
ACP Reference: ABP-319864-24 - Submission by BBT

From BrittasBayTourism <brittasbaytourism@gmail.com>

Date Tue 7/28/2026 8:49 PM

To Marine <marine@pleanala.ie>

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Brittas Bay Tourism ACP Additional Info ABWP2 28-07-26.pdf;

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Dear Sir/Madam

Attached please find a submission on the Additional Information Received by ACP in Respect of the Arklow Bank Wind Park 2 provided by SSE Renewables/Sure Partners.

Yours Faithfully
William Hourie
Brittas Bay Tourism



Offices of An Coimisiún Pleanála,
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Sent by email to marine@pleanala.ie

28th July 2026

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Observation by Brittas Bay Tourism
Arklow Bank Wind Park Phase 2
Response to Additional Information Submitted by Sure Partners Limited
ACP Reference: ABP-319864-24

Brittas Bay Tourism made an observation on the original application and are responding to the additional information submitted by Sure Partners Limited/SSE Renewables in response to An Coimisiún Pleanála's request for further information concerning the proposed Arklow Bank Wind Park Phase 2.

Brittas Bay Tourism supports the transition to renewable energy and recognises the importance of offshore wind in meeting Ireland's climate and energy objectives. However, renewable-energy infrastructure must be located and designed in a manner that protects the marine environment, established coastal communities, tourism, public amenity and legally protected habitats.

In our view, the Applicant's revised information has not satisfactorily resolved the central questions raised by An Coimisiún Pleanála concerning coastal processes, sediment

movement, environmental effects, alternatives and the reliability of the assessments upon which the application depends.

Importance of Brittas Bay and the wider coastline

Brittas Bay is one of the most important recreational and tourism assets on the east coast of Ireland. Its beaches, dunes, bathing waters, landscape and natural character support local employment, holiday accommodation, hospitality businesses, recreation and the wider visitor economy of County Wicklow.

The value of Brittas Bay cannot be measured solely by direct commercial expenditure. Its beaches and dunes are public assets enjoyed by residents, visitors and future generations. They contribute to physical and mental wellbeing, regional identity and the attractiveness of Wicklow as a tourism destination.

Brittas Bay forms part of a wider interconnected coastline that includes Silver Strand, Magheramore, Magherabeg, Jack's Hole, Buckrone, Ennereilly, Clogga, Kilmichael, Kilpatrick, Kilgorman and other beaches extending southwards towards Wexford. Several areas within this coastal system are protected under national or European law, including Buckrone–Brittas Dunes and Fen SAC, Magherabeg Dunes SAC, Kilpatrick Sandhills SAC, Wicklow Reef SAC, Wicklow Head SPA, The Murrough SPA and protected sites along the Wexford coast.

Any development that could alter sediment pathways, wave conditions, coastal erosion, water quality or the functioning of the Arklow Bank must therefore be examined with exceptional care.

The central modelling uncertainty

The Applicant's conclusion that the development will have no appreciable effect on the long-term evolution of Arklow Bank and the surrounding coast depends heavily upon numerical modelling of an exceptionally dynamic natural system.

Numerical models are useful and necessary scientific tools, but they are simplified representations of reality. They cannot reproduce every storm, sediment movement, wave direction, interaction, seasonal variation or long-term change that may occur during the lifetime of the proposed development.

The Applicant's modelling contains acknowledged limitations, including:

- calibration and validation over a comparatively limited observational period;
- morphodynamic simulations extending for approximately 20 years, despite the infrastructure being expected to remain in the marine environment for approximately 36.5 years;
- reliance on assumptions, simplifications and expert judgement when extending conclusions beyond the modelled period;

- uncertainties concerning sediment characteristics, future environmental conditions and human interventions;
- difficulty separating the effects of the proposed Phase 2 infrastructure from the existing Phase 1 development; and
- the absence of a quantified overall margin of error or confidence interval for the critical conclusion of “no appreciable effect”.

These limitations do not necessarily mean that the modelling is technically defective. They do, however, limit the degree of confidence that can properly be placed in its long-term predictions.

The essential point is straightforward: **A model cannot reliably distinguish an environmental effect that is smaller than its own uncertainty.**

The Applicant predicts that the difference between the future development of the Bank with the wind farm and its development without the wind farm will be extremely small. However, it has not demonstrated that the uncertainty within the modelling is materially smaller than that predicted difference.

Consequently, the model may be unable to distinguish between “no appreciable effect” and an effect that could become environmentally significant over time.

The fundamental questions for An Coimisiún Pleanála are therefore:

What is the probability that the Applicant’s central conclusion is wrong, what would the consequences be if it is wrong, and who would bear the resulting cost?

The consequences would not be borne principally by the Applicant. They could be borne by coastal communities, tourism businesses, property owners, the State, future generations and the natural environment through increased erosion, alteration of sediment movement, deterioration of beaches and dunes, damage to protected habitats, reduced bathing-water quality and the loss of coastal amenity.

The Applicant has not quantified that risk or disclosed the potential environmental and financial consequences in a manner that would allow the competent authority or the public to make a fully informed and accountable decision.

Coastal processes and the precautionary principle

Arklow Bank is a large and mobile offshore sandbank. It is a habitat of a type recognised under Annex I of the Habitats Directive as “Sandbanks which are slightly covered by sea water all the time”.

Although Arklow Bank itself is not presently designated as an SAC for that habitat, submerged sandbanks are recognised as being of European conservation importance. The Bank also supports substantial bird populations and may be connected, directly or indirectly, to sediment transport and coastal processes affecting the Wicklow and Wexford coastline.

Where the consequences of interfering with such a system are uncertain but potentially serious or irreversible, the precautionary principle must apply.

The relevant legal standard is not whether the Applicant's conclusions appear reasonable or are more likely than not to be correct. Before permission can be granted, An Coimisiún Pleanála must be satisfied, on the basis of complete, precise and definitive scientific findings, that adverse effects on the integrity of relevant European sites can be excluded beyond reasonable scientific doubt.

