

Caseworker Report

**Application for a Non-Material Amendment of a Maritime Area
Consent(MAC) under Section 86(5) of MAPA**

5 December 2024



1. Application details

MAC Reference No:	MAC240020
MAC Holder:	Dun Laoghaire-Rathdown County Council (DLRCC), Bray Offshore Wind Limited (BOWL) and Kish Offshore Wind Limited (KOWL)
Date Application received:	18/11/2024
Non-material Amendment sought:	The granting of a <u>three-month</u> extension of time to the date by which the Holder's application for development permission must be submitted to An Bord Pleanála as set out in the Particulars Schedule and Condition 5.1 of the MAC. The associated date for compliance with the aforementioned is therefore sought to be extended from 23 rd December 2024 to 23 rd March 2025.

2. Reasons why non-material amendment is sought

DLRCC/BOWL/KOWL have stated that their request for extension is being sought for the following reasons:

“(a) resource demand associated with Judicial Review [2021 No. 352 JR] in respect of Foreshore Licence FS007029 which was initiated in April 2021 and in relation to which a judgement was issued in September 2024;

(b) resource demand associated with Judicial Review [2024/1236 JR) in respect of Derogation Licence DER-CETACEANS-2024-105 which was filed in the High Court on 7th October 2024;

(c) As a consequence of this judgement (refusing declaratory relief to the Applicants precluding the use of the survey data in any future application for development consent) the Maritime Area Consent holders are now in a position to use the relevant survey data as appropriate in the application for development consent and the inclusion of this data in the application necessitates the extension of time;

(d) pre-application consultation with An Bord Pleanála for the planning application which has not been completed. “

3. Assessment

The application has been processed in accordance with MARA's procedure for processing non-material MAC applications. On receipt of the application for a non-material amendment to a MAC, the application was reviewed for completeness.

The Assessment Research & Data Unit (ARDU) and the Compliance, Enforcement & Revenue Unit (CERU) were consulted on the 3rd December 2024 and invited to make any observations and/or comments on the non-material application. On 4th December 2024, the ARD responded that it had no objections and no additional comment or observation to make in relation to this application. On 4th December 2024 the CERU responded noting that an order was made on 2nd September 2024 quashing FS007021 and that, as of 4th December 2024, no leave had been granted for Judicial Review in respect of Derogation Licence DER-CETACEANS-2024-105.

The reasons for the particulars and conditions of the original MAC in relation to the timeframe for development permission were as follows:

“The Particulars Schedule and Condition 5

REQUIREMENT FOR DEVELOPMENT PERMISSION

Reason: to ensure the application for Development Permission is submitted within a reasonable timescale in order to assist in meeting Government climate targets and for the effective management of State resources.”

The applicant has indicated that if the amendment sought was granted, that the expected Commercial Operation Date for the project would remain at 2030, subject to successful completion of necessary site investigation works and final grant of development consent for all of the offshore and onshore infrastructure. Government climate targets have been set for 5 GW of capacity in offshore wind by 2030. Accordingly, I am satisfied that the extension of the timeframe sought for submission of an application for development permission is unlikely to impact overall timescales for assisting in meeting Government climate targets.

To promote continued effective management of state resources, it is recommended that the cover letter issued to the applicant notes that, although the date by which an application for Development Permission shall be submitted to An Bord Pleanála is extended by 3 months to 23 March 2025, this does not preclude the Holder from submitting such an application at an earlier date/the earliest opportunity.

4. Conclusion & Recommendation

All of the required information was provided by the Holder for the purposes of the assessment of this application for a non-material amendment to a MAC.

Following the detailed assessment of this information, I am satisfied that the proposed amendment is non-material in nature and that reasonable grounds for this amendment were provided by the holder. Accordingly, I, recommend that the MAC is amended, as per the amendment sought, in accordance with section 86(5)(b) of the MAP Act.

Signed: _____

Date: 05/12/2024