



27 November 2023

YOUR REF.:

Conways Solicitors,
Conway House,
35 South Terrace,
Cork,
County Cork
By Email: reception@conways.ie

OUR REF.: LHL/2023/05311

CONTACT: LUCY HAGGAN LOGAN
DIRECT DIAL: 4176257
Lucy_HagganLogan@csso.gov.ie

Augustus Cullen Law
7 Wentworth Place
Wicklow
By Email: Gus.Cullen@aclsolicitors.ie

- Re: 1. Charles Featherstone, Barry Mc Caulay, Brian Dempsey and ORS -v- Minister for Housing, Local Government and Heritage and Ors; Record No. 2023/944JR (the “Featherstone Proceedings”)**
- 2. Gerry Copeland and Ors -v-The Minister for Housing, Local Government and Heritage and Ors; Record No. 2023/946 JR (the “Copeland Proceedings”)**
-

Dear Sirs,

We refer to the above entitled Judicial Review proceedings which have been issued by your respective clients, the letter dated 1 November 2023 from Mr. Conway on behalf of the applicants in the Featherstone Proceedings in relation to a proposed mediation (the “**Proposed Mediation**”), and the email dated 17 November 2023 from Mr. Cullen on behalf of the applicants in the Copeland Proceedings in relation to, *inter alia*, the Proposed Mediation.

The Respondents in the Featherstone Proceedings and the Copeland Proceedings are amenable in principle to engaging in the Proposed Mediation, and would welcome a consensual resolution of the dispute between our respective clients if that is achievable. However, the Respondents require a number of matters to be clarified prior to adopting a final position in relation to the Proposed Mediation. In that regard, we would be grateful to hear from the applicants in both sets of proceedings in relation to the following queries:

Oifig an Phríomh-Atur nae Stáit
Teach Osmond
Sráid na gCaorach Bheag
Baile Átha Cliath 8
D08 V8C5

Chief State Solicitor's Office
Osmond House
Little Ship Street
Dublin 8
D08 V8C5

1. The Respondents note that the Notice Party (i.e. Codling Wind Park Limited) was not copied on Mr. Conway's 1 November letter, but that Mr. Cullen's 17 November e-mail was addressed, *inter alia*, to the solicitors on record for the Notice Party. In the circumstances, the Respondents understand the intention is that the Proposed Mediation would also involve the Notice Party in each of the proceedings. The Respondents would certainly welcome the involvement of the Notice Party in the Proposed Mediation. You might please confirm:
 - (a) If the Respondents' understanding that the Notice Party is intended to be involved in the Proposed Mediation is correct;
 - (b) If your respective firms have engaged with the Notice Party in relation to the Proposed Mediation, and
 - (c) What the attitude of the Notice Party has been to the Proposed Mediation.

Insofar as the Notice Party is to be involved, the Respondents request that any further correspondence in relation to the Proposed Mediation might be copied to all potentially interested parties.

2. In each of the proceedings, the applicants are challenging the validity of a foreshore licence granted by the First Named Respondent to the Notice Party. In the Respondents' experience, it would be unusual to have a mediated or negotiated settlement of judicial review proceedings challenging the validity of an administrative measure. Accordingly, in order better to understand the Respondents' ability to meaningfully engage in the Proposed Mediation, you might please confirm the broad parameters for the compromise solution you consider might be available in the circumstances (appreciating that the precise terms of any such compromise would ultimately be a matter for the Proposed Mediation, should it take place).
3. The Respondents believe that any delay arising to the determination of the Featherstone Proceedings and Copeland Proceedings as a result of the holding of the Proposed Mediation should be minimised to the extent possible. In the circumstances, please confirm that the applicants are amenable to arranging the Proposed Mediation on an expedited basis in the event that the parties agree to it, and agree that any delay to the directions timetable should be minimised to the extent possible.
4. Finally, in Mr. Cullen's e-mail of 17 November 2023, a suggestion is made that RWE Renewables Ireland Limited ("**RWE**"), the developer of the Dublin Array offshore windfarm development, might also be involved in the Proposed Mediation. In circumstances where RWE is not a party to either the Featherstone Proceedings or the Copeland Proceedings, the Respondents do not understand the basis upon which it might participate in a Proposed Mediation intended to resolve those proceedings. In the circumstances, you might please clarify the basis on which it is suggested that RWE might participate in the Proposed Mediation.

Depending on the applicants' responses to the foregoing, the Respondents will set out their final position on the Proposed Mediation. We would be grateful to hear from you as a matter of urgency, and in any event no later than 7 days from the date of this letter, with your responses.

Yours faithfully,

**Sent my email and therefore bears no signature*

MARIA BROWNE

CHIEF STATE SOLICITOR