



AN ARD-CHÚIRT  
THE HIGH COURT

PLANNING AND ENVIRONMENT  
H.JR.2023.0000944

MONDAY THE 7<sup>th</sup> DAY OF APRIL 2025  
BEFORE MR JUSTICE HUMPHREYS  
BETWEEN/

CHARLES FEATHERSTONE, BARRY MACAULAY, BRIAN DEMPSEY, PAUL  
GOFF, MANNIX GREENE, LESLIE BATES AND GEORGE DUNCAN  
APPLICANTS

-AND-

THE MINISTER FOR HOUSING, LOCAL GOVERNMENT AND HERITAGE  
THE MINISTER OF STATE FOR THE DEPARTMENT OF HOUSING LOCAL  
GOVERNMENT AND HERITAGE WITH SPECIAL RESPONSIBILITY FOR  
PLANNING  
IRELAND AND THE ATTORNEY GENERAL

RESPONDENTS

-AND-

CODLING WIND POWER LTD  
MINISTER FOR AGRICULTURE, FOOD AND THE MARINE

NOTICE PARTIES

Upon motion of Counsel for the Respondents coming before the Court this day for mention by pursuant to the Notice of Motion filed on the 20<sup>th</sup> day of October 2023 seeking the following reliefs

1. “An Order of Certiorari quashing the decision of the First Named Respondent to grant a licence under Section 3 of the Foreshore Act, 1933 (as amended) which decision was



AN ARD-CHÚIRT  
THE HIGH COURT

made on 19th May 2023 to Codling Wind Park Limited on application reference number FS007546 in respect of site investigations to a proposed off-shore wind farm and export cable corridor together with operation and maintenance facilities on a site that extends over an area of approximately 556km<sup>2</sup> and which lands are located off the coast of counties Dublin and Wicklow on a site that is focused primarily in respect of the off-shore wind farm on a site between Greystones and Wicklow Town with the export cable corridor potentially being sited with access onto the Wicklow and/or the Dublin Coastline.

2. Such Declaration(s) of the legal rights and/or legal position of the Applicant and/or Respondents and/or persons similarly situated as the Court considers appropriate.
3. A Declaration that the Second and Third Named Respondent failed to transpose the requirements of Council Directive 92/43/EEC in respect of an off-shore wind project's and export cable corridors together with operational and maintenance space on lands located off the coast of counties Dublin and Wicklow, and in particular failed to transpose the requirements of the Habitats Directive (92/43/EEC) in respect of the carrying out of a Stage I screening and Stage II Appropriate Assessment (AA) for the purposes of that Directive.
4. A Declaration that the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended) is inconsistent with and contrary to Council Directive 92/43/EEC.
5. A Declaration that the costs protection provisions of Section 50B of the Planning and Development Act, 2000 and/or the Environmental (Miscellaneous) Provisions Act, 2011 apply to the above entitled proceedings.



AN ARD-CHÚIRT  
THE HIGH COURT

6. A stay on any steps being taken to implement licence no. FS007546 in respect of the First Named Respondent and/or the Notice Party pending the determination of the above entitled proceedings.
7. Interim and/or interlocutory relief.
8. Further and other relief.
9. The costs of these proceedings.”

Whereupon and on reading the said Notice of Motion and the Affidavit of Dermot F Conway filed on the 20<sup>th</sup> day of October 2023 grounding the said Motion the Originating Statement of Grounds filed on the 16<sup>th</sup> day of August 2023 the Affidavit of Dermot F Conway filed on the 16<sup>th</sup> day of August 2023 The respective Affidavit of Charles Featherstone (2) Brian Dempsey Paul Goff Mannix Greene (2) Leslie Bates George Duncan and Barry Macauley all filed on the 16<sup>th</sup> day of August 2023 the Affidavits of Service (2) of Laura Kelly respectively filed on the 27<sup>th</sup> day of November 2023 and the 6<sup>th</sup> day of December 2023 the documents and exhibits referred to in the said Affidavits and the written submissions filed in respect of the within proceedings

In the presence of said Counsel and Counsel for the Respondents and Counsel for the Notice Party

