An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

# NOTICE OF DETERMINATION

In accordance with section 21A of the Foreshore Act 1933, as amended, the Minister of State, Department of Housing, Local Government and Heritage with special responsibility for Planning and Local Government ("the Minister") hereby gives notice that he has determined an application dated 18th November 2021 for a licence under Section 3 of the Foreshore Act, 1933 (as amended) made by Oriel Windfarm Limited, Digital Office Centre, Balheary Road, Swords, Co. Dublin K67 E5A0 ("the Applicant") in respect of carrying out site investigations located in the North West Irish Sea, off the coast of County Louth, to undertake these survey works to investigate the stability of soil for the design of foundations and the detailed routing of the inter array and export cables, characterisation of the layers of sediment/rock underneath the seafloor, environmental monitoring, ecological sampling and metocean surveys for the proposed Oriel offshore wind farm, 22km off the coast of Dundalk, County Louth. (Application Reference Number FS007383).

## DETERMINATION

The Minister has determined pursuant to the provisions of the Foreshore Act, 1933 (as amended) to grant a Foreshore Licence to the Applicant in respect of the development described in the application, subject to the conditions set out in the Foreshore Licence.

## MAIN REASONS AND CONSIDERATIONS

The Minister has had regard to the following matters in determining the application for a Foreshore Licence:

- the application for a Foreshore Licence together with accompanying documents;
- the Natura Impact Statement;
- the submissions received from prescribed bodies and the applicant's responses;
- the submissions received during the public consultation and the applicant's responses;
- other plans or projects that may, in combination with the plan or project under consideration, adversely affect the integrity of a European Site;
- any supplemental information furnished by the Applicant in relation to the NIS;
- the Screening for Appropriate Assessment Report of the proposed plan or project prepared by Department of Housing, Local Government and Heritage Marine Advisor and adopted by the Minister;
- the Screening for Appropriate Assessment Determination signed by the Minister on 8th June 2022

- the submissions received during the public consultation carried out for the purpose of the Appropriate Assessment and the applicant's responses;

- the Appropriate Assessment prepared by Department of Housing, Local Government and Heritage Marine Advisor and adopted by the Minister;

- the Appropriate Assessment Determination signed by the Minister on 6th October 2022;

- the Risk Assessment for Annex IV Species of the proposed development prepared by the applicant and agreed and accepted by the Department of Housing, Local Government and Heritage Marine Adviser;

- the nature of the proposal and its purpose;

- the consent conditions to be attached to the Foreshore Licence, if granted;

- the Non-Statutory Environmental Report/Analysis of the proposed developments prepared by the applicant and confirmed by the Department of Housing, Local Government and Heritage

- the technical assessment, including the agreement and adoption of the environmental assessment, of the proposed works by the Marine Licence Vetting Committee ("MLVC"), and its conclusions and recommendations in this regard;

- the advice of the Foreshore Section of the Department of Housing, Local Government and Heritage.

Having had regard to the foregoing, and in particular having regard to the consent conditions attached to the Foreshore Licence, the environmental reports adopted by the Minister, and the recommendation of the MLVC, the Minister is satisfied that: (i) the proposed development on the foreshore is not likely to have significant effects on the environment; (ii) the proposed development on the foreshore would not adversely affect the integrity of any European site; and (iii) that it is in the public interest to grant the Foreshore Licence having regard to the nature of the proposal.

The following information is available on the website of Department of Housing, Local Government and Heritage at:

https://www.gov.ie/en/foreshore-notice/b8eb7-oriel-windfarm-limited-site-investigations-for-the-proposed-offshore-oriel-wind-farm/

i. Notice of Determination;
ii. Approval of the Minister to Grant the Foreshore Licence;
iii. Foreshore Licence as executed between the parties, including conditions attached to the determination (which form part of the Foreshore Licence);
iv. MLVC Report;
v. The Screening for Appropriate Assessment;

vi. The Screening for Appropriate Assessment Determination;
vii. The Appropriate Assessment;
viii. The Appropriate Assessment Determination;
ix. Information on the public participation process, including copies of all submissions received;
x. Submissions made by prescribed bodies;
xi. Application for a Foreshore Licence together with supporting materials;
xii. The Natura Impact Statement

This material may also be inspected free of charge at the following office of the Department:

Foreshore Section
Department of Housing, Local Government and Heritage
Newtown Road
Wexford
Y35 AP90
Tel: 1890 20 20 21
Email: foreshoreORE@housing.gov.ie

## REVIEW PROCEDURE

A review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's determination may be challenged. The review procedure is governed by Order 84 of the Rules of the Superior Courts, 1986 (S.I. 15 of 1986). A person wishing to avail of the review procedure must first file (i) a statement of grounds; and (ii) a verifying affidavit, in the Central Office of the High Court. It is then necessary to make an application for leave to apply to the High Court.

An application for leave to apply for judicial review shall be made within three months from the date when grounds for the application first arose under Section 21(1) of the Order 84 of the Rules of the Superior Courts as amended by S.I No 691 of 2011. The time-limit for such a review commences from the Date of Publication of this Notice of Determination. Practical information on the review mechanism can be obtained from the Citizens Information's website at citizensinformation.ie

Section 50B of the Planning and Development Act, 2000 as amended applies *inter alia* to Judicial Review Proceedings. The matter of costs is addressed under Subsections (2),(2A),(3) &(4). Notwithstanding anything contained in Order 99 of the Rules of the Superior Courts (S.I. 15 of 1986) and subject to subsections (2A), (3) &(4), in proceedings to which this section applies, each party to the proceedings (including any notice party) shall bear its own costs. The full text of Section 50B is available at:

http://www.irishstatutebook.ie/2010/en/act/pub/0030/sec0033.html#sec33

http://www.irishstatutebook.ie/2011/en/act/pub/0020/sec0021.html#sec21

DEPARTMENT OF HOUSING, LOCAL GOVERNMENT AND HERITAGE

2nd June 2023