Post-construction monitoring cannot remedy an incomplete pre-consent assessment. Monitoring may record damage after it has occurred, but it cannot restore a beach, dune system, habitat or sediment pathway that has already been materially altered.

Seabed disturbance, water quality and public health

The development would involve extensive seabed disturbance associated with foundation installation, cable works, sandwave clearance, boulder clearance, scour protection and the excavation and redistribution of substantial quantities of marine sediment.

Assertions that disturbed material will disperse rapidly or that effects will be temporary and localised remain model-based predictions. Such statements do not, by themselves, establish that sediment disturbance will have no adverse effect on bathing waters, coastal water quality, protected habitats or sediment transport pathways.

Brittas Bay's reputation and tourism economy depend upon clean bathing water and a high-quality natural environment. Even a temporary deterioration in water quality, beach condition or public confidence could affect visitor numbers and local businesses.

The assessment should therefore demonstrate clearly that sediment disturbance will not release or redistribute contaminants, affect bathing-water quality or alter sediment supply to adjoining coastal areas. In our view, that assurance has not been provided with the level of certainty required.

Similar concerns arise in relation to piling and underwater noise. The likely effects on marine mammals, fish, seabirds and coastal communities must be established before permission is granted. Proposed mitigation and monitoring cannot replace a complete and reliable assessment of those effects.

Tourism, landscape and coastal amenity

The proposed turbines would introduce a major industrial development into the nearshore seascape adjoining one of Ireland's most valued tourism coastlines.

The Applicant's assessment should not treat visual effects, tourism and coastal amenity as secondary matters. The natural character of the coastline and the open relationship between the beaches and the sea are fundamental components of the visitor experience.

The cumulative effect of large turbines, associated infrastructure, construction activity, vessel movements and the perceived industrialisation of the nearshore environment could alter the identity and attractiveness of the area.

The environmental and economic value of an established coastal tourism resource should not be placed at risk where less damaging offshore alternatives may be available.

An additional piece of verified data that we believe is directly relevant to the economic comparison. SSE projects that Arklow Bank Wind Park 2 will deliver approximately €400 million in economic benefit to the Wicklow and Wexford region combined over the entire lifetime of the project.

According to Fáilte Ireland's Key Tourism Facts 2024, County Wicklow received 725,000 visitors generating €222 million in tourism revenue in a single year. County Wexford received at least 962,000 domestic visitors generating €211 million, with overseas visitor revenue additional to that figure. Combined, the two counties generate €433 million in tourism revenue every single year. (for 36.5yrs = €15.8 billion) even a modest loss would be very significant.

The coastal tourism economy of Wicklow and Wexford already generates more than SSE's projected lifetime local benefit in a single year. It does so from the same beaches, sand dunes and coastline that the project rates as facing negligible risk of adverse impact. If that conclusion is wrong, the annual economic loss for these two counties could exceed SSE's entire projected local benefit within twelve months.

Sources:

- Fáilte Ireland Key Tourism Facts 2024 —

Wicklow: https://www.failteireland.ie/FailteIreland/media/WebsiteStructure/Documents/Research/Key%20Tourism%20Facts%20and%20Figures%202024/FI_Key-Tourism-Facts-2024_Wicklow.pdf?ext=.pdf

- Fáilte Ireland Key Tourism Facts 2024 —

Wexford: https://www.failteireland.ie/FailteIreland/media/WebsiteStructure/Documents/Research/Key%20Tourism%20Facts%20and%20Figures%202024/FI_Key-Tourism-Facts-2024_Wexford.pdf?ext=.pdf

Reasonable alternatives

An Coimisiún Pleanála specifically requested that the Applicant address alternatives. The response appears to have been unduly constrained by the boundaries of the maritime area already available to the Applicant and by a preference for fixed-bottom construction on the shallow Arklow Bank.

That does not adequately address the underlying planning and environmental question: whether a development of this scale could be located further offshore and away from a sensitive and dynamic sandbank.

Other offshore proposals demonstrate that substantial wind-energy projects can be considered at locations more than 22 kilometres from the east coast and outside the immediate Arklow Bank system.

Brittas Bay Tourism supports offshore renewable energy but considers that large-scale projects should be placed sufficiently far offshore to reduce risks to beaches, protected habitats, seascape, tourism and coastal communities. The availability of potentially less damaging locations should be examined objectively rather than treating the historical selection of Arklow Bank as determinative.

Derogation requested by SSE under Regulations 54 and 54A of the European Communities (Birds and Natural Habitats) Regulations 2011,

Contents

Note: -Relevance of the Regulation 54 Derogation to ACP's Determination

1. Introduction
2. Species Affected and Particular Concern for Harbour Porpoise
3. The Applicable Legal Tests
4. Imperative Reasons of Overriding Public Interest
5. No Satisfactory Alternative
6. Favourable Conservation Status
7. Injury, Disturbance and Displacement
8. Underwater Noise and the Functional Importance of Habitat
9. Scale of the Predicted Disturbance
10. Cumulative and Population-Level Effects
11. Adequacy of Mitigation and Monitoring
12. Public Participation and Access to Information
13. Request to NPWS and the Competent Authority

Note: -Relevance of the Regulation 54 Derogation to ACP's Determination

Although the Regulation 54 derogation application falls to be determined by NPWS rather than by An Coimisiún Pleanála, it is directly relevant to ACP because the Applicant has submitted the application, and the evidence supporting it, as part of the Additional Information upon which ACP is being asked to determine the ABWP2 development application.

The grant of a derogation by NPWS would authorise specified disturbance of protected species subject to its own terms and conditions, but it would not compel ACP to grant development consent, nor would it relieve ACP of its separate obligation to assess the environmental effects and legal acceptability of the project as a whole. Regulation 54 expressly requires that there be no satisfactory alternative and that the derogation must not be detrimental to maintaining the affected species at favourable conservation status; any licence may also be made subject to conditions, restrictions and limitations. ACP must therefore examine whether the need for a derogation, the scale of the predicted disturbance, the uncertainties identified, and the adequacy and enforceability of the proposed mitigation affect its own environmental impact assessment, appropriate assessment and overall planning judgment.

