



An
Bord
Pleanála

Record of Meeting
ABP-315803-23
2nd Meeting

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| Case Reference / Description | ABP-315803-23 - Proposed development of Oriel offshore wind farm, located off the coast of Co. Louth | | |
| Case Type | Marine pre-application consultation under Section 287 | | |
| 1st / 2nd / 3rd Meeting | 2 nd | | |
| Date | 31/08/2023 | Start Time | 11:05am |
| Location | Offices of An Bord Pleanála | End Time | 12:40pm |

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| Representing An Bord Pleanála |
| Ciara Kellett, Director of Planning (Chair) |
| Stephen Kay, Assistant Director of Planning |
| Jimmy Green, Senior Planning Inspector |
| Maeve Flynn, Ecologist |
| Eugene Nixon, Consultant |
| Marcella Doyle, Senior Administrative Officer |
| Cora Cunningham, Senior Executive Officer |
| Evan McGuigan, Executive Officer |

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| Representing the Prospective Applicant |
| Garrett Connell, Parkwind & Oriel Windfarm Limited |
| Richard Church, Parkwind & Oriel Windfarm Limited |
| Mairead Hogan, ESB |
| Valerie Brennan, RPS |

Introduction

The meeting commenced at 11:05am.

The Board's representatives referred to its previous meeting with the prospective applicant on 15th June 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 already submitted its comments regarding this record to the Board and had no further questions.

Presentation by the prospective applicant:

The prospective applicant began its presentation with a general update of the proposed development since the first meeting. It stated that the overall project design remains largely unchanged, and that work had been undertaken based on the discussions held in the first meeting.

The prospective applicant said that it had held consultations with Transport Infrastructure Ireland (TII), EirGrid and Louth County Council regarding the onshore cable route. It stated that cable infrastructure including ducts, joint bays, and communication link chambers would now be moved from the hard shoulder to the northern verge of the N33 following feedback from the TII. It further confirmed that the alterations to the underground onshore cable route can be accommodated within the established redline boundary set out in the previously submitted maps and drawings.

Regarding cumulative effects, the prospective applicant said that it had held a series of meetings with other east coast Phase 1 projects to understand and align project methodologies. The prospective applicant also submitted that survey data collection had continued since the first meeting and that further to discussions in the first meeting with the Board a section on data validity would be included in each of the

Environmental Impact Assessment Report (EIAR) topic assessment chapters as relevant.

The prospective applicant stated that it is taking the forthcoming Historic and Archaeological Heritage Bill into consideration regarding the proposed development. It said that its heritage consultants are tracking the progress of the Bill and that a chapter on cultural heritage would address its impact on the proposed development. It also said that consultations would be sought with the National Monuments Service and the Underwater Archaeology Unit regarding this issue. The prospective applicant confirmed that all onshore infrastructure for the proposed development had been presented to the Board as part of the section 287 (of the Maritime Area Planning Act) process.

The prospective applicant stated that it is taking the recently established North-West Irish Sea candidate Special Protection Area (cSPA) into consideration regarding the proposed development. It has identified an overlap with the redline boundary of the proposed development which would involve offshore cable-related works being located in the cSPA. The prospective applicant stated that ornithological surveys have been completed for the EIAR and Natura Impact Statement (NIS) and that it is not expecting significant impacts on the cSPA, nearby SPA's or local animal population as a result of the proposed development. It also submitted that another landfall location which would necessitate running the underwater cable through and landing within the Dundalk Bay SPA had been previously considered as an alternative, and that the rationale for not selecting this location would be set out in the application. The prospective applicant confirmed that the currently proposed landfall point remained the optimum in terms of minimising potential environmental impacts.

The prospective applicant stated that it was tracking the development of future Marine Protected Areas (MPAs) and their potential impact on the proposed development. It noted that while no such areas have yet been designated that there remains the potential that a MPA could be designated that may overlap with the proposed development, the prospective applicant said that this issue would be addressed in the EIAR, NIS and an alternatives assessment.

The prospective applicant showcased how it intends to demonstrate compliance with relevant policies of the National Marine Planning Framework (NMPF). It referenced the Overarching Marine Planning policies and Sectoral Marine Planning policies (including those related to energy and Offshore Renewable Energy) and stated that these would be addressed in detail in any future application's Planning Report and in the EIAR as relevant.

The prospective applicant confirmed its intention to make a section 287A request following this meeting and, subject to the requirements of the Board and the closure of consultations, lodge an application for the proposed development in the fourth quarter of 2023. The prospective applicant stated that it had consulted with Louth, Meath and Fingal County Councils regarding the proposed development.

The prospective applicant submitted that, following consultations with the Environmental Protection Agency (EPA), a Dumping at Sea permit may be required for the proposed development and that it intended to make a permit application following the lodgement of the planning application. The prospective applicant also submitted that it did not anticipate that an environmental licence would be required and that the proposed development would not fall within the scope of Control of Major Accident Hazards (COMAH) Regulations 2015.

Regarding transboundary issues, the prospective applicant said that the border between Ireland and Northern Ireland will be addressed through several different topics (including ecology, commercial fisheries, shipping, communications, noise, landscape, seascape, biodiversity and human health). It submitted that no significant transboundary effects are predicted with the proposed development.

The prospective applicant stated that it has also examined transboundary issues concerning England, Wales, and Scotland (with regards to offshore ornithology, marine mammals and bats) and believes that there will be no significant transboundary effects as a result of the proposed development.

The prospective applicant presented a list of consultations undertaken with transboundary and prescribed bodies since 2019 as part of Environmental Impact Assessment screening. Regarding the National Parks and Wildlife Service (NPWS),

the prospective applicant stated that it had held several engagements with them and is awaiting feedback from two of the most recent meetings.

The prospective applicant reiterated its intention to submit a section 287A request for consideration on the design flexibility required for the proposed development. It stated that the design of the proposed development is at an advanced stage and alluded to several elements that will require finalisation subsequent to the lodgement of any future application due to the nature of the proposed development – hence the rationale for the 287A request. The prospective applicant noted the circular published by the Department in July regarding design flexibility and the letter sent by the Board dated July 31st regarding the circular.

Discussion:

The following matters were discussed:

- The Board's representatives advised the prospective applicant to remain aware of the progress of the forthcoming Historic and Archaeological Heritage Bill through the Oireachtas and to be aware of any potential references to section 182A and section 291 of the Planning and Development Act, 2000 (as amended) in the Bill, as this should inform and clarify the application process(es) which may be required for the proposed development.
- In response to a query from the Board's representatives, the prospective applicant stated that they had engaged with the NPWS regarding the North-West Irish Sea cSPA and that it is expecting to receive the NPWS conservation objectives in respect of the cSPA shortly. It noted that Wind Energy Ireland (WEI) had met recently with the NPWS and has provided them with documents from each of the Phase 1 projects and that they were currently reviewing it.
- Regarding the North-West Irish Sea cSPA, the prospective applicant submitted that it had engaged with Wind Energy Ireland and other east coast Phase 1 projects concerning this issue.
- A discussion was held between the Board's representatives and the prospective applicant regarding any future MPAs and their potential impact on the proposed development. The prospective applicant submitted that in the

context of the mapping included in the recently published Ecological Sensitivity Analysis of the Irish Sea there remained the potential for a future MPA to overlap with a small percentage of the proposed development site. In this regard the applicant clarified that the EIAR would assess the impact of the proposed development on sea-floor ecology and any potential associated sensitivities (particularly gravel beds, eel and herring) in the area. The prospective applicant also noted that a small area of the proposed site overlaps with the mapped sensitivities and some turbines and sea-floor cabling may overlap with any potential future MPA. The prospective applicant stated that it believes the proposed developments impact on and footprint in potential MPAs will be low. The Board's representatives advised the prospective applicant to ensure that its assessments on this issue are as robust as possible, that it is aware of potential future impacts, and that any impacts concerning interactions with preying or preyed species for herring and any associated spawning grounds are addressed.

- The discussion moved on to the National Marine Planning Framework (NMPF). The Board's representatives stated that there are 92 policies contained within this framework and it would be optimal for the prospective applicant to systematically assess the application on the basis of each of these policies using the best available data and science in the assessment. This is to ensure that a thorough and robust application is submitted. The prospective applicant replied that it had held discussions with other Phase 1 projects regarding cumulative effects as well as high level methodologies and that while these engagements would continue, certain data would be difficult to share due to issues regarding sensitivity and differences in approaches and analysis between the separate projects. The Board's representatives acknowledged this and advised to continue engaging with other Phase 1 projects and to share the best available (or most up to date) data with them in so far as is possible/practical.
- The Board's representatives advised the prospective applicant that it can be initially interpreted that Louth County Council is the sole Coastal Planning Authority in relation to any future application regarding the proposed development, however this matter should be kept under review by the applicant

in the event of any future changes to coastal areas bringing other Planning Authorities under consideration. The Board's representatives advised that even if there remains only one relevant Coastal Planning Authority in relation to the proposed development, that it remains good practice to continue engagement with any Planning Authorities which may be considered to experience effects from the provision of any infrastructure.

- Following a query from the prospective applicant, the Board's representatives confirmed that there is only an obligation to contact the executive of the relevant planning authorities for any engagements regarding the proposed development should the Board deem them to be prescribed bodies.
- Regarding the Dumping at Sea permit/licence and consultations with the EPA, the Board's representatives advised the prospective applicant that this may need to be included in the public notices for any future application for the proposed development. In response to a query from the prospective applicant, the Board's representatives also stated that there would be no Commission for Regulation of Utilities requirements regarding this.
- A discussion was held between the Board's representatives and the prospective applicant relating to the engagements held with Louth County Council regarding the proposed development. The Board's representatives stated that there is nothing specific in the legislation regarding exactly what type of consultations are required to be held with a planning authority but advised the prospective applicant to include as much information as possible regarding any engagements with planning authorities in any future application. The prospective applicant confirmed that engagements had been held with Louth County Council regarding cabling and confirmed that it had met with its heritage officer. The Board's representatives advised the prospective applicant to be aware of heritage issues regarding the proposed development, particularly in terms of viewpoints.
- Following a query from the Board's representatives, the prospective applicant confirmed that there has been no change in the status of the proposed construction port since the first meeting, and that this issue would be addressed in the EIAR.

- The prospective applicant stated that bat assessments are still currently in progress and that it is assessing migration patterns.
- The prospective applicant confirmed that it had recently held consultations with devolved bodies in the Isle of Man regarding the proposed development.
- In response to a query from the Board's representatives, the prospective applicant stated that it had yet to receive any feedback from Northern Ireland's Department of Agriculture, Environment and Rural Affairs following consultations with them.
- The Board's representatives advised the prospective applicant to be aware that the Board will make its own assessment regarding whether any future application should be submitted to the Northern Ireland Planning Service, and further advised that transboundary effects would need to be referenced in the public notices. It also requested the prospective applicant to provide the Board with the names and contact details of the transboundary stakeholders they had contacted.
- A discussion was held regarding the prospective applicant's intention to submit a section 287A request. The prospective applicant noted the contents of the letter from the Board dated July 31st regarding the circular issued by the Department concerning design flexibility. It stated that as a result of the letter, it would now be seeking design flexibility for elements of the proposed development concerning infrastructure. The Board's representatives advised that the prospective applicant should include in its submission all the matters that it considers cannot be confirmed in advance of any future application but to bear in mind that ultimately the Board will determine what is appropriate in terms of design flexibility and that a section 287A meeting will be scheduled to discuss these matters when a formal request is received. The prospective applicant replied that it is happy to proceed on that basis.
- The prospective applicant submitted that it would seek design flexibility for several elements of the proposed development, including the transition joint bays and micro siting of offshore infrastructure. The prospective applicant also stated, following a query from the Board's representatives, that it is confident that the level of surveying completed to date has confirmed ground conditions

within the offshore redline boundary are suitable to accommodate the various elements of the proposed development.

- The Board's representatives confirmed that the prospective applicant would need a stand-alone website to accompany any future application for the proposed development.
- The Board's representatives provided advice to the prospective applicant on the application requirements including the application form, templates for public notices and letters to prescribed bodies. They also advised procedures would be discussed at the final pre-application meeting.
- Regarding site notices, the prospective applicant submitted that it intends to erect a site notice at each location where construction will take place on land and at the landfall area.
- Following a query from the prospective applicant regarding appropriate scales for drawings, the Board's representatives recommended sending sample copies to the Board's administration team prior to submitting any future application for the proposed development and that feedback could then be provided to ensure clarity, legibility, and legislative compliance.
- The Board's representatives advised the prospective applicant to ensure that all offshore drawings and maps are clear and consistent. The prospective applicant stated that offshore drawings are currently being prepared.
- The prospective applicant stated that its section 287A request has been drafted and reviewed by legal advisors, and that it intends to submit it to the Board imminently.

Conclusion:

The record of the instant 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 Board will revert to the prospective applicant in relation to scheduling a further meeting.

The meeting concluded at 12:40pm.

 20/9/23

Ciara Kellett

Director of Planning