



An  
Bord  
Pleanála

## Record of Meeting ABP-315803-23 4<sup>th</sup> Meeting

<b>Case Reference / Description</b>	ABP-315803-23 - Proposed development of Oriel offshore wind farm, located off the coast of Co. Louth.		
<b>Case Type</b>	Marine pre-application consultation under Section 287		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	4 <sup>th</sup>		
<b>Date</b>	11/12/2023	<b>Start Time</b>	15:00pm
<b>Location</b>	Virtually by Microsoft Teams	<b>End Time</b>	16:20pm

<b>Representing An Bord Pleanála</b>
Stephen Kay, Assistant Director of Planning (Chair)
Jimmy Green, Senior Planning Inspector
Marcella Doyle, Senior Administrative Officer
Nichola Meehan, Senior Executive Officer
Cora Cunningham, Senior Executive Officer
Evan McGuigan, Executive Officer (online)

<b>Representing the Prospective Applicant</b>
Garrett Connell, Parkwind & Oriel Windfarm Ltd
Richard Church, Parkwind & Oriel Windfarm Ltd
Mairead Hogan, ESB
Valerie Brennan, RPS
Cathriona Cahill, RPS

## **Introduction**

The meeting commenced at 15:00pm.

The Board's representatives referred to its previous meeting with the prospective applicant on 9<sup>th</sup> 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 minor comments which it would submit in writing to the Board shortly.

## **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 prospective applicant queried what would happen following the end of this meeting. The Board's representatives stated that the Board intended to close off the section 287 and 287A consultations, that the Inspector would subsequently prepare reports for both cases (ABP-315803-23 and ABP-318274-23), and that the Board would then consider these reports and issue relevant correspondence to the Prospective Applicant in relation to each case. Following a query from the Board's representatives, the prospective applicant stated that there was nothing else outstanding that had not been previously addressed at prior consultation meetings

regarding the proposed development and that they supported the closing of the pre-application consultations at this time.

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 prospective applicant noted that at a previous consultation meeting it had been suggested that a supplementary 287A report may be required upon submission of an application. The Board's representatives stated that the application form would include provisions that should be sufficient, however it would not be a problem should the prospective applicant wish to provide such a report. The Board's representatives also recommended that parameters in relation to the 287A request could also be included, following a query from the prospective applicant.

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 is to 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 it was open to the prospective applicant to clarify

the number of hard copies of the application to be provided with the coastal planning authority. The Board's representatives stated that USB or CD would be the appropriate formats 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 that the address of this website is to be included in the public notice. Following a query from the prospective applicant, the Board's representatives stated that this should be a standalone website and not just one linked to through any other website including the existing project website. The Board's representatives also advised that the naming of the website be as clear and concise as possible.

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 a draft public notice could be sent to the Board's administrative team prior to the lodging of an application in order to ensure that the relevant dates are correct.

Following a query from the prospective applicant in relation to a dumping at sea permit, the Board's representatives stated that it is not a legal requirement to include reference to such a permit in the public notice, however it may be prudent to include reference to any such permit.

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 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. There is an existing provision provided for in the Act enabling the Board to recover its costs for processing any application from the applicant. Following a query from the prospective applicant, the Board's representatives stated that it would make a fair decision in relation to costs, as it has done previously with SID applications. Following a query from the prospective applicant in relation to fees, the Board's representatives stated that it is actively following up on the matter with the Department.

The prospective applicant stated that it is currently aiming to submit an application for the proposed development in February 2024.

Following a query from the prospective applicant in relation to GDPR issues regarding landowners, the Board's representatives stated that it is not a requirement to submit letters associated with landowners and that the prospective applicant can say that it has landowners' consent and provide evidence if required.

A 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 it would engage with the Department and the Maritime Area Regulatory Authority (MARA) in relation to this issue and consider it further. The Board's representatives noted that in deciding applications under Section 291 of the Planning and Development Act, 2000 (as amended), Section 293(7) allows the Board to consider the application of conditions in relation to community gain. In this regard, given the nature and scale of the proposed development the Prospective Applicant was advised that community gain would be an issue worth addressing within the

application documentation in the context of any feedback that they may receive or that may have been forthcoming during any public consultations that have taken place.

The Board's representatives stated that a list of prescribed bodies would be prepared and included in the Inspectors report and that the prospective applicant would be advised of the relevant bodies/persons in any future correspondence that issued confirming the closure of the pre-application process. The Board's representatives gave a preliminary view that there appears to be only one coastal planning authority involved in this case – Louth County Council. The prospective applicant stated that survey work in relation to the proposed development had been undertaken in Meath and Monaghan, and queried if this would be enough to qualify the planning authorities in each instance as a prescribed body. The Board's representatives stated that it would not be able to tell at this point and that engagements with these bodies could still be carried out, and confirmed that should the prospective applicant consider it appropriate to engage with or advise additional bodies/persons of the application over and above those prescribed in the Boards correspondence, they are welcome to do so provided they state the reasoning and note the additional bodies/persons being referred the documentation in the application documentation.

A discussion was held between the Board's representatives and the prospective applicant in relation to the location of site notices for the proposed development and the detail to be contained in them regarding townlands. The prospective applicant stated that it is proposing a number of different locations for site notices, including at the landfall area, substation area and construction compounds. These locations were noted and considered appropriate in principle by the Board's representatives.

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 enacted. The prospective applicant mentioned the possibility of submitting two separate applications for the proposed development – one under section 291 and one under section 182A of the Planning and Development Act 2000 (as amended) if the relevant sections of the Historic and Archaeological Heritage Act, 2023, are not enacted prior to the lodgement of any future application. Should a

two-application approach be required the prospective applicant was advised that it was up to them to request closure of the current section 182 pre-application discussions in relation to the on-shore elements of the proposed development and to ensure that any future closure requests include updated details as relevant.

The Board's representatives provided the prospective applicant with some recommendations in relation to appropriate drawings and scales and stated that in general the sample drawings that had been provided were broadly acceptable to the Board. The Board's representatives advised the prospective applicant to be clear regarding the terminology and colour codes that it uses for drawings. In relation to drawings of offshore infrastructure, the Board's representatives advised the prospective applicant to provide drawings of all elevations as well as plan views and that detailed drawings of foundations would be required. The prospective applicant submitted that it currently has around 80 drawings prepared in relation to the proposed development.

A brief discussion was held between the Board's representatives and the prospective applicant in relation to potential timelines for an application for the proposed development. The Board's representatives stated that it would revert to the prospective applicant should an update regarding fees be received.

**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 16:20pm.



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**Stephen Kay**

**Assistant Director of Planning**