If NPWS refuses the derogation, the project could not lawfully proceed in any form involving the prohibited disturbance.

If NPWS grants it, ACP must still decide independently whether the authorised disturbance and its consequences are environmentally acceptable and whether permission should be refused, modified or made subject to additional conditions.

The derogation is therefore not a separate or irrelevant licensing matter: it is evidence of a recognised protected-species impact that forms part of the factual and legal basis upon which ACP must make its decision.

1. Introduction

1.1 This section is in relation to the application submitted by Sure Partners Limited/SSE Renewables in July 2025 for a derogation under Regulations 54 and 54A of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended, in connection with Arklow Bank Wind Park 2 ("ABWP2").

1.2 The derogation application has been provided by the Applicant as part of its Additional Information. Brittas Bay Tourism is particularly concerned about the potential effects of the proposed works on harbour porpoise (*Phocoena phocoena*), a strictly protected species under Annex IV of the Habitats Directive and a qualifying interest of the nearby Blackwater Bank Special Area of Conservation.

1.3 Brittas Bay Tourism makes this submission notwithstanding the absence, to date, of a dedicated formal public consultation process specifically addressing the Regulation 54 derogation application.

1.4 The deliberate disturbance of strictly protected cetacean species is not a secondary or merely technical component of the proposed development. It concerns the ecological integrity of the wider marine environment upon which the character, reputation and visitor economy of Brittas Bay and the adjoining Wicklow and Wexford coastline depend.

1.5 Given the proximity of the proposed development to Blackwater Bank SAC, the scale and duration of the proposed construction activities, and the scientific uncertainty surrounding cumulative and population-level effects, Brittas Bay Tourism considers it necessary to place these concerns before NPWS and the competent authority in the interests of precaution, transparency and effective public participation in environmental decision-making.

2. Species Affected and Particular Concern for Harbour Porpoise

2.1 The species identified as being affected by the intended works are:

- (a) harbour porpoise (*Phocoena phocoena*);
- (b) minke whale (*Balaenoptera acutorostrata*);
- (c) bottlenose dolphin (*Tursiops truncatus*);
- (d) Risso's dolphin (*Grampus griseus*); and
- (e) common dolphin (*Delphinus delphis*).

2.2 Each species covered by the application must be assessed separately by reference to its distribution, behaviour, seasonal occurrence, hearing sensitivity, population status and vulnerability to the particular activities proposed.

2.3 The principal focus of this submission is harbour porpoise. Harbour porpoises rely heavily upon high-frequency echolocation for feeding, navigation and communication and are particularly sensitive to underwater acoustic disturbance.

2.4 Harbour porpoises occur throughout Irish waters and the Irish Sea and are protected as an Annex IV species throughout their natural range. Their occurrence across a wide geographical area does not mean that disturbance or displacement is ecologically insignificant. A species may remain widely distributed while nevertheless being subject to cumulative pressures, habitat exclusion or an unfavourable conservation assessment.

2.5 Harbour porpoise is also a qualifying interest of Blackwater Bank SAC. The proximity of ABWP2 to that designated site requires particular care when assessing disturbance, habitat displacement, cumulative effects and the ecological connectivity of the wider east-coast sandbank system.

3. The Applicable Legal Tests

3.1 Under Article 16 of the Habitats Directive and Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, a derogation permitting deliberate disturbance of strictly protected species may be granted only in exceptional circumstances and where all applicable legal requirements have been satisfied.

3.2 The burden rests upon the Applicant to provide sufficient evidence to enable NPWS to determine that each of the required tests has been met. It is not for the public, local communities or environmental organisations to prove that harm will occur.

3.3 In summary, NPWS must be satisfied of three cumulative matters:

- (a) that the derogation falls within one of the permitted grounds, in this case the claimed existence of imperative reasons of overriding public interest;
- (b) that there is no satisfactory alternative; and
- (c) that the derogation will not be detrimental to the maintenance or restoration of the populations of the species concerned at favourable conservation status within their natural range.

3.4 These requirements are cumulative, strict and precautionary. Failure to establish any one of them is sufficient reason for the derogation to be refused.

3.5 Where material scientific uncertainty prevents NPWS from being satisfied that the statutory conditions have been met, the derogation should not be granted. The absence of proof of harm cannot be treated as proof that the derogation tests are satisfied.

4. Imperative Reasons of Overriding Public Interest

4.1 The Applicant states that the derogation is sought:

“In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.”

4.2 While the development of renewable energy may, in appropriate circumstances, contribute to an important public-interest objective, the existence of a general renewable-energy policy does not automatically establish that this particular development, at this particular location and in its proposed form, constitutes an imperative reason of overriding public interest.

4.3 The Applicant must demonstrate the overriding public interest in ABWP2 itself. It is not sufficient merely to refer to national renewable-energy targets, climate policy or the general benefits of offshore wind.

4.4 The public interest must be considered in the round. It includes energy and climate objectives, but it also includes:

- (a) the protection of strictly protected species;
- (b) the integrity of designated sites;
- (c) the preservation of biodiversity and natural marine processes;
- (d) the continued social and economic value of coastal tourism and recreation;
- (e) the protection of the natural character and reputation of the coastline; and
- (f) public confidence in transparent and lawful environmental decision-making.

4.5 Brittas Bay is nationally recognised for its beaches, dunes, landscape and coastal setting. Its tourism economy depends upon both the perception and the reality of a clean, healthy and ecologically functioning marine environment.

4.6 The disturbance or displacement of protected marine mammals, or deterioration in the ecological condition of the wider marine area, would represent a public cost rather than a public benefit. Such costs must form part of the assessment of whether the claimed public interest is genuinely overriding.

4.7 The Applicant should therefore be required to demonstrate why the public interest relied upon cannot be achieved through a less damaging location, layout, design or construction programme.

5. No Satisfactory Alternative

5.1 Brittas Bay Tourism does not consider that the Applicant has adequately demonstrated that there is no satisfactory alternative.

