



An  
Bord  
Pleanála

## Record of Meeting ABP-317409-23 2<sup>nd</sup> Meeting

<b>Case Reference / Description</b>	ABP-317409-23 - Proposed development of an offshore wind farm and associated infrastructure for Sceirde Rocks located between 5km and 11.5km off the coast of Connemara, Co. Galway		
<b>Case Type</b>	Marine pre-application consultation under Section 287		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	2 <sup>nd</sup>		
<b>Date</b>	18/12/2023	<b>Start Time</b>	14:05pm
<b>Location</b>	Offices of An Bord Pleanála	<b>End Time</b>	15:40pm

<b>Representing An Bord Pleanála</b>
Stephen Kay, Assistant Director of Planning (Chair)
Una O'Neill, Senior Planning Inspector
Maeve Flynn, Ecologist
Conor Donnelly, Ecologist
Eugene Nixon, Consultant
Marcella Doyle, Senior Administrative Officer
Nichola Meehan, Senior Executive Officer
Evan McGuigan, Executive Officer

<b>Representing the Prospective Applicant</b>
Colm Ryan, MKO
Órla Murphy, MKO

Ronan Dunne, MKO
Kieran O'Malley, Corio
Richard Barker, Macroworks
Tim Coffey, Corio (online)
Ewan Edwards, Xodus (online)
John Willoughby, MKO (online)
Michael Watson, MKO (online)
Sean Creedon, MKO (online)
Robert Kennedy, MKO (online)
Claire Atkins, Corio (online)

## **Introduction**

The meeting commenced at 14:05pm.

The Board's representatives referred to its previous meeting with the prospective applicant on 19<sup>th</sup> September 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 did not.

## **Presentation by the prospective applicant:**

The prospective applicant began its presentation by providing a number of updates in relation to the proposed development since the previous consultation meeting. It stated that it is monitoring the progress of the Planning and Development Bill, the recently enacted Historic and Archaeological Heritage Bill, Planning and Development Regulations, and the anticipated Offshore Wind Energy Guidelines.

The prospective applicant provided an update on elements of the proposed development and stated that it is considering the submission of a proposal for 2 turbine layouts, range of turbine parameters, 2 offshore 220kV substations, 3 fixed

bottom foundation designs in addition to gravity-based structures, and grid connection cable corridor.

The prospective applicant stated that it had held engagements with the Maritime Area Regulatory Authority (MARA) regarding a potential application for an amendment to its current Maritime Area Consent (MAC). It submitted that this amendment would improve turbine spacing and de-risk geotechnical constraints in the area. It was stated that a MAC amendment application has been prepared but not submitted to MARA.

The prospective applicant submitted that a number of site investigations (onshore and offshore) in relation to the proposed development are still ongoing. These include noise monitoring, landscape and visual assessments, geophysical and geotechnical surveys, metocean surveys, terrestrial mammal surveys, transport assessments, archaeological surveys and topographic surveys. It also submitted that a number of site investigations (onshore and offshore) had been completed, including maritime traffic, bird and marine mammal surveys, fishing effort surveys, benthic habitat, bat and hydrological surveys.

The prospective applicant submitted that work in relation to the Environmental Impact Assessment Report (EIAR) for the proposed development is progressing and that it has held consultations with the National Parks and Wildlife Service (NPWS) and the Irish Whale and Dolphin Group (IWDG). The prospective applicant stated that consultations held with the NPWS related to offshore wind ornithology assessments and proposed methodologies for surveys, and the consultations held with the IWDG related to construction methodology and underwater noise. The prospective applicant stated that the IWDG were generally happy with the approach proposed and that the proposed use of aerial surveys and that results obtained were generally consistent with IWDG data.

Regarding site ornithological surveys, the prospective applicant stated that two years of surveys had been completed in September 2023 and that surveys are ongoing and will continue.

Regarding landscape and visuals, the prospective applicant stated that it had increased its study area from 40km to 60km radius following scoping feedback from

Galway County Council. It stated that photomontages are being prepared from the Clare coastline and local walking/cycling routes following feedback from Fáilte Ireland and that most photography has been captured. It further stated that a route screening analysis has been completed for all public roads within 5km of the shoreline and 20km of the site.

The prospective applicant presented a series of drawings and photomontages. This included a zone of theoretical visibility map and relevant drawings used for the route screening analysis. The photomontages included an onshore against offshore wind turbine comparative and viewpoints of the proposed development from the Cliffs of Moher, Inismore and other nearby locations.

The prospective applicant stated that it had held engagements with Galway and Clare County Council in relation to the proposed development since the previous consultation meeting and presented feedback that it had received from both councils. Clare County Council provided feedback to the prospective applicant regarding visual impacts from the coastline, cumulative impacts in relation to the Saoirse Wave Energy project, environmental constraints along the proposed grid connection route, landowner engagement and impacts on the road network. Clare County Council also advised that work is progressing on a Designated Maritime Area Plan (DMAP), and the prospective applicant stated that it would remain in contact with the council in relation to this matter.

Galway County Council provided feedback to the prospective applicant in relation to visual impacts, public consultation, alternatives, and construction methodologies. The prospective applicant also stated that the construction process, timelines, operational and maintenance phases, tourism impacts and a community benefit fund had been discussed with the council. It further stated that engagements with the councils would continue.

The prospective applicant stated that it had held further community and stakeholder engagements in relation to the proposed development since the previous meeting. This included a supply chain event that took place in October, the establishment of a memorandum of understanding with Udaras na Gaeltachta, and a careers, training and skills information event held in December. The prospective applicant stated that engagements had also taken place with local businesses and the local press, and

outlined upcoming engagements and further details in relation to a community benefit fund.

