

An  
Bord  
Pleanála

## Record of Meeting ABP-315800-23 5<sup>th</sup> Meeting

<b>Case Reference / Description</b>	ABP-315800-23 - Proposed Dublin Array offshore wind farm, located approximately 10km off the coast of counties Dublin and Wicklow, at the Kish and Bray banks.		
<b>Case Type</b>	Marine pre-application consultation under Section 287		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	5 <sup>th</sup>		
<b>Date</b>	08/02/2024	<b>Start Time</b>	3:00pm
<b>Location</b>	Virtually by Microsoft Teams	<b>End Time</b>	4:10pm

<b>Representing An Bord Pleanála</b>
Stephen Kay, Assistant Director of Planning (Chair)
Conor McGrath, Senior Planning Inspector
Nichola Meehan, Senior Executive Officer
Evan McGuigan, Executive Officer

<b>Representing the Prospective Applicant</b>
Paul Kelly – RWE
Vanessa O’Connell – RWE
John Lowry – RWE
Siobhan McCabe – RWE
Jamie May – RWE
Aoife Reynolds – RWE

Gillian Moore – RWE
Grainne Reid – Mott MacDonald

## **Introduction**

The meeting commenced at 3:00pm.

The Board's representatives referred to its previous meeting with the prospective applicant on 4<sup>th</sup> December 2023 and the record of this meeting. The Board's representatives stated that the comments for the record submitted by the prospective applicant to the Board on 7<sup>th</sup> February 2024 were generally accepted. A specific discussion was held in relation to item no. 1 of the submitted comments, relating to the prospective applicant's live Marine Area Consent (MAC) application with the Maritime Area Regulatory Authority (MARA) for pontoon infrastructure associated with the proposed Operations and Maintenance (O&M) facility in Dun Laoghaire Harbour. In response to a query from the Board's representatives, the prospective applicant stated that this would be a new MAC.

The Board's representatives stated that, for the proposed O&M facility to be included in these consultations, the MAC would need to be awarded before the consultations are closed off. The prospective applicant stated that the MAC had been technically approved, and that there was now a 90-day period (which has commenced and will conclude in late April/early May) before it is formally approved. It was agreed that, as the MAC has not yet been awarded, that the proposed O&M facility would be excluded from the scope of proposed development the subject of these consultations.

## **Discussion:**

The Board's representatives began the meeting by addressing the procedures involved in submitting a planning application for the proposed development to the Board under section 291 of the Planning and Development Act 2021, as amended. The prospective applicant confirmed that it had received documents from the Board in relation to this before the meeting.

The Board's representatives stated that an application can only be lodged following consultation with An Bord Pleanála under section 287/287A of the Planning and Development Act 2000, as amended. The sequencing of the application process and the content of the public notice is as set out at section 291 and is similar to Strategic Infrastructure Development (SID) applications.

The Board's representatives stated that Article 4 of the Planning and Development (Maritime Development) Regulations 2023 provides for the information to be submitted to the Board when making the application to include the following:

- plans, drawings and any other documents as indicated by the Board under section 287,
- a copy of the newspaper notice,
- a list of persons notified of the application,
- a list of any other public notice given, or other public consultations conducted by the prospective applicant, and an indication of the date or dates of such additional notice or consultations, and
- a copy of the opinion provided by the Board under section 287B(2) of the Act.

The Board's representatives stated that the proposed application must be consistent with any opinion provided by the Board in accordance with section 287B of the Act.

The Board's representatives stated that the public notice of the application would need to be published in two newspapers circulating in the area to which the proposed development relates – one of which should be a national newspaper.

Following a query from the prospective applicant, the Board's representatives confirmed that publishing in two national newspapers for the proposed development would be acceptable.

The documentation relating to the application will be available for public inspection at the offices of the relevant coastal planning authority and the offices of An Bord Pleanála. The coastal planning authority is to be provided with 5 hard copies and 2 soft copies of the application and the Board is to be provided with 2 hard copies and 8 soft copies of the application. The Board's representatives stated that the prospective applicant would be required to provide an internet website containing all

of the application documentation and that the address of this website is to be included in the public notice.

The Board's representatives stated that the public notice of the application is to indicate that the application documentation will be available for public inspection after a period of at least 5 working days has elapsed from the date of the publication of the notice and that the application should be submitted as soon as practicable once the notice is published so as to ensure that the documentation is in place for such inspection. The time period for the making of submissions by the public is to be at least eight weeks from the date the documents become available for inspection – not from the date of publication of the public notices. The public notice must indicate the deadline time and date for the making of submissions to the Board.