And on hearing said Counsel

And the Court hearing the matter has been resolved as between the parties

**BY CONSENT**

The Court **DOETH DECLARE** that in the period prior to the publication of site specific conservation objectives in respect of the Wicklow Head Special Protection Area on the 10<sup>th</sup> day of September 2024 the First and/or Second Named Respondents failed to fulfil



AN ARD-CHÚIRT  
THE HIGH COURT

their obligations under Article 26(2) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 of 2011 (as amended) by failing to establish the necessary site specific conservation objectives in the Wicklow Head Special Protection Area

**IT IS ORDERED** that the within proceedings be and the same are hereby otherwise dismissed

And **IT IS ORDERED** the Respondents and the First Notice Party do pay to the Applicants the costs of the within proceedings to be adjudicated in default of agreement the legal costs adjudicator to have regard in the adjudication of costs to the fact that the these proceedings were listed together with *Copeland & Ors v The Minister for Housing Local Government and Heritage & Ors* bearing record number 2023 No. 946 JR on the terms set out in the Case Management Order made by this Court in these proceedings on the 27<sup>th</sup> day of November 2023 a copy of which is appended hereto

**JOHN SINCLAIR**  
**REGISTRAR**  
**PERFECTED 07/04/2025**

Conways Solicitors  
Solicitor for the Applicant

Chief State Solicitors Office  
Solicitor for the Respondents

A&L Goodbody  
Solicitors for the Notice Party

**SCHEDULE HEREINBEFORE REFERRED TO**



AN ARD-CHÚIRT  
THE HIGH COURT

**JUDICIAL REVIEW  
2023 944 JR**

**MONDAY THE 27<sup>th</sup> DAY OF NOVEMBER 2023  
BEFORE MR JUSTICE RICHARD HUMPHREYS  
BETWEEN/**

**CHARLES FEATHERSTONE, BARRY MACAULAY, BRIAN DEMPSEY, PAUL  
GOFF, MANNIX GREENE, LESLIE BATES AND GEORGE DUNCAN**

**APPLICANTS**

**-AND-**

**CHARLES FEATHERSTONE, BARRY MACAULAY, BRIAN DEMPSEY, PAUL  
GOFF, MANNIX GREENE, LESLIE BATES AND GEORGE DUNCAN**

**RESPONDENTS**

**-AND-**

**CODLING WIND POWER LTD AND THE MINISTER FOR AGRICULTURE FOOD  
AND THE MARINE**

**NOTICE PARTIES**

Upon motion of Counsel for the Respondents coming before the Court this day for mention by way of remote hearing pursuant to the Notice of Motion filed on the 1<sup>st</sup> day of November 2023

Whereupon and on reading the said Notice of Motion and the Affidavit of Dermot F Conway filed on the 1<sup>st</sup> day of November 2023 grounding the said Motion and the Affidavit of Laura Kelly filed on the 27<sup>th</sup> day of November 2023 and the documents and exhibits referred to in the said Affidavits

In the presence of said Counsel and Counsel for the Respondents and Counsel for the Notice Party



AN ARD-CHÚIRT  
THE HIGH COURT

And on hearing said Counsel

**THE COURT DOTH DIRECT** that

1. The within proceedings are to be case managed to trial, together with the proceedings entitled Copeland & Ors v Minister for Housing, Local Government and Heritage & Ors, High Court, Record No. 2023/946 JR (the “Copeland proceedings”) as if the two sets of proceedings had been subject to an order for consolidation
2. A single set of opposition papers is to be filed by the Respondents and the Notice Parties in the Copeland proceedings which will be taken to also constitute the opposition papers in the within proceedings
3. The Applicants shall be entitled to rely on any replying affidavit filed by the Applicants in the Copeland proceedings in the within proceedings
4. The Respondents and Notice Parties shall be entitled to rely on any supplemental affidavits filed on their behalf in the Copeland proceedings in the within proceedings
5. The within proceedings and the Copeland proceedings are to be heard together in a single hearing.

And the Court **DOTH ADJOURN** this matter for mention to the Commercial Planning and Environmental List on **Monday the 11<sup>th</sup> day of December 2023**

No Order as to Costs

**JOHN SINCLAIR**  
**REGISTRAR**  
**PERFECTED 29/11/2023**



AN ARD-CHÚIRT  
THE HIGH COURT

Conways Solicitors  
Solicitor for the Applicant