5.2 The assessment of alternatives must extend beyond alternative construction techniques and mitigation measures. It must include genuine consideration of:

- (a) alternative offshore locations;
- (b) locations farther from sensitive sandbank habitat and designated sites;
- (c) alternative layouts and turbine numbers;
- (d) removal or relocation of infrastructure presenting the greatest disturbance risk;
- (e) alternative foundation systems;
- (f) seasonal restrictions on noisy works;
- (g) different construction sequences and longer recovery periods between piling events;
- (h) restrictions on simultaneous operations; and
- (i) alternative means of contributing to renewable-energy and climate objectives.

5.3 The fact that Arklow Bank is a legacy development site does not displace the legal obligation to consider whether a less damaging alternative now exists.

5.4 An alternative should not be dismissed as unsatisfactory merely because it may be less commercially convenient, more expensive or slower to construct. The purpose of the alternatives test is to establish whether the protected-species disturbance is genuinely necessary, not whether the Applicant's preferred proposal is the easiest or most profitable option.

5.5 Unless the Applicant has examined reasonable alternatives on a transparent and comparable basis, NPWS cannot safely conclude that the second derogation test has been met.

6. Favourable Conservation Status

6.1 The third derogation test requires NPWS to be satisfied that the proposed activity will not be detrimental to the maintenance or restoration of the affected species at favourable conservation status in their natural range.

6.2 That test cannot be reduced to a calculation of whether the proposed works are likely to kill or permanently injure individual animals. It requires consideration of disturbance, repeated displacement, habitat exclusion, effects on feeding opportunity, cumulative pressures and the capacity of the population to remain at, or be restored to, favourable conservation status.

6.3 The available evidence must clearly identify the conservation status relied upon, the geographical population or natural range assessed, the population trend, the relevant pressures and the degree of uncertainty in the assessment.

6.4 Any reliance upon Irish or European conservation-status reporting should identify the relevant assessment year, reporting period and status category. General assertions that the species is widespread or commonly recorded are not sufficient to demonstrate favourable conservation status.

6.5 Where uncertainty remains concerning population trends, cumulative exposure, habitat availability or biologically significant disturbance, that uncertainty must be addressed expressly rather than absorbed into broad conclusions of no significant population-level effect.

7. Injury, Disturbance and Displacement

7.1 The application is understood to seek permission for deliberate disturbance rather than killing, capture or deliberate injury. However, this does not diminish the seriousness of the application.

7.2 Foreseeable disturbance may be deliberate for legal purposes where the operator is aware that the proposed activity will, or is likely to, disturb protected animals.

7.3 The distinction between avoiding injury and avoiding disturbance is fundamental. Measures such as acoustic deterrent devices, soft-start procedures and gradual ramp-up may reduce the likelihood that an animal remains close enough to the piling location to suffer permanent auditory injury.

7.4 Those measures, however, operate by causing protected animals to move away from the works area. They may therefore reduce one form of harm while producing the disturbance and displacement for which the derogation is required.

7.5 NPWS must assess the ecological and legal significance of that displacement separately. The avoidance of permanent hearing injury cannot be treated as equivalent to the avoidance of deliberate disturbance.

7.6 The relevant questions include:

- (a) how far animals may be displaced;
- (b) how long the displacement may continue;
- (c) whether animals can return between piling events;
- (d) whether alternative feeding habitat is available;
- (e) whether displaced animals will encounter other noise sources or pressures;
- and
- (f) whether repeated displacement could become biologically significant.

8. Underwater Noise and the Functional Importance of Habitat

8.1 Pile driving, unexploded ordnance clearance, geophysical surveying, seabed preparation and vessel activity can generate underwater noise capable of disturbing harbour porpoise and other cetaceans.

8.2 UXO clearance may be one of the most acoustically intrusive components of offshore construction and must be assessed cumulatively with piling, surveying, vessel activity and other noisy works.

8.3 Harbour porpoise disturbance thresholds used in offshore wind assessments are management and modelling tools. They should not be treated as precise ecological boundaries beyond which no behavioural or biological effect can occur.

8.4 Responses may vary according to season, prey availability, reproductive condition, previous exposure, background noise and the availability of alternative habitat. Disturbance may therefore extend beyond a modelled contour or have consequences not captured solely by reference to the area of the predicted noise footprint.

8.5 The assessment should examine the functional importance of Arklow Bank and the adjoining east-coast sandbank system as feeding, movement and connecting habitat.

8.6 The Kish Bank, Bray Bank, Arklow Bank and Blackwater Bank should not be considered as entirely isolated features. The extent to which they form a connected network of feeding and transit habitat must be examined.

8.7 The relevant question is not merely whether a harbour porpoise is physically capable of moving away from construction noise. It is whether repeated exclusion from suitable habitat could reduce feeding opportunities, increase energetic costs or displace animals into areas already subject to shipping, fishing, surveying and other offshore development pressures.

8.8 The ability of an animal to leave an affected area does not establish that the ecological consequences of its displacement are insignificant.

9. Scale of the Predicted Disturbance

9.1 The Applicant's documentation reportedly indicates that the predicted disturbance footprint associated with a piling event could encompass animals equivalent to approximately 1,908 harbour porpoises, or 3.05% of the relevant Management Unit population.

9.2 A Management Unit is a large regional population used for assessment purposes. It is not necessarily a distinct local population associated only with Arklow Bank.

9.3 The use of a large regional denominator can make the percentage effect appear small while obscuring the potential importance of the affected habitat and the number of animals that may be displaced from the area surrounding the works.

9.4 A predicted exposure equivalent to approximately 3.05% of a Management Unit is substantial in the context of a single construction activity involving a strictly protected Annex IV species.

9.5 NPWS should verify precisely:

- (a) how the figure of 1,908 animals was derived;
- (b) whether it represents a single piling event, a day of piling or another exposure period;
- (c) whether the same animals may be exposed repeatedly;
- (d) how recovery and return to habitat have been modelled;
- (e) whether simultaneous and sequential activities are included; and
- (f) the degree of uncertainty attached to the estimate.

