

An
Bord
Pleanála

Record of Meeting ABP-315801-23 4th Meeting

Case Reference / Description	ABP-315801-23 - Offshore windfarm with a maximum of 42 WTGs off the coast of Dublin, Meath and Louth.		
Case Type	Marine pre-application consultation under Section 287		
1st / 2nd / 3rd Meeting	4 th		
Date	14/12/2023	Start Time	11:00am
Location	Virtually by Microsoft Teams	End Time	12:05pm

Representing An Bord Pleanála

Stephen Kay, Assistant Director of Planning (Chair)

Karla McBride, Senior Planning Inspector

Marcella Doyle, Senior Administrative Officer

Nichola Meehan, Senior Executive Officer (online)

Evan McGuigan, Executive Officer

Representing the Prospective Applicant

Anna Jamieson, Statkraft Ireland

Erin Snaith, Statkraft Ireland

Tina Raleigh, Statkraft Ireland

Fiona Patterson, Arup

Introduction

The meeting commenced at 11:00am.

The Board's representatives referred to its previous meeting with the prospective applicant on 2nd November 2023 and the record of this meeting. The Board's representatives asked if the prospective applicant had any comments it wished to make on the record of this meeting or questions; the prospective applicant replied that it had a couple of comments which it would submit in writing to the Board shortly. Specifically, the prospective applicant noted that the record was not completely clear that cable protection was included as part of the 287A design flexibility opinion request. The prospective applicant provided a clarification in relation to the Historic and Archaeological Heritage Act 2023 for the record of the meeting held under ABP-316332-23.

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.

In relation to a dumping at sea permit, the Board's representatives stated that the permit could be included on the public notice but that it is not a legal requirement. Following a query from the prospective applicant, the Board's representatives stated that a draft public notice could be sent to the Board's administrative team prior to the lodging of an application in order for it to be reviewed to ensure that the relevant dates are correct.

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. 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. Following a query from the prospective applicant, the Board's representatives stated that USB would be an appropriate format in relation to the provision of 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 the address of this website is to be included in the public notice. Following a query from the prospective applicant in relation to the submitting of the application to the Environmental Impact Assessment (EIA) Portal, the Board's representatives stated that this would be required and that any queries in relation to it would be best directed to the Department.

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. A brief discussion was held between the Board's representatives and the prospective applicant in relation to potential locations of the site notices for the proposed development.

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.

Following a query from the prospective applicant, the Board's representatives stated that it could seek flexibility with the coastal planning authorities in relation of the number of hard copies of the application to be provided. The Board's representatives also recommended getting a contact person for each prescribed body in relation to the application.

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 and, following a query, confirmed to the prospective applicant that this would not result in a delay for the submission of an application for the proposed development.

A brief discussion was held between the Board's representatives and the prospective applicant in relation to potential community gain conditions that may be attached to any future decision on the proposed development. The prospective applicant stated that, in light of its success in the Offshore Renewable Electricity Support Scheme (ORESS) auctions, a community benefit fund would be set up.

A discussion was held between the Board's representatives and the prospective applicant in relation to the sample list of prescribed bodies that was provided prior to the meeting. The Board's representatives stated that a list of prescribed bodies would be produced in the Inspectors report and would be provided to the prospective applicant as part of the correspondence that will issue from the Board notifying closure of the 287 pre application process. They also stated that the prospective applicant can also contact other bodies that are not mentioned on the list.

A discussion was held between the Board's representatives and the prospective applicant in relation to sections of the Historic and Archaeological Heritage Act 2023 that are due to be commenced, specifically section 247 which proposes the introduction of a new section 182AA. The prospective applicant referred to pre application consultations that it has already opened under section 182 of the Act and sought clarification as to whether it should close these consultations off in light of the sections that have yet to be commenced. The Board's representatives stated that the Board was seeking advice from the Department in relation to the likely commencement for section 247 and recommended that the prospective applicant do not close off its pre application consultations under section 182 for now. Following a query from the Board's representatives, the prospective applicant stated that it is aiming to submit an application for the proposed development early in Q2 of 2024.

The Board's representatives provided the prospective applicant with some recommendations in relation to appropriate drawings and scales. This advice included that the prospective applicant to provide a project context map, an overall site layout drawing, separate onshore and offshore layout drawings (and sub layout plans as appropriate), provide drawings that would showcase the turbines both above and below sea level, to include cable protection in drawings, and use standardized scales. In relation to design flexibility, the Board's representatives advised the prospective applicant to present drawings for each option and to ensure that they provide drawings which show comparisons between each option.

A discussion was held between the Board's representatives and the prospective applicant in relation to timelines for the closure of consultations and the issuing of an opinion for both this case and for ABP-316332-23. The Board's representatives stated that they were aware of the timelines and deadlines involved for the prospective applicant and that they hoped to process both cases as soon as possible, with the aim being to have the reports discharged to the Board in mid January. The prospective applicant stated that it would require a decision from the Board on the section 287B design flexibility opinion in January 2024 in order for it to meet its target date for submission of a planning application by early Q2, 2024.

A discussion was also held in relation to upcoming changes to planning legislation, and the issues which may arise with the enactment and commencement of the new Planning and Development Act during the lifetime of an application. The Board's representatives stated that they are currently unaware of what the final provisions of the new Act as they relate to applications such as that the subject of this consultation will be or if there will be transitional arrangements for applications which are with the Board at the time of enactment and commencement of new legislative provisions.

A discussion was held between the Board's representatives and the prospective applicant in relation to the potential for transboundary issues. Following a query from the Board's representatives regarding this issue, the prospective applicant stated that the relevant reports and surveys it has conducted indicate that the proposed development would not result in significant transboundary impacts. The Board's representatives stated that they would take this view into account, however they referenced examples of UK wind energy developments in the Irish Sea where

transboundary issues had arisen and the lack of available information before the Board at this stage of the process to rule out potential transboundary impacts. The Board's representatives stated that the views of the prospective applicant on this issue would be reflected in the report that goes to the Board and that the final decision on whether the consultation procedures relating to transboundary states would be one for the Board. Following a query from the prospective applicant, the Board's representatives stated that the Board would be prescriptive with regard to which states would need to be notified should transboundary issues be identified. The Board's representatives also stated that they did not consider that the application documentation prepared on the basis of no likely significant transboundary impacts would need to be amended in the event that the Board reached a different conclusion as part of the section 287 consultation process.


The Board's representatives advised the prospective applicant to collect and use monitoring data from any of its current windfarm projects, particularly in relation to marine mammals and migratory birds. Following a query from the prospective applicant, the Board's representatives stated that certain reports for the proposed development, such as a flood risk assessment or traffic management plan, could either be presented as a standalone document or as a technical appendix to the Environmental Impact Assessment Report (EIAR).

Following a query from the prospective applicant, the Board's representatives stated that they do not anticipate that a further consultation meeting will be required.

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 12:05pm.



Stephen Kay

Assistant Director of Planning