article 6(3) assessment. In order for this proposed development to be assessed the environmental implications for the development within the foreshore the applicant should ensure that the following information is generated:

- I. Full description of proposed operation/activity
 - A full description of the proposed construction and operational methodology.
 - Are there similar operations/activities already or planned to occur in the locality? Would the proposed works act in conjunction with any existing or planned developments?
 - The facilities to be put in place to cope with waste generated during construction and operation of the proposed facility should be detailed.
 - A copy of the pollution contingency plan for construction and operation of the proposed plan.

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 The Manager,
 Development Applications Unit,
 Department of the Environment, Heritage and Local Government,
 Newtown Road,
 Wexford

II. Baseline description of relevant environment

- The projected area of impact, both directly and indirectly (as may occur from changes in the hydrodynamic environment), from the proposed development should be detailed to include whether this would interact with the adjacent Natura sites and Qualifying Interest habitats or species.

2. EU Habitats Directive- Article 12

It must be noted that all cetaceans are listed under Annex IV (including those in Annex II) of Council Directive 92/43/EEC. Accordingly, under Article 12 of that Directive, it is an offence to deliberately capture, disturb or kill a cetacean or take actions that result in deterioration or destruction of their breeding sites or resting places. This has been transposed into Irish Law by Regulation 23 of European Communities (Natural Habitats) Regulations (SI 94/1997). Introduction of certain sound sources into the marine environment, as may result from construction or survey activities over the foreshore, have the potential to cause injury and possibly mortality in these species. In order to Screen for potential interaction with cetaceans the following must be provided:

- III. A risk assessment must be completed designed to gauge the potential for impact from the likely construction/operation (*e.g.* cable laying, noise generated from wave energy devices *etc.*) of the proposed development and disturbance to Annex IV species (cetaceans). If disturbance is likely then suitable mitigation must be proposed.

3. Wildlife Act 1976 and amendments

All marine mammals are protected wild animals under the Fifth Schedule, which includes all cetacean and seal species, of the Wildlife Act (39 of 1976) and Amendments. Under Section 23 (as amended in 2000), it is an offence to kill, injure or wilfully interfere with or destroy the breeding place or resting place of any protected wild animal. The applicant should consider the following:

- IV. The potential risk of disturbance, injury or mortality of those protected species must be evaluated in relation to the potential for impact from the likely construction and operation (*e.g.* cable laying, noise generated from wave energy devices *etc.*) of the proposed development. Any intention to engage in activities likely to result in disturbance, injury or mortality of Fifth Schedule species or their breeding/resting places will require Ministerial Consent under Section 23 (6) of the Wildlife Act 1976 and amendments.

Kindly forward any further information to the following address:

The Manager,
Development Applications Unit,
Department of the Environment, Heritage and Local Government,
Newtown Road,
Wexford.

Please note – our new address for all correspondence is:
The Manager,
Development Applications Unit,
Department of the Environment, Heritage and Local Government,
Newtown Road,
Wexford

In addition, please acknowledge receipt of this submission and forward the relevant receipt to the above address.

Is mise le meas,



David Tuohy
Development Applications Unit
053 9117380
David.tuohy@environ.ie

*Please note – our new address for all correspondence is:
The Manager,
Development Applications Unit,
Department of the Environment, Heritage and Local Government,
Newtown Road,
Wexford*



Comhairle Contae Mhaigh Eo

Áras an Chontae, Caisleán an Bharraigh, Contae Mhaigh Eo.

Teileafón: (094) 9024444 Facs: (094) 9023937

Do Thag. / Your Ref.

Ár dTag. / Our Ref.

11th August 2010

Dr. Paddy Kavanagh,
Senior Consultant,
ESB International Ltd.,
Stephen Court,
18-21 St. Stephen's Green,
Dublin 2.

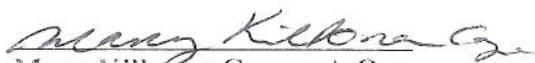
Re: Atlantic Marine Energy Test Site – Annagh, Co. Mayo.

Dear Mr. Kavanagh,

I refer to the Environmental Scoping Report, ref. WETS_R_2013, submitted on 6th July 2010.

Mayo County Council agrees with the proposed approach to the Environmental Assessment and key issues identified.

Yours sincerely,


Mary Killoran Coyne, A.O.,
Planning Section

ID/CK

Submission received from Lucy Bingham on the AMETS Scoping document 10/08/2010

Some general thoughts on The SEAI Environmental Scoping Report into the Atlantic Marine Energy Test Site at Annagh, Co Mayo

I found the archeological and historical reports excellent and accurate, though precisely because of this, questions have to be raised about how the construction phase could avoid having a negative impact. Perhaps a detailed analysis of how the cultural and archaeological sites and their historical significance might best be recorded and preserved for the benefit both of the local and of the national community might be seriously considered. Might there be some local museum to give more information about the promontory sites, for instance? Something like this, alongside the project, would very much tip people in its favour, I feel.

The last section, navigation risk assessment, seems odd, to say the least. There are a considerable number of typos, but more concerning, the pie chart on p.7 has some very strange titles. 30% 'unknown'; 5% other types; 3% other vessels. What does this mean? Why include sections which have 0% representation?

I'm interested in knowing who undertook the research for this report. I am aware that a number of marine biologists in the area from the University of Cork, employed (indirectly) by Shell, are conducting studies at present, and it may be that you have asked them to contribute to your own research. There is no intrinsic problem with this, but if it is happening, I do think there should be an overt statement to that effect, since, given the controversial nature of the Corrib project to date, openness is absolutely vital if there is to be a resolution of the issue. Nothing would be worse than that this project be tarred with the brush of obtuseness in relation to research and reporting.

It seems to me that the permitting system pays lip service to the notion of respecting the interests of the rest of the biotic community, and the overt agenda suggests that all interests are being taken into account. The covert agenda, however, is for those involved in planning and implementation of projects to understand that nothing has changed: that the same old political tussle and exploitative attitudes prevails, that we all have to 'play the game', and be prepared to battle for the position of 'strongest'.

An alternative attitude – one of respect, based on rational understanding of our position, not at the top of some evolutionary pyramid, but as a branch – or twig, rather – on an evolutionary tree – might balance interests more accurately. In this document, there is some consideration of the interests of other species (namely cetaceans, birds and their food supplies). However consideration of ecological systems appears lacking. Some thinking on how this project would impact on the web of sealife into which it is proposed to be implemented would be interesting. Projections of the impact – if any – of devices on the energy ratios of waves, and the effects of these on fauna and flora would be worthwhile.

It would be good to have a full economic projection for the programme so that this could be considered alongside the factors already taken into account. How is it envisaged that the local community might benefit? What are the projected costs and profits and how will they be distributed? In this context, and alongside it, some consideration of what reparation will be made to the natural environment in exchange for this use: can some proportional area be set aside as purely wilderness? Can there be some additional measures to protect and enhance the area so that the impact is mitigated to the greatest extent possible?

Wendell Berry, an American ecologist, has written extensively about the importance of margins in the context of human designed projects. It would be beneficial to consider how this idea might be

used to benefit the project: could some designated zoning take place which would allow a margin for ecosystems to operate in with as little interference as possible? This is in addition to the recommendation that there be some recompensated area of proportionate size set aside for wild use only.

A fuller investigation of the flora of the area would be worthwhile. There do seem to be a number of potentially rare species.

My overall thoughts are that the scoping document provides an excellent initial overview of the issues which will need consideration and consultation during the implementation of this project. I do think that this proposal is potentially beneficial to the area and on balance, given its sensitive implementation, would support it fully.