9.6 The assessment should not imply that the same 1,908 individual animals will necessarily be affected during every piling event. Equally, it should not assume that disturbance during separate events involves entirely different animals or that repeated exposure has no cumulative consequence.

10. Cumulative and Population-Level Effects

10.1 The cumulative assessment must extend beyond the effects of ABWP2 considered in isolation.

10.2 The east coast and Irish Sea are already subject to multiple existing and proposed pressures, including:

- (a) offshore wind surveying and construction;
- (b) commercial shipping and recreational vessel activity;
- (c) fisheries and bycatch;
- (d) habitat degradation and prey disturbance;
- (e) geophysical and geotechnical surveying;
- (f) subsea cables and associated infrastructure; and
- (g) other sources of underwater noise.

10.3 NPWS should require a clear construction chronology showing the extent to which piling, UXO clearance, surveys, vessel activity and other noisy works associated with ABWP2 may overlap with works at other authorised, proposed or reasonably foreseeable projects in the Irish Sea.

10.4 Repeated or sequential disturbance may prevent animals from returning to habitat between events and may produce materially different effects from those predicted for a single, short-duration exposure.

10.5 The Applicant should demonstrate that its conclusions remain valid under realistic concurrent and sequential development scenarios, rather than only under an isolated-project scenario.

10.6 Population-level modelling for harbour porpoise remains subject to uncertainty concerning animal movement, return rates, energetic effects, prey availability and the relationship between behavioural disturbance and longer-term survival or reproduction.

10.7 Where the predicted project effect is smaller than, or comparable to, the uncertainty surrounding the population model, the model cannot provide a secure basis for a conclusion that there will be no detrimental effect on conservation status.

11. Adequacy of Mitigation and Monitoring

11.1 Brittas Bay Tourism does not consider that the Applicant has provided sufficiently robust evidence that the proposed mitigation will avoid injury and biologically significant disturbance throughout the full construction period.

11.2 Mitigation measures involving marine mammal observers, passive acoustic monitoring, acoustic deterrent devices, exclusion zones and soft-start or ramp-up procedures may reduce certain immediate risks. However, their effectiveness is subject to practical and scientific limitations.

11.3 Visual observations may be restricted by darkness, poor weather and sea conditions. Passive acoustic monitoring may not detect animals that are silent or positioned outside the effective detection range. Deterrent devices may themselves produce disturbance and habitat exclusion.

11.4 The Applicant should demonstrate the effectiveness of each mitigation measure under the actual environmental and operational conditions expected at Arklow Bank, rather than relying principally upon general industry practice.

11.5 Any mitigation assumption upon which the derogation decision depends should be converted into a clear, enforceable condition. Such conditions should address, as appropriate:

- (a) maximum underwater noise levels;
- (b) seasonal restrictions;
- (c) limits on simultaneous piling or noisy operations;
- (d) minimum recovery periods between events;
- (e) shutdown and delay procedures;
- (f) weather and visibility restrictions;
- (g) independent monitoring and reporting; and
- (h) mandatory review or suspension where actual disturbance exceeds that predicted.

11.6 The decision should identify in advance the thresholds that would require works to be delayed, modified or stopped. Monitoring without a specified response mechanism does not provide effective protection.

11.7 Post-consent monitoring cannot remedy an inadequate pre-consent assessment. Nor can it substitute for the evidence required before NPWS may lawfully conclude that the derogation tests have been met.

12. Public Participation and Access to Information

12.1 The derogation application concerns the deliberate disturbance of strictly protected species and is materially connected to the environmental effects of ABWP2.

12.2 Brittas Bay Tourism is concerned that the public has not been afforded a dedicated and clearly identified consultation process specifically addressing the Regulation 54 application.

12.3 Effective participation requires more than the inclusion of the application among a large volume of Additional Information. Members of the public must be able to identify the decision being sought, understand its legal consequences and examine the evidence relied upon.

12.4 Before any decision is made, the following should be publicly available in an accessible form:

- (a) the complete derogation application;
- (b) the underwater noise assessment;
- (c) disturbance and population modelling;
- (d) the mitigation and monitoring plan;
- (e) the alternatives assessment;
- (f) cumulative-effects information;
- (g) any expert advice received by NPWS; and
- (h) the basis upon which favourable conservation status is assessed.

12.5 The public should be afforded a meaningful opportunity to comment upon that material before the derogation is determined.

12.6 Brittas Bay Tourism reserves all rights concerning the adequacy of public participation, consultation procedures and access to environmental information associated with the derogation process.

13. Request to NPWS and the Competent Authority

13.1 Brittas Bay Tourism respectfully requests that the Regulation 54 derogation should not be granted on the evidence presently available.

13.2 Brittas Bay Tourism considers that the Applicant has not yet provided sufficiently robust evidence to establish:

- (a) that ABWP2, in its particular location and form, is justified by imperative reasons of overriding public interest;
- (b) that there is no satisfactory alternative;
- (c) that the proposed mitigation will avoid injury and biologically significant disturbance;
- (d) that cumulative and repeated displacement has been adequately assessed; and
- (e) that the derogation will not be detrimental to the maintenance or restoration of the affected species at favourable conservation status in their natural range.

13/3 Renewable-energy and climate objectives are important, but they do not remove or dilute the strict protections afforded to Annex IV species. Those objectives must be pursued in a manner that complies fully with European and Irish environmental law and avoids unnecessary harm to sensitive marine habitats and species.

Public participation

The Applicant and its professional advisers were afforded substantial time and resources to prepare their response. Community organisations, tourism interests and individual members of the public have been given a much shorter period in which to understand, independently examine and respond to the information.

Failures and Barriers in the Public Participation Process

BBT is concerned that the consultation process has provided only a formal opportunity to make observations, rather than a genuinely informed and effective opportunity for affected communities to understand, examine and influence the decision.

The public was required to review thousands of pages of complex scientific, environmental and legal material within a limited period, although the Applicant and its consultants had several years to prepare that material. This timeframe was insufficient for voluntary community organisations to obtain comprehensive expert advice, commission independent studies or prepare a technical response comparable to that of the Applicant.

