

An  
Bord  
Pleanála


**Board Direction**  
**BD-015848-24**  
**ABP-318588-23**

At a meeting held on 13/03/2024, the Board considered the report of the Inspector, the documents submitted as part of the pre-application consultation under Section 287A of the Planning and Development Act 2000, as amended on design flexibility.

In accordance with Section 287B(2) of the Act, the Board determined that due to the specific circumstances of the development, it is satisfied that the proposed application can be made and decided before certain details of the application are confirmed.

In this regard an opinion on design flexibility shall issue to the prospective applicant as set out below:

<b>Opinion of the Board under section 287B of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.</b>	
<b>Information</b>	<b>Details/ Circumstances</b>
a) The details, or groups of details, of the proposed development that may be confirmed after the proposed application has been made and decided.	<b>Generating Station:</b> <ul style="list-style-type: none"><li>• Number of turbines (two options).</li><li>• Location of turbines and foundations (including foundation scour protection), with defined LOD.</li><li>• Dimensions of turbines in respect of hub height, tip height, tower diameter and blade chord.</li><li>• Dimensions of foundations in respect of height, diameter, length, embedment and grout volume.</li></ul>

	<ul style="list-style-type: none"> <li>• IAC, interconnector and offshore export cable alignment with defined LOD and defined parameters for length.</li> </ul> <p><b>Transmission component 1 – Offshore transmission infrastructure</b></p> <ul style="list-style-type: none"> <li>• Location of offshore substations topside and foundations (including foundation scour protection) with defined LOD.</li> <li>• Dimensions of offshore substation foundations with defined parameters for height, diameter, length, embedment and grout volume.</li> <li>• Horizontal alignment of offshore export cable within and outside of array, with defined LOD.</li> <li>• Length of offshore export cable within defined parameters.</li> </ul> <p><b>Transmission component 2 - Landfall</b></p> <ul style="list-style-type: none"> <li>• Location of TJBs within defined LOD.</li> <li>• Horizontal alignment of landfall cable ducts, intertidal cable ducts and intertidal offshore cables (non-ducted element), with defined LOD.</li> </ul> <p><b>Transmission component 3 – Onshore transmission infrastructure</b></p> <ul style="list-style-type: none"> <li>• Location of onshore substation revetment with defined LOD.</li> </ul>
<p>b) The circumstances relating to the proposed development that indicate that it is appropriate that the proposed application be made and decided before the prospective applicant has confirmed the details referred to in paragraph (a) above.</p>	<p>To avail of more effective or efficient technology becoming available after the application, in respect of wind turbine design and consequential changes to layouts.</p> 

For each detail, or groups of details, referred to in paragraph 4(a) above, the proposed application shall, in addition to any other requirement imposed by or under the Planning and Development Act 2000, be accompanied by the information referred to in the undertaking submitted with the flexibility meeting request under section, 287A(2)(f) of the Planning and Development Act 2000.

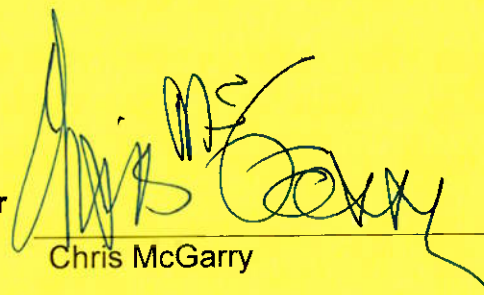
The proposed application must be consistent with the opinion provided in accordance with section 287B of the Act.

The Board decided not to accept the request for design flexibility for construction options for scour protection (other than related to scour protection at the turbine and substations foundations), the extent and nature of the protection for foundations and subsea cable, construction options for landfall cable ducts, onshore export cables and ESBN network cables and location of temporary construction compounds associated with the proposed development, as the Board considered that these elements of the proposed development relate to normal construction practices that are intrinsic to the installation of the development. Options related to construction practice that may not be clarified at application stage, should be set out and assessed in the application documentation (including the EIAR and NIS) and in the event of a favourable decision on the application, construction related methodologies could be agreed prior to commencement of development, by way of compliance with a planning condition.



**Note:** The Board noted the recommendation of the Inspector not to accept design flexibility by reference to scour protection generally. The Board agreed with the recommendation of the inspector insofar as it would relate to scour protection, except for scour protection directly at the foundation areas of the turbines and substation. In reaching this decision, the Board concluded by reference to the detail on file, that scour protection specific to the significant foundation elements at turbines and the offshore substations would form an integral design element beyond typical options related to construction practice and in this regard these scour protection elements are distinguishable from other scour protection elements associated with, for example, subsea cabling.

**Board Member**



Chris McGarry

**Date:** 15/03/2024