

An
Bord
Pleanála

**Pre-application consultation, Section
287 of the Planning and Development
Act 2000, as amended.**

Inspector's Report

ABP-315800-23

Development:	Proposed Dublin Array offshore wind farm Located approximately 10km off the coast of counties Dublin and Wicklow, at the Kish and Bray banks
Prospective Applicant:	RWE Renewables Ireland Limited
Planning Authorities:	Dun Laoghaire Rathdown County Council
Date of Consultation Meetings:	29/05/2023, 30/08/2023, 01/11/2023, 04/12/2023, 08/02/2024 and 14/05/2024.
Date of Site Inspection:	24/05/2023
Inspector:	Conor McGrath

1.0 INTRODUCTION

This report relates to a request from the prospective applicants, RWE Renewables Ireland Limited, to enter into pre-planning consultations with An Bord Pleanála under s.287 of the Planning and Development Act 2000, as amended, in respect of an off-shore windfarm development. The pre-consultation request was received by the Board on 10/02/2023 and followed from the granting of a Marine Area Consent by MARA to the prospective applicants (ref. No. 2022-MAC-003 and 004).

This report describes the location and nature of the proposed development, the applicant's submission, the consultations held and the legal provisions which are relevant to the proposed development.

The Board's representatives met with the prospective applicant on six occasions on the following dates - 29/05/2023, 30/08/2023, 01/11/2023, 04/12/2023, 08/02/2024 and 14/05/2024. The presentations provided by the prospective applicant are on file. This report should be read in conjunction with the written records on file of the pre-application consultation meetings held with the prospective applicant. It is not proposed to repeat the contents of those records in detail here. A separate meeting under s.287A was held on 04/12/2023, in respect of planning ref. ABP-318552-23.

2.0 SITE AND DESCRIPTION

The site of the proposed development lies on the Kish and Bray banks, located approximately 10km off the coast of Killiney, Co. Dublin and Bray, Co. Wicklow. Water depths in the proposed development area are shallow, ranging from c.2m to 30m depending on tides.

The development provides for two export cable corridors making landfall at Shanganagh, Killiney, Co. Dublin, adjacent to an existing municipal wastewater treatment plant. This cable corridor will traverse an intervening bank, known as the Frazer Bank, between the development area and the shore. The final on-

shore grid connection would be to an existing substation at Carrickmines, approx. 5km west of the landfall point, with final route to be defined.

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 Context

Under the transition provisions of the Maritime Area Planning (MAP) Act 2021 (as amended) the Minister for the Environment, Climate and Communications had the responsibility for assessing applications for Marine Area Consents (MACs) from a first group (Phase I) of seven offshore renewable energy projects. As one of the Phase I projects, Dublin Array has been granted a Maritime Area Consent (MAC) in relation to the *'construction and operation of an Offshore Wind Farm and associated infrastructure (including decommissioning and other works required on foot of any Development Permission for such Offshore wind farm)'* at the subject site (reference no. 2022-MAC-005). The commencement date of the MAC was 23rd December 2022.

3.2 The proposed Development

The subject development comprises an off-shore wind farm with an indicative export capacity of between 700 and 850MW, located approx. 10km off the coast of Dublin and Wicklow. The final details of the development are to be confirmed but fall within the following parameters:

Main development element	Description
Number of Turbines.	39 – 50
Foundation types	Monopile or multileg, or suction bucket multileg and associated scour protection measures.
Rotor diameter	236m – 278m

Minimum lower blade tip height (m above LAT)	31.6m
Maximum upper blade tip height (m above LAT)	309.6m
Off-shore Platform	1 no.
Indicative power output	c. 700-850MW capacity
Off-shore cables	Inter-array cables. 2 export cable corridors to landfall at Shanganagh, Co. Dublin

It should be noted that the Board have issued an Opinion in relation to design flexibility under S.287A/287B in respect of this project (ABP-318552-23).

The proposed development also includes an Operational and Maintenance base at St. Michael's Pier in Dun Laoghaire harbour. This will comprise a new building (<2,000-sq.m.) adjacent to the former ferry terminal building on the pier, and associated works including adjacent floating pontoons / berths.