The difficulty was compounded by the volume, complexity and fragmentation of the documentation. Relevant information is spread across numerous reports, appendices, revised assessments and responses to requests for further information. Important assumptions, limitations and uncertainties are often difficult for non-specialists to identify. Revised documents also do not always clearly explain what has changed or how those changes affect the overall assessment.

Public awareness was inadequate. In BBT's experience, many coastal residents, tourism operators, visitors and beach users remained unaware of the consultation or of the potential significance of the development for Brittas Bay and the wider coastline. Reliance primarily on formal newspaper notices and online publication was not proportionate to the scale and possible consequences of the proposal.

The absence of an Oral Hearing also removed an important opportunity for disputed scientific evidence to be explained and tested openly. Written submissions are not an adequate substitute for direct questioning where the issues involve complex coastal processes, sediment pathways, environmental uncertainty and potentially irreversible consequences.

Taken together, the short timeframe, inadequate publicity, technical complexity, fragmented documentation, absence of an Oral Hearing and substantial imbalance of resources between the Applicant and the public have materially restricted effective participation. BBT is therefore concerned that the process may not meet the standard of early, informed and effective public participation required by the Aarhus Convention.

The central questions remain: what is the probability that the Applicant's conclusions are wrong; what would the environmental and economic consequences be if they are wrong; and who would bear the resulting cost? These questions must be independently and transparently addressed before any decision is made.

Visual Aspects

SSE state at Landscape, Views & amp; Prospects. The Planning Report. Page 72, is as follows:

'The updated SLVIA concludes that the Proposed Development would give rise to significant adverse seascape, landscape and visual effects, particularly for coastal and near-coastal receptors, during both daytime and night time conditions. Significant effects are identified at a range of viewpoints and receptors in closest proximity to the Array Area, with the magnitude of effects diminishing with distance offshore and inland. The SLVIA indicates that these effects are most pronounced during the operational phase and represent long-term changes to seascape, landscape character and views, consistent with the scale and nature of offshore wind energy development.'

SSE's updated Seascape, Landscape and Visual Impact Assessment does not conclude that the visual effects of the Proposed Development have been avoided or satisfactorily mitigated. On the contrary, it expressly acknowledges that the development would result in significant adverse seascape, landscape and visual effects, during both daytime and night-time conditions, particularly for coastal and near-coastal communities.

This is an important admission. The identified effects are not temporary impacts confined to the construction period. SSE accepts that they would be most pronounced during the operational phase and would represent long-term changes to the character of the seascape, the surrounding landscape and established coastal views. Describing these effects as being "consistent with the scale and nature of offshore wind energy development" does not reduce their significance. It merely explains their cause. A significant adverse effect does not become acceptable simply because it is characteristic of a development of this scale.

At 287 metres tall, the proposed turbines, if constructed, would be the biggest that the world has ever seen, each comparable to the Eiffel Tower, and sited as close as 6 km to shore. A key concern is the considerable visual intrusion that the turbines will impose on our scenic coastal views, many but not all of which are protected under County Development Plans. The views inward, from the sea to the coast are never considered in development plans and these views are part of the attraction for seafaring visitors. The proposed steel structures will dominate the

horizon creating an industrial landscape that is starkly out of place in a natural coastal environment.

For perspective, the turbines will be significantly higher than well-known landmarks. The Castletimon Hill (the Old Man) is 236m, Tara hill is 252m, Bray Head is 241m and the Dublin Spire is 121m.

An Bord Pleanála has recently refused permission to renewable energy proposals on grounds of high value landscape and national landscape importance, for example the development in Co. Cork proposed by Ballybane Windfarms and a 214 acre solar farm near Mullingar.

This fundamental alteration to the landscape will significantly diminish the visual appeal of our coastal area which is highly valued by both residents and visitors. The sea is known for its therapeutic, psychologically restorative properties. People gravitate to the sea to look at it, walk by it, swim and boat in it and to live by it. It will be impossible to escape the negative visual imposition that the turbines will have on what is an otherwise structureless landscape. What is unspoilt will become spoilt. These turbines will completely dominate the seascape.

The new project will dominate the unspoilt seascape seen from the coast and is of a scale that bears no comparison to the turbines already there. This will spoil the natural and unspoilt seascape of the east coast of Ireland. The visual impact will affect tourist business, most of which are small family-owned concerns, and will have the potential for causing health issues, both due to the visual disturbance and concerns about potential business failure and loss of livelihood. In both the US and across Europe, authorities are responding to concerns about the visual impact of offshore windfarms.

The central planning question is therefore not whether such effects are predictable, but whether it is appropriate to impose them at this particular location and at this exceptionally close distance from the coast. The northern end of the Array Area would be approximately 6 km from the shoreline and approximately 8 km from Brittas Bay. From Brittas Bay, the development would occupy an estimated horizontal arc of view of approximately 105 degrees. It would therefore extend across a substantial proportion of the visible seaward horizon and would fundamentally alter the open coastal outlook.

Brittas Bay and the adjoining Wicklow coastline are not ordinary or already industrialised landscapes. They are nationally important coastal amenities valued for their open character, undeveloped seascape, beaches, dunes, recreation and scenic quality. The proposed turbines would introduce very large, regularly spaced industrial structures into a presently open marine setting. Their movement, scale, lighting and extensive horizontal spread would make them a dominant feature rather than a limited or incidental element of the view.

The statement that the magnitude of effects would diminish with distance does not answer the concern. All visual effects diminish with distance. The relevant issue is that the Array

Area has been deliberately positioned sufficiently close to the coast for SSE's own assessment to identify significant adverse effects at numerous coastal and near-coastal receptors. The fact that receptors further inland or further from the Array Area would experience lesser effects cannot compensate for the severe effects imposed on the communities, beaches and viewpoints closest to it.

The updated layout has not mitigated these effects in any meaningful or proportionate way. A development that continues to produce significant adverse effects over such a wide arc of the horizon cannot reasonably be described as having exhausted the available opportunities for avoidance and mitigation. The most effective mitigation would be to increase the distance from shore and reduce the horizontal extent of the Array Area as experienced from the most sensitive coastal receptors.