The Board's representatives stated that the service of notice of the application on any prescribed bodies must include a clear statement that the person or body served can make a submission to the Board by the same deadline as specified in the public notice. The letter serving notice on the coastal planning authority with the necessary copies of the documents should be addressed to the Chief Executive Officer and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection by the coastal planning authority in accordance with the terms of the public notice. It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application. The application documentation should include a copy of all letters serving notice of the application on prescribed bodies and the coastal planning authority, copies of the actual newspaper notices as published and any site notice.

The Board's representatives provided a summary of the sequencing of the making of an application for the proposed development. The Board's representatives stated that the fee for the making the application and the fee for the making of a submission has not yet been confirmed to the Board, and further stated that the Board is actively following up on the matter with the Department. There is an existing provision provided for in the Act enabling the Board to recover its costs for processing any application from the applicant. The Board's representatives stated that it would be

required to publish a notice of the fees once they have been determined. Following a query from the prospective applicant, the Board's representatives stated that the application fee could be in line with those for SID applications.

The Board's representatives confirmed to the prospective applicant that, should it wish to clarify any other points in relation to submitting an application for the proposed development, it could contact the Board's administrative team prior to lodgement.

A discussion was held between the Board's representatives and the prospective applicant in relation to required drawings for any application. The Board's representatives noted that there is no definitive list regarding this issue and that Planning and Development regulations could be used as guidance. The Board's representatives stated that the prospective applicant could submit a draft schedule of drawings to the Board for review prior to submitting an application for the proposed development.

Following a query from the prospective applicant, the Board's representatives stated that the Board would aim to issue directions for both this case and the design flexibility case (ABP-318552-23) at the same time.

Following a query from the prospective applicant in relation to site notices for the proposed development, the Board's representatives recommended that, while there are no statutory requirements in relation to their provision, it would be preferable to have one or several site notices erected – with the proposed landfall point being a sufficient location.

Following a query from the prospective applicant, the Board's representatives stated that the final list of coastal planning authorities for the proposed development would be included in the Board direction and that planning authorities who aren't designated as such could be treated as prescribed bodies. The Board's representatives also stated, following a query from the prospective applicant, that a copy of the MAC would need to be submitted with an application for the proposed development and that this is referenced in the application form.

A discussion was held between the Board's representatives and the prospective applicant in relation to the draft drawings it submitted to the Board for review on 7<sup>th</sup>

February 2024. The Board's representatives recommended to the prospective applicant to try to keep drawing scales as standardised as possible; that the MAC boundary may be superimposed on the red line boundary for certain drawings; to show more detail of the array area in site layout maps and to show infrastructure more clearly, and to number turbine locations. The Board's representatives also suggested presenting a single layout to show all design/layout options in one and the relationship between them.

A discussion was held between the Board's representatives and the prospective applicant regarding the temporary use of the maritime area outside of/adjacent to the MAC boundary during construction for anchoring of construction vessels. The prospective applicant submitted that this issue is being considered by MARA and that it could not provide an update as of yet; it also stated that this issue is impacting other projects in the area. The Board's representatives stated that MARA would be best placed to give a definitive answer regarding this issue.

The Board's representatives noted on drawings showing the landfall area that the red line boundary goes up to the foreshore area and it was advised that the red line boundary should encompass all work areas such as the transition joint bay (TJB) and construction compounds etc. The prospective applicant stated that there may be an issue regarding landowner consent from Dún Laoghaire–Rathdown County Council in moving the red line boundary to the foreshore/TJB area, submitting that it has consent in practice but not in writing yet. A discussion was held in relation to this issue, with the Board's representatives advising that, while a separate application under section 182 of the Act could be submitted for this element of the project later, it would be a more complete application if the foreshore/TJB area is included and highlighted that there may be a difficulty in splitting the project in this manner.

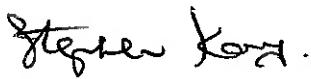
Following a discussion in relation to a further set of drawings, the Board's representatives stated that the turbine and monopile drawings provided by the prospective applicant for review were all broadly acceptable. The prospective applicant also sought clarity from the Board's representatives in relation to the type of language and wording to use at planning stage in describing elements of the proposed development which are subject to design flexibility, including the proposed OSP. The Board's representatives stated that any transboundary consultees for the

proposed development would be addressed in the direction from the Board and reiterated that a schedule of drawings could be sent to the Board for review or that any further questions in relation to submitting an application could be directed to the Board's administrative team.

**Conclusion:**

The record of the meeting will issue in due course and the prospective applicant can submit any comments it may have in writing or alternatively bring any comments for discussion at the time of any further meeting.

The meeting concluded at 4:10pm.



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**Stephen Kay**

**Assistant Director of Planning**