On-shore elements also include works at the onshore & offshore infrastructure interface from where 220kV HVAC underground export cable circuits will connect to the Carrickmines substation. During the pre-application consultation process, it was confirmed that the on-shore grid connection to Carrickmines 220kv substation will not comprise part of the application under s.291 and will be pursued under a separate S.182A (Strategic Infrastructure) application.

4.0 POLICY CONTEXT

The following policy documents are of relevance but, it should be noted, do not comprise an exhaustive list:

- National Maritime Planning Framework
- Offshore Renewable Energy Development Plan 2014
- Draft Offshore Renewable Energy Development Plan 2023

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- Marine Planning Policy Statement 2019
 - Project Ireland 2040 - National Planning Framework 2040 & National Development Plan 2018-2027
 - Climate Action Plan 2023
 - Regional Spatial Economic Strategy for the Eastern & Midland Region 2019
 - Dun Laoghaire Rathdown County Development Plan 2023

5.0 MEETINGS HELD

Four meetings were held with the prospective applicant's representatives on the following dates:

- 29/05/2023,
- 30/08/2023,
- 01/11/2023,
- 04/12/2023,
- 08/02/2024,
- 14/05/2024.

Presentations were provided at each meeting which are included in the file together with other information provided to the Board in respect of same. The record of each meeting is also contained in the file.

Issues raised at the meetings are identified and discussed in Section 8 below.

6.0 RELEVANT LEGISLATIVE PROVISIONS

S.287 provides that an eligible person, having been granted a MAC, shall, before making an application under s.291, consult with the Board. Subsection (2) provides that the Board may provide an opinion in relation to a range of matters, including inter alia,

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- (a) the procedures to be followed by the prospective applicant when making the application and by the Board when considering the application,
 - (b) the documents required to accompany the application,
 - (c) the need for the prospective applicant to create an internet website for the purpose of publishing the application and all documentation accompanying the application,
 - (d) the publication of notices in accordance with this Act, the furnishing of documentation to persons referred to in subsection (3) of section 291 and the making of submissions and observations in relation to an application under that section,
 - (e) such persons as may be prescribed for the purposes of this Chapter,
 - (f) some or all of the matters that the Board is likely to take into consideration relating to—
 - (i) the National Marine Planning Framework,
 - (ii) objectives of maritime spatial planning,
 - (iii) principles of proper planning and sustainable development, and
 - (iv) the environment or any European site,when making a decision under section 293 in relation to the application,
 - (g) the fees payable to the Board in relation to the making of the application, and
 - (h) compliance by the prospective applicant with any direction of the Board under subsection (3) of section 291.

Under S.287(3), the Board may at any time conclude a consultation under this section where it considers it appropriate to do so.

Note: A separate application under S.287A in respect of the Dublin Array project was received under ref. ABP-318552-23. A report and recommended opinion under has been prepared in respect of that application.

7.0 OTHER RELEVANT CASES

The following comprise recent relevant marine related pre-application consultations or applications:

ABP-318552-23: Concurrent S.287A/287B Marine Design Options request for an Opinion on Flexibility from the Board in respect of the Dublin Array project.

ABP-308178-20: Strategic Infrastructure Pre-Application Consultation in respect of proposed on-shore electricity development associated with Dubin Array off-shore windfarm, under S.182ED of the P&D Act 2000, as amended. This pre-application process remains open at time of writing.

Other Projects:

1. **ABP-319799-24:** S.291 application for a proposed development known as **Oriel Wind Farm** off the coast of County Louth, comprising 25 No. offshore wind turbines with a maximum tip height of 270 m attached to the seabed by monopile foundations with associated scour protection and with a combined Maximum Export Capacity of 375 MW, 1 No. offshore substation, with export cables making landfall in the townland of Dunany. Installation of underground onshore export cables, approximately 20.1 km in length, connecting to the proposed onshore substation.

ABP-315803-23: Pre-application consultation in respect of the Oriel offshore windfarm project would have a maximum of 25 turbines located c.5km off the coast of Louth and Meath. The turbines would have a stated maximum blade height of 270m and a stated maximum export power of 375MW. There would be 1 x offshore substation and 1 x export cable to either of 2 landfall sites.

S.287A design option pre-application consultation under ABP-318274-23.

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2. **ABP-319864-24:** S.291 application in respect of a proposed development known as the **Arklow Bank** offshore windfarm project, lodged with the Board on 06/06/2024. The development comprises between 47 and 52 turbines with a maximum blade tip height of 287m attached to the seabed by monopile foundations with associated scour protection. Development also includes two offshore substation platforms (OSP), inter array cabling and two export cables from the OSPs to the proposed Landfall at Johnstown North and associated cable protection and scour protection, and ancillary development.

ABP-31596-23: Pre-application consultation in respect of the Arklow Bank offshore windfarm project, which would have either 47 or 52 turbines (depending on type) located c.10km off the coast of Wicklow and Wexford. The turbines would have a stated maximum blade height of either 273m and 287m and a stated maximum export power of up to 800MW. There would be 2 x offshore substations and 2 x export cables to a landfall site.

S.287A design option pre-application consultation under ABP-316331-23.

3. **ABP-319866-24:** S.291 application for a proposed development known as the **North Irish Sea Array (NISA)** Offshore Wind Farm. The proposed development comprises between 35 and 49 offshore wind turbine generators (WTGs), 1 no. offshore substation platform (OSP), inter-array cables and export cables, scour protection around substructures and cable, and landfall works. On-shore works include two 220kV HVAC underground export cable circuits between landfall site and onshore grid facility comprising two distinct substations, and 220kV HVAC cable connection to the existing EirGrid / ESBN substation at Belcamp.

ABP-315801-23: Pre-application consultation in respect of the **North Irish Sea Array (NISA)** offshore windfarm project, which would have a maximum of 49 turbines located c.13km off the coast of Louth, Meath and Dublin. The turbines would have a stated maximum export power of 700MW. There would

be 1 x offshore substation and 2 x export cables to a landfall site at Bremore, County Dublin.

S.287A design option pre-application consultation under ABP-316332-23.

4. **ABP-315809-23:** Pre-application consultation in respect of the **Codling** offshore windfarm project, which would have between 60 and 75 turbines located c.13km to c.22km off the County Wicklow coast. The turbines would have a stated maximum blade height of 314m and a stated maximum export power of up to 1450MW. There would be 3 x offshore substations and 3 x export cables to a landfall site at Poolbeg.

S.287A design option pre-application consultation under ABP-318588-23.

5. **ABP-317409-23:** Pre-application consultation in respect of the **Sceirde Rocks** offshore windfarm project, which would have a maximum of 26 turbines located c.5km to 11.5km off the Connemara Coast, at Sceirde Rocks, Co. Galway as currently proposed. The turbines would have a stated maximum blade height of 325m and a stated maximum export power of up to 450MW. There would be 1 x offshore substation and 1 x export cable to a landfall site at a location c.3.5km northwest of Doonbeg, Co. Clare. At time of writing, pre-application consultations were on-going in respect of this project and no S.287A design option pre-application consultation request had been received.

8.0 MATTERS ARISING -

8.1 Proper Planning and Sustainable Development

The matters which arose during the course of pre-application discussions include inter alia:

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- Likely scope of the s.291 application.
 - National Marine Planning Framework (NMPF) and in particular the need to clearly indicate compliance with NMPF policies and objectives.
 - Policy context in respect of the proposal, ranging from strategic to local, including the Regional Spatial Economic Strategy for the Eastern and Midland Region, and the Development Plans for the relevant Coastal Planning Authority.
 - Public consultation process and stakeholder engagement undertaken. The prospective applicant indicated that several public consultation exercises have already been undertaken with coastal communities, and with statutory consultees, including Coastal Planning Authorities.
 - Relationship between on-shore and off-shore infrastructure and scope of development at landfall to be included in the S.291 application.
 - Requirements for transboundary consultation, including with the UK states that border the Irish Sea where there is potential for transboundary impacts on migratory and / or mobile species that are qualifying interests for designated sites within the respective countries (incl. sea birds & marine mammals).
 - Visual amenity of infrastructural elements, including an assessment of impacts from along the coastline and beyond.
 - Potential impact on cultural heritage / shipwrecks (known and unknown) and implications for the development (WTG and cable) layout.
 - Potential impact on biodiversity, including coastal and marine habitats and species, and migratory and / or mobile species (incl. European sites, seabirds, bats, marine mammals, fisheries & benthic communities). Potential effects include noise impacts during the construction and operational phases, including the transmission of noise into the water column from the operational turbines. The availability and use of monitoring data and analysis

from similar operational offshore windfarms to assess potential effects on mobile species (incl. sea birds & marine mammals) was discussed.

- Other available data sources in respect of biodiversity were also discussed.
- Geology and seabed conditions, including stability of sandbanks. Potential impacts on hydrodynamics, wave patterns and coastal processes (incl. patterns of erosion & deposition along the coastline); potential impacts on water quality arising from the excavation works for foundations and subsea cables (incl. suspended sediments), and the destination of any potentially contaminated material (incl. any EPA Licence requirements).
- Impact on commercial fisheries and spawning / nursery habitats.
- Approach to the assessment of cumulative effects with other off-shore developments.
- Identification of Coastal Planning Authorities and Transboundary consultees.
- Construction related practices and methodologies, which are intrinsic to the installation of the infrastructure, that are not clarified at the application stage, should be set out and fully assessed in the application (incl. EIAR & NIS), and subject to a compliance condition which could include the submission of a CEMP. This approach is supported by several legal judgements and by legal advice to the Board.
- Nature of Operations and maintenance facilities, including design, and any licence / MAC requirements.
- Procedural matters.
- Issues relating to the scope and detail of application drawings.

8.2 Environmental Impact Assessment

It is proposed to submit an Environmental Impact Assessment Report with the subsequent S.291 application. Formal EIA Scoping with ABP was not

undertaken by the prospective applicant, however informal scoping with a range of stakeholders was undertaken by the prospective applicants and a copy of a draft scoping report (September 2020) was submitted with the pre-application consultation request.

The following matters were outlined during the course of the consultation meetings.

- Consideration of Alternatives.
- Major Accidents & Disasters.
- Dumping at Sea
- Environmental factors including but not limited to:
 - Offshore physical environment:
 - Physical processes (incl. hydrodynamics)
 - Marine water & sediment quality
 - Construction methodologies.
 - Offshore biological environment:
 - Benthic subtidal & intertidal ecology
 - Fish & shellfish ecology
 - Marine mammals
 - Offshore birds & bats
 - Underwater noise (construction and operational)
 - Offshore human environment:
 - Commercial fisheries
 - Shipping & navigation
 - Seascape & visual impact assessment
 - Offshore archaeology / cultural heritage
 - Other marine users & activities
 - Onshore environment:
 - Landfall requirements.

- Cultural heritage (architectural and archaeological).
- Construction Impacts.
- Format of the EIAR.
- Consideration of cumulative impacts.

8.3 Appropriate Assessment

It is proposed to submit a Natura Impact Assessment Report with the subsequent S.291 application. The following include matters which were discussed during the consultation meetings.

- Likely Zone of Impact of all elements of the proposal.
- Natura 2000 sites within the likely zone of impact and proximity to QI's / SCI's.
- The recently designated North-West Irish Sea SPA and any potential future designations.

8.4 Procedures

At the fifth pre-application consultation meeting, the prospective applicant raised queries in relation to the following procedural matters:

<i>Design Flexibility Opinion</i>	<i>Confirmation of when the Design Flexibility Opinion will be issued</i>
<i>Application Form</i>	<i>A copy of the application form</i>
<i>Application Boundary (GIS)</i>	<i>confirmation of the requirements for submission of the site boundary or extents of a site (as an ESRI shapefile in ITM co-ordinates or otherwise) for use in GIS.</i>

<i>Application Fee</i>	<i>Confirmation of the application fee and payment method</i>
<i>Site Notice</i>	<i>A template/wording for a site notice</i>
<i>Site Notice</i>	<i>Confirmation of requirements in relation to placement of site notice</i>
<i>Public Advertisement</i>	<i>A template/wording for a public (newspaper) notice</i>
<i>Public Advertisement</i>	<i>Confirmation of the number of local newspapers (i.e. spatial coverage) in which the public (newspaper) notice should be published</i>
<i>Period for Public Consultation/Submissions</i>	<i>Confirmation of the duration for which the application is to be made available for public inspection and the period during which public submissions can be made in respect of the application (8 weeks?)</i>
<i>Prescribed Bodies</i>	<i>A list of the relevant coastal planning authorities</i>
<i>Prescribed Bodies</i>	<i>A list of the relevant prescribed bodies</i>
<i>Copies of Application</i>	<i>Confirmation of the number of hard copies of the application and digital numbers of the application to be submitted, and to whom.</i>
<i>Application Web-Site</i>	<i>Confirmation of requirement in relation to an application web-site</i>
<i>Making of the Application</i>	<i>Confirmation in relation to the timing of the making of the application in the context of the placement of the newspaper advertisement, site notice, serving the application on the prescribed bodies and making the application available on a web-site/available for hard copy inspection.</i>

<i>Letters of Consent</i>	<i>Confirmation whether if the Maritime Area Consent is required to be submitted with the application in addition to any other required consent correspondence having regard to Section 286 of the P&D Act 2000 as amended.</i>
<i>Site Location Map</i>	<i>Observations on the draft Site Location Map.</i>
<i>Site Layout Plan</i>	<i>Observations on the draft Site Layout Maps having regard to scale and background mapping</i>
<i>Turbine Plan and Elevation Drawing</i>	<i>Observations on the draft Option B plan and elevation drawing, paying particular regard to the notes and the design flexibility considerations in relation to alternative foundation options.</i>
<i>OSP Plan, Elevation and Section Drawings</i>	<i>Observations on the draft OSP plan, section and elevation drawings.</i>
<i>Landfall</i>	<i>Any requirements in relation to longitudinal sections of trenchless installation techniques at the intended landfall.</i>

I refer to the meeting record in this regard.

I recommend that the Board consider that the persons listed hereunder (Appendix A) be served with the application and accompanying documents. In forming the list hereunder, regard was had to, inter alia, the requirement under Schedule 1 of the Planning and Development (Maritime Development) Regulations 2023. Regard was also had, in drawing up the list below, to the provisions of S.291(3)(b), S.291(3)(d) and S.291(4) of the Planning and Development Act, 2000 (as amended).

Having regard in particular to S.291(4) of the 2000 Act, as amended, the Coastal Planning Authorities in this case are taken to comprise Dun Laoghaire Rathdown County Council and Wicklow County Council.

The prospective applicant should send a copy of the application, accompanying documents and a copy of the public notice to the Prescribed Bodies listed in Appendix A.

The Board may wish to review that list and satisfy itself that it is sufficient, and the applicant may wish to consider other bodies they consider relevant.

8.5 Transboundary Consultation

In addition to the above persons, it is recommended that the following States are also consulted. Having regard to their common relationship with the Irish Sea and their proximity to the proposed development, the possibility of significant adverse impacts cannot be ruled out at this stage of the process, particularly in relation to the likelihood of potential effects on migratory and/or mobile species that are qualifying interests for further afield SPAs and SACs (incl. birds, marine mammals & fish).

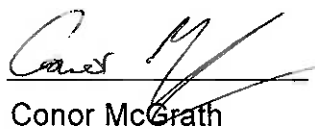
- Northern Ireland
- Isle of Man
- England
- Scotland
- Wales

9.0 CONCLUSION

Following the completion of the final pre-application meeting on 14/05/2024, I am of the opinion that the process should be concluded. In this regard, the Board should notify the prospective applicant that the process is closed and include the

attached list of bodies to whom the applicant is requested to send copies of the application, in accordance with S291(3)(b) and S291(3)(d).

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

 14/6/24
Conor McGrath

Inspectorate

14/06/2024

APPENDIX A

Prescribed Bodies

1. Minister for Housing, Local Government and Heritage
2. Minister for the Environment, Climate and Communications
3. Minister for Transport
4. Minister for Defence
5. Minister for Agriculture, Food and the Marine
6. Minister for Rural and Community Development
7. Environmental Protection Agency
8. Maritime Area Regulatory Authority
9. Marine Institute
10. Inland Fisheries Ireland
11. Health and Safety Authority
12. Commission for Regulation of Utilities
13. Fáilte Ireland
14. An Taisce
15. Eastern & Midland Regional Assembly
16. National Transport Authority
17. Irish Aviation Authority
18. Sustainable Energy Authority of Ireland
19. Eirgrid
20. Commissioner of Irish Lights
21. Irish Coastguard
22. The Northern Ireland Department for Regional Development, Loughs Agency and the Minister for Foreign Affairs.
23. Wicklow County Council
24. Coastal Planning Authorities:
 - Dun Laoghaire Rathdown County Council
 - Wicklow County Council