Recent offshore wind consenting decisions elsewhere have sought to constrain the horizontal spread of development when viewed from sensitive coastal locations. By comparison, an arc of approximately 105 degrees from Brittas Bay would be exceptionally extensive. This concern is intensified by the scale of the proposed turbines, which would be approximately twice the height of the existing Arklow Bank turbines, while the proposed array would extend over a far greater area and contain many more structures. The resulting development cannot reasonably be treated as a modest extension of the existing wind farm.

National renewable-energy objectives do not require every turbine proposed by an applicant to be accepted, irrespective of location or environmental consequence. Those objectives can and should be pursued through appropriately designed projects that minimise avoidable harm to nationally important landscapes, seascapes and coastal amenities.

SSE's admission should therefore be given its full planning significance. The Proposed Development would not merely be visible from the coast. It would cause significant adverse changes to the character and enjoyment of the coastline over the operational life of the project. The question for An Coimisiún Pleanála is whether those acknowledged effects have been reduced as far as reasonably practicable and whether the residual harm is justified at this location. In Brittas Bay Tourism's view, the current layout fails that test.

Renewable Power for Homes—or for Data Centres?

SSE repeatedly promotes Arklow Bank Wind Park 2 as a project capable of “powering almost 850,000 homes each year”. That claim creates a clear public impression: that the environmental impacts of constructing a very large industrial development on the Arklow Bank are justified by an urgent need to provide renewable electricity to Irish households.

The reality is considerably more complicated.

Electricity generated by ABWP2 would not be transmitted directly to 850,000 identified homes. It would enter the national electricity system and be consumed by whatever users are drawing power from that system. The “850,000 homes” figure is therefore a statistical equivalence based on estimated annual generation and assumed average household consumption. It does not describe where the electricity would actually be used, who would purchase it, or what new demand the project may be required to serve.

This distinction is particularly important because SSE Renewables has entered into an agreement with Echelon Data Centres concerning the development of shared electricity infrastructure at the Avoca River Business Park in Arklow. The arrangement involves a 220kV substation capable of facilitating the export of up to 800MW from ABWP2 to the national grid while also supporting Echelon’s proposed data-centre campus. SSE announced the agreement in 2020 as a joint initiative between SSE Renewables and Echelon involving both the offshore wind project and Echelon’s proposed Arklow data centre.

Echelon has subsequently described its DUB20 campus as Ireland’s first “Green Energy Park”. It states that the campus includes a joint 220kV substation developed with SSE Renewables, giving access to up to 800MW of offshore wind energy from ABWP2. Most significantly, Echelon stated in July 2026 that the continuous demand of a data centre such as DUB20 provides a renewable-energy developer with a “guaranteed buyer” for its power and thereby helps make the project commercially viable.

That statement substantially changes the context in which SSE’s “850,000 homes” claim should be considered. It indicates that the commercial case for ABWP2 is linked not simply to existing household electricity requirements, but to the creation or expansion of a very large new industrial electricity demand at Arklow.

It would be incorrect to suggest that all electricity produced by ABWP2 would be physically reserved for Echelon. Once exported, electricity would enter the national transmission system and be dispatched across the grid. However, it is equally misleading to present the project solely in terms of homes theoretically powered while omitting the existence of an adjoining data centre, the jointly developed grid infrastructure and the stated importance of that data centre as a continuous purchaser of electricity.

Data-centre demand is absorbing renewable growth

This question must also be considered in the wider national context. Ireland’s electricity demand is increasing rapidly, and data centres are responsible for an exceptionally large proportion of that increase.

The Central Statistics Office records that data centres consumed 7,663GWh of electricity in 2025 and accounted for **23% of all metered electricity consumption**, compared with only 5% in 2015. Data-centre consumption increased by a further 10% during 2025, while consumption by all other users—including households and other businesses—increased by only 2%.

This means that data centres now consume substantially more electricity than all urban households in Ireland, which accounted for approximately 18% of metered consumption in 2025. Rural households accounted for a further 10%.

The Sustainable Energy Authority of Ireland has calculated that data centres accounted for **88.2% of the entire increase in Irish electricity demand between 2015 and 2024**. SEAI has also warned that the expansion of electricity demand presents a significant challenge to the electricity sector and that growth in data-centre demand exceeded the growth in variable renewable-energy output during both 2023 and 2024.

The significance of these figures is difficult to overstate. Ireland is adding renewable generation, but a very large part of the benefit is being absorbed by the simultaneous expansion of data-centre demand. Renewable development that might otherwise displace fossil-fuel generation, support the electrification of domestic heating and transport, or improve national energy security is instead required to keep pace with a rapidly growing category of industrial consumption.

The question is therefore not simply whether ABWP2 could theoretically generate the same amount of electricity used by 850,000 homes.

The proper question is:

How much of the project's generation would meet existing public and household demand, and how much would be required to supply additional demand created by the expansion of data centres and other large energy users?

Unless this is disclosed, the “homes powered” comparison presents only one side of the equation. It quantifies the proposed renewable generation while remaining silent about the industrial demand that may absorb it.

Fossil-fuel generation and security of supply

The planning history of the Echelon campus also raises a further issue. Applications associated with the development have included substantial onsite energy-centre infrastructure, including gas turbines, emergency generators, fuel-storage and associated exhaust flues. Wicklow County Council documentation concerning revisions to the energy-centre design refers to eight gas turbines, four black-start emergency generators and associated fuel infrastructure.

The presence of this infrastructure illustrates the fundamental difficulty created by very large, continuous data-centre loads. Offshore wind is intermittent, whereas a data centre

requires a secure electricity supply at all times. Unless sufficient storage, demand flexibility and firm low-carbon generation are available, that continuous demand must be supported by the wider grid and, at certain times, by dispatchable fossil-fuel generation or onsite backup plant.

Accordingly, it cannot simply be assumed that pairing a data centre with an offshore wind farm makes the data centre wholly renewable. The assessment must consider the complete system: the data centre's annual and peak demand, periods when wind output is low, the source of balancing electricity, the operation of onsite generation, associated emissions and the effect of this additional load on national security of supply.

A policy choice requiring transparent assessment

Brittas Bay Tourism is not suggesting that data centres have no economic or social value. Nor is it contending that renewable electricity should be available only to households. The issue is one of transparency, environmental justification and the allocation of scarce national resources.

Ireland has chosen to encourage both very rapid expansion of renewable generation and very rapid expansion of electricity-intensive data centres. Those policies are not independent. Every major new data centre increases the amount of renewable capacity, grid infrastructure, backup generation and system balancing required merely to prevent national emissions and security-of-supply objectives from moving backwards.

The environmental impacts of ABWP2 would be borne primarily by the Arklow Bank, the coastal environment and the communities of Wicklow and Wexford. Those impacts are being publicly justified through language about powering homes, national energy security and the common good. Yet the available evidence indicates that the project is also closely connected to a major commercial data-centre development whose constant demand may provide the guaranteed market needed to support the project financially.

Brittas Bay Tourism notes that the following questions are unanswered,

1. whether any power-purchase agreement, offtake arrangement or other commercial understanding exists or is contemplated between SSE, Echelon or related entities;
2. the extent to which Echelon's present or proposed electricity demand forms part of the commercial justification or route to market for ABWP2;
3. the expected demand of the completed Echelon campus compared with ABWP2's average—not merely maximum—generation;
4. how the Echelon campus would be supplied during periods of low or zero wind output;
5. the nature, capacity, fuel use and anticipated operating hours of all onsite generation;

6. what proportion of ABWP2's anticipated output would represent a genuine displacement of existing fossil-fuel generation, rather than being absorbed by newly created large-energy-user demand; and
7. whether the claimed climate benefit has been calculated after accounting for the additional demand, backup generation, grid losses, curtailment and balancing requirements associated with the data-centre development.

Data Centre and Renewable Energy Conclusion

SSE's statement that ABWP2 could power almost 850,000 homes is mathematically attractive but incomplete. It describes an equivalent quantity of electricity, not its likely destination or its net public benefit.

The more relevant evidence is that SSE and Echelon have jointly developed critical grid infrastructure beside a major proposed data-centre campus, and Echelon itself has stated that the continuous demand of such a facility can provide the guaranteed buyer that makes renewable generation commercially viable.

The public should therefore not be asked to accept major, long-term environmental impacts on the Arklow Bank on the simplified understanding that the project is required to "power homes". ACP must examine the actual relationship between ABWP2, Echelon, Ireland's rapidly expanding data-centre demand and the project's route to market.

A choice is being made. Renewable electricity can contribute to reducing existing emissions and supplying the transition of homes, transport and heating away from fossil fuels, or it can be substantially absorbed by the creation of new, exceptionally large industrial loads. **That choice may ultimately be a matter for Government policy, but it must be identified honestly and assessed transparently.** It should not be concealed behind a promotional comparison with 850,000 homes.

Conclusion

Brittas Bay Tourism respectfully submits that the Applicant has not demonstrated, beyond reasonable scientific doubt, that the proposed development will not adversely affect Arklow Bank, connected coastal processes, protected habitats, bathing waters, beaches, dunes, tourism and coastal amenity.

In particular, the Applicant has not shown that the uncertainty within its predictive modelling is smaller than the environmental effect it claims will be negligible. Nor has it adequately quantified the probability, consequences or financial implications of its central conclusion being wrong.

The potential benefits of the project must not be allowed to obscure the possibility of permanent or irreversible damage to existing public and environmental assets.

Brittas Bay Tourism therefore requests that An Coimisiún Pleanála refuse permission for the proposed development in its present location.

The Applicant has not:

1. demonstrated, using complete and reliable scientific evidence, that adverse effects on coastal processes and protected sites can be excluded beyond reasonable scientific doubt;
2. quantified the uncertainty and predictive limitations associated with its central modelling conclusions;
3. fully assessed the risks to beaches, dunes, bathing waters, tourism and coastal amenity;
4. demonstrated that monitoring and mitigation will not be relied upon as substitutes for the assessment required before consent; and
5. undertaken a genuine assessment of reasonable alternative locations further offshore and away from the Arklow Bank.

Brittas Bay Tourism supports the responsible development of offshore renewable energy. However, Ireland's renewable-energy objectives can and should be advanced without exposing Arklow Bank, Brittas Bay, the wider Wicklow and Wexford coastline, protected sites and coastal communities to unnecessary and inadequately understood risk.

By way of reference, Brittas Bay Tourism also mentions the Source Galileo-owned Mac Lir Wind Farm, a proposed development south-east of Arklow whose turbine array would be located more than 22 kilometres from the east coast and entirely outside Ireland's 12-nautical-mile foreshore limit. Mac Lir is not yet being built, but it demonstrates that a substantial offshore wind project can be proposed for a location further from the coast and away from the Arklow Bank.

In short, SSE has failed on two fronts:

- to satisfactorily deliver on the central legislative requirement of demonstrating beyond reasonable scientific doubt that its proposed development will not adversely affect the integrity of designated protected areas and the species and habitats for which they are protected; and
- to address satisfactorily the question from An Coimisiún Pleanála regarding the possibility of developing the project at an alternative and potentially less environmentally damaging location.

We contend, therefore, that SSE should be refused permission to progress any further with the Arklow Bank proposal.

Brittas Bay Tourism would, however, be supportive of any future proposal that adhered to accepted international best practice and, in accordance with Brittas Bay Tourism's stated

position, located turbines at least 22 kilometres from shore, thereby allowing Ireland's renewable energy objectives to be advanced without placing the Arklow Bank, the coastline, protected sites and coastal communities at unnecessary risk.

We therefore request that ACP refuse permission, or require further independent assessment, unless and until SSE provides scientifically robust evidence demonstrating that the project will not adversely affect Arklow Bank, coastal processes, water quality, protected habitats, wildlife or the integrity of the adjoining Wicklow and Wexford coastline.

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Brittas Bay Tourism