The prospective applicant presented an outline of the project timeline going forward. It stated its intention to progress towards a final design, continue work on the EIAR and Natura Impact Statement (NIS), and continue public and pre-planning engagements during the final quarter of 2023. It stated that this work would continue into 2024 and that it aims to submit a planning application for the proposed development in the first or second quarter of 2024.

### **Discussion:**

The following matters were discussed:

- A discussion was held between the Board's representatives and the prospective applicant in relation to its potential application for an amendment to its MAC. The prospective applicant stated that the MAC amendment would primarily be to increase the array area.
- Following a query from the Board the applicant indicated its view was that they were not amending the projects MAC boundary but amending the area of the array. The Board queried the submitted mapping and whether the changes constituted an amendment of the MAC boundary which has formed the basis of this pre-app consultation.
- The prospective applicant stated that the increase in the array area would be around 26 percent over that originally indicated in the MAC. The prospective applicant also clarified that they considered the revisions to be an amendment to the existing MAC and highlighted the fact that the proposed enlarged array area would fit within the wider MAC boundary (inclusive of export cable corridor) as originally granted.
- In response to a question from the Boards representatives as to whether the section 287 consultations would be closed before any amendment to the MAC was decided the prospective applicant stated that it was indicated by MARA that an application for a change to the MAC would be considered within 90

days of submission. A date of late March/early April for receipt of a decision from MARA on a revised MAC application was cited.

- Following a query from the Board's representatives, the prospective applicant indicated that it would await the conclusion of the application for the changes to its MAC before consultations under section 287 are closed off.
- A discussion was held between the Board's representatives and the prospective applicant regarding elements of the proposed development that may constitute construction methodology or design flexibility. The prospective applicant queried whether mechanisms for multiple design options used for onshore developments through the standard planning application approach would apply in the instance of the proposed development or if it was different under design flexibility. The Board's representatives stated that there would be elements of the proposed development that would constitute design flexibility related to construction methodology and which would not need to utilise the 287A/B design flexibility provisions of the Act. Regarding the presentation of other design options by way of a standard planning application, the Board's representatives stated that their initial view was that such an approach could be a risk should the prospective applicant choose to not use the design flexibility mechanism available via section 287A/B of the legislation. They noted the fact that while flexibility related to construction practice and matters not directly related to technology could be seen to be consistent with well established planning legislation and practice, the provisions set out in section 287A/B and the department circular MMP01/2023 related to the implementation of these sections specifically relate to situations where flexibility related to technology (such as turbine design and numbers) is sought. The Board's representatives stated that they would revert to the prospective applicant with any further advice in relation to this issue.
- Regarding the design flexibility request, the Board's representatives reminded the prospective applicant that only one consultation meeting could be held under any formal section 287A request and advised it to refine the options/measurements involved in its request as much as possible.
- Following a query from the Board's representatives, the prospective applicant stated that it had held one meeting with the NPWS alongside all other Phase 1

projects and that the NPWS had stated that it could not currently engage with each project separately.

- The Board's representatives reiterated to the prospective applicant to address the National Marine Planning Framework in a clear and robust manner in any future application for the proposed development. The prospective applicant submitted that work was progressing on a statement of consistency.
- The Board's representatives advised the prospective applicant to close as many issues off during its consultations with the IWDG as possible. The prospective applicant stated that there is certain data that the IWDG was unable to share with it, but that it had accessed as much of the data publicly available as possible.
- The Board's representatives queried whether the IWDG had a view on the use of aerial surveys for mammals. The prospective applicant stated that the IWDG had indicated that they were happy with this approach and that the survey results obtained were consistent with IWDG data.
- The Board's representatives advised the prospective applicant that consultations with Gaeltacht area/bodies would need to be included in the public notices and non-technical summary of the EIAR.
- 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 and whether this issue had been discussed with the planning authorities. 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. The prospective applicant stated that it is progressing work and consultations in relation to a community benefit fund under the Offshore Renewable Electricity Support Scheme (ORESS) and that any potential condition attached to a decision by the board that directs funds in a different direction could have an impact on business plans associated with the proposed development.

- Following a query from the Board's representatives, the prospective applicant stated that it is still investigating suitable ports to use during the construction and operational phases of the proposed development.
- The prospective applicant stated, in response to queries from the Board's representatives, that nothing of significance had arisen so far in relation to cable route surveys conducted. It also stated that the corridor for the cable route would be 1km in width.
- Following a query from the Board's representatives, the prospective applicant stated that it would investigate any potential impacts that the proposed development could have on the Saoirse Wave Energy project.
- The Board's representatives stated that issues in relation to drawings for the proposed development would most likely be discussed at a procedural meeting that would take place towards the end of the consultations.

#### **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 Board will revert to the prospective applicant in relation to scheduling a further meeting.

The meeting concluded at 15:40pm.



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**Stephen Kay**

**Assistant Director of Planning**



### **Note to Meeting**

With reference to the issue raised by the prospective applicant regarding the most appropriate way that design flexibility would be addressed in any application to the Board, and specifically the option of using established planning practice and precedent relating to design flexibility and construction practice rather than availing of the provisions of s.287A/B of the Act, the position of the Board remains as set out in the above record.

Specifically, it is the opinion of the Board that s.287A/B of the Act was enacted to provide for design flexibility around major design elements of the project that are related to technology (such as turbine design and numbers). Any final decision on the approach to design flexibility is one for the prospective applicant on foot of their